

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**S. B. No. 148**

**Senator Wagoner**

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**A B I L L**

To amend sections 111.27, 309.09, 3501.01, 3501.02, 1  
3501.05, 3501.051, 3501.11, 3501.13, 3501.17, 2  
3501.22, 3501.26, 3501.27, 3501.28, 3501.29, 3  
3501.30, 3501.31, 3501.32, 3501.33, 3501.35, 4  
3501.37, 3501.38, 3503.02, 3503.06, 3503.10, 5  
3503.14, 3503.15, 3503.16, 3503.18, 3503.19, 6  
3503.21, 3503.26, 3503.28, 3505.11, 3505.17, 7  
3505.18, 3505.181, 3505.182, 3505.183, 3505.20, 8  
3505.21, 3505.23, 3505.24, 3505.26, 3505.28, 9  
3505.29, 3505.30, 3505.31, 3506.05, 3506.12, 10  
3506.15, 3509.01, 3509.03, 3509.031, 3509.04, 11  
3509.05, 3509.06, 3509.07, 3509.08, 3509.09, 12  
3511.02, 3511.04, 3511.05, 3511.06, 3511.07, 13  
3511.08, 3511.09, 3511.10, 3511.11, 3511.13, 14  
3511.14, 3513.02, 3513.131, 3513.19, 3513.21, 15  
3513.30, 3513.31, 3515.04, 3517.01, 3517.012, 16  
3519.01, 3519.16, 3599.07, 3599.17, 3599.19, 17  
3599.31, 4301.32, 4301.334, 4303.29, and 4305.14, 18  
to enact sections 3501.111, 3501.302, 3503.20, 19  
3505.05, and 3506.021, and to repeal sections 20  
3503.29, 3506.16, 3513.301, and 3513.312 to revise 21  
the Election Law. 22

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

**Section 1.** That sections 111.27, 309.09, 3501.01, 3501.02, 23  
3501.05, 3501.051, 3501.11, 3501.13, 3501.17, 3501.22, 3501.26, 24  
3501.27, 3501.28, 3501.29, 3501.30, 3501.31, 3501.32, 3501.33, 25  
3501.35, 3501.37, 3501.38, 3503.02, 3503.06, 3503.10, 3503.14, 26  
3503.15, 3503.16, 3503.18, 3503.19, 3503.21, 3503.26, 3503.28, 27  
3505.11, 3505.17, 3505.18, 3505.181, 3505.182, 3505.183, 3505.20, 28  
3505.21, 3505.23, 3505.24, 3505.26, 3505.28, 3505.29, 3505.30, 29  
3505.31, 3506.05, 3506.12, 3506.15, 3509.01, 3509.03, 3509.031, 30  
3509.04, 3509.05, 3509.06, 3509.07, 3509.08, 3509.09, 3511.02, 31  
3511.04, 3511.05, 3511.06, 3511.07, 3511.08, 3511.09, 3511.10, 32  
3511.11, 3511.13, 3511.14, 3513.02, 3513.131, 3513.19, 3513.21, 33  
3513.30, 3513.31, 3515.04, 3517.01, 3517.012, 3519.01, 3519.16, 34  
3599.07, 3599.17, 3599.19, 3599.31, 4301.32, 4301.334, 4303.29, 35  
and 4305.14 be amended and sections 3501.111, 3501.302, 3503.20, 36  
3505.05, and 3506.021 of the Revised Code be enacted to read as 37  
follows: 38

**Sec. 111.27.** There is hereby established in the state 39  
treasury the board of elections reimbursement and education fund. 40  
The fund shall be used by the secretary of state to reimburse 41  
boards of elections for various purposes, including reimbursements 42  
made under sections ~~3513.301, 3513.312,~~ 3515.071~~7~~ and 3521.03 of 43  
the Revised Code, and to provide training and educational programs 44  
for members and employees of boards of elections. The fund shall 45  
receive transfers of cash pursuant to controlling board action and 46  
also shall receive revenues from fees, gifts, grants, donations, 47  
and other similar receipts. 48

**Sec. 309.09.** (A) The prosecuting attorney shall be the legal 49  
adviser of the board of county commissioners, board of elections, 50  
and all other county officers and boards, including all 51  
tax-supported public libraries, and any of them may require 52

written opinions or instructions from the prosecuting attorney in 53  
matters connected with their official duties. The prosecuting 54  
attorney shall prosecute and defend all suits and actions which 55  
any such officer or board directs or to which it is a party, and 56  
no county officer may employ any other counsel or attorney at the 57  
expense of the county, except as provided in section 305.14 of the 58  
Revised Code. 59

(B)(1) The prosecuting attorney shall be the legal adviser 60  
for all township officers, boards, and commissions, unless, 61  
subject to division (B)(2) of this section, the township has 62  
adopted a limited home rule government pursuant to Chapter 504. of 63  
the Revised Code and has not entered into a contract to have the 64  
prosecuting attorney serve as the township law director, in which 65  
case, subject to division (B)(2) of this section, the township law 66  
director, whether serving full-time or part-time, shall be the 67  
legal adviser for all township officers, boards, and commissions. 68  
When the board of township trustees finds it advisable or 69  
necessary to have additional legal counsel, it may employ an 70  
attorney other than the township law director or the prosecuting 71  
attorney of the county, either for a particular matter or on an 72  
annual basis, to represent the township and its officers, boards, 73  
and commissions in their official capacities and to advise them on 74  
legal matters. No such legal counsel may be employed, except on 75  
the order of the board of township trustees, duly entered upon its 76  
journal, in which the compensation to be paid for the legal 77  
services shall be fixed. The compensation shall be paid from the 78  
township fund. 79

Nothing in this division confers any of the powers or duties 80  
of a prosecuting attorney under section 309.08 of the Revised Code 81  
upon a township law director. 82

(2)(a) If any township in the county served by the 83  
prosecuting attorney has adopted any resolution regarding the 84

operation of adult entertainment establishments pursuant to the 85  
authority that is granted under section 503.52 of the Revised Code 86  
or if a resolution of that nature has been adopted under section 87  
503.53 of the Revised Code in a township in the county served by 88  
the prosecuting attorney, all of the following apply: 89

(i) Upon the request of a township in the county that has 90  
adopted, or in which has been adopted, a resolution of that nature 91  
that is made pursuant to division (E)(1)(c) of section 503.52 of 92  
the Revised Code, the prosecuting attorney shall prosecute and 93  
defend on behalf of the township in the trial and argument in any 94  
court or tribunal of any challenge to the validity of the 95  
resolution. If the challenge to the validity of the resolution is 96  
before a federal court, the prosecuting attorney may request the 97  
attorney general to assist the prosecuting attorney in prosecuting 98  
and defending the challenge and, upon the prosecuting attorney's 99  
making of such a request, the attorney general shall assist the 100  
prosecuting attorney in performing that service if the resolution 101  
was drafted in accordance with legal guidance provided by the 102  
attorney general as described in division (B)(2) of section 503.52 103  
of the Revised Code. The attorney general shall provide this 104  
assistance without charge to the township for which the service is 105  
performed. If a township adopts a resolution without the legal 106  
guidance of the attorney general, the attorney general is not 107  
required to provide assistance as described in this division to a 108  
prosecuting attorney. 109

(ii) Upon the request of a township in the county that has 110  
adopted, or in which has been adopted, a resolution of that nature 111  
that is made pursuant to division (E)(1)(a) of section 503.52 of 112  
the Revised Code, the prosecuting attorney shall prosecute and 113  
defend on behalf of the township a civil action to enjoin the 114  
violation of the resolution in question. 115

(iii) Upon the request of a township in the county that has 116

adopted, or in which has been adopted, a resolution of that nature 117  
that is made pursuant to division (E)(1)(b) of section 503.52 of 118  
the Revised Code, the prosecuting attorney shall prosecute and 119  
defend on behalf of the township a civil action under Chapter 120  
3767. of the Revised Code to abate as a nuisance the place in the 121  
unincorporated area of the township at which the resolution is 122  
being or has been violated. Proceeds from the sale of personal 123  
property or contents seized pursuant to the action shall be 124  
applied and deposited in accordance with division (E)(1)(b) of 125  
section 503.52 of the Revised Code. 126

(b) The provisions of division (B)(2)(a) of this section 127  
apply regarding all townships, including townships that have 128  
adopted a limited home rule government pursuant to Chapter 504. of 129  
the Revised Code, and regardless of whether a township that has so 130  
adopted a limited home rule government has entered into a contract 131  
with the prosecuting attorney as described in division (B) of 132  
section 504.15 of the Revised Code or has appointed a law director 133  
as described in division (A) of that section. 134

The prosecuting attorney shall prosecute and defend in the 135  
actions and proceedings described in division (B)(2)(a) of this 136  
section without charge to the township for which the services are 137  
performed. 138

(C) Whenever the board of county commissioners employs an 139  
attorney other than the prosecuting attorney of the county, 140  
without the authorization of the court of common pleas as provided 141  
in section 305.14 of the Revised Code, either for a particular 142  
matter or on an annual basis, to represent the board in its 143  
official capacity and to advise it on legal matters, the board 144  
shall enter upon its journal an order of the board in which the 145  
compensation to be paid for the legal services shall be fixed. The 146  
compensation shall be paid from the county general fund. The total 147  
compensation paid, in any year, by the board for legal services 148

under this division shall not exceed the total annual compensation 149  
of the prosecuting attorney for that county. 150

(D) The prosecuting attorney and the board of county 151  
commissioners jointly may contract with a board of park 152  
commissioners under section 1545.07 of the Revised Code for the 153  
prosecuting attorney to provide legal services to the park 154  
district the board of park commissioners operates. 155

(E) The prosecuting attorney may be, in the prosecuting 156  
attorney's discretion and with the approval of the board of county 157  
commissioners, the legal adviser of a joint fire district created 158  
under section 505.371 of the Revised Code at no cost to the 159  
district or may be the legal adviser to the district under a 160  
contract that the prosecuting attorney and the district enter 161  
into, and that the board of county commissioner approves, to 162  
authorize the prosecuting attorney to provide legal services to 163  
the district. 164

(F) The prosecuting attorney may be, in the prosecuting 165  
attorney's discretion and with the approval of the board of county 166  
commissioners, the legal adviser of a joint ambulance district 167  
created under section 505.71 of the Revised Code at no cost to the 168  
district or may be the legal adviser to the district under a 169  
contract that the prosecuting attorney and the district enter 170  
into, and that the board of county commissioners approves, to 171  
authorize the prosecuting attorney to provide legal services to 172  
the district. 173

(G) The prosecuting attorney may be, in the prosecuting 174  
attorney's discretion and with the approval of the board of county 175  
commissioners, the legal adviser of a joint emergency medical 176  
services district created under section 307.052 of the Revised 177  
Code at no cost to the district or may be the legal adviser to the 178  
district under a contract that the prosecuting attorney and the 179  
district enter into, and that the board of county commissioners 180

approves, to authorize the prosecuting attorney to provide legal services to the district.

(H) The prosecuting attorney may be, in the prosecuting attorney's discretion and with the approval of the board of county commissioners, the legal adviser of a fire and ambulance district created under section 505.375 of the Revised Code at no cost to the district or may be the legal adviser to the district under a contract that the prosecuting attorney and the district enter into, and that the board of county commissioners approves, to authorize the prosecuting attorney to provide legal services to the district.

(I) All money received pursuant to a contract entered into under division (D), (E), (F), (G), or (H) of this section shall be deposited into the prosecuting attorney's legal services fund, which shall be established in the county treasury of each county in which such a contract exists. Moneys in that fund may be appropriated only to the prosecuting attorney for the purpose of providing legal services to a park district, joint fire district, joint ambulance district, joint emergency medical services district, or a fire and ambulance district, as applicable, under a contract entered into under the applicable division.

(J) As part of the prosecuting attorney's duties as the legal advisory of the board of elections, the prosecuting attorney shall give final approval to ballot language for any local question or issue approved and transmitted by boards of elections under section 3501.11 of the Revised Code.

**Sec. 3501.01.** As used in the sections of the Revised Code relating to elections and political communications:

(A) "General election" means the election held on the first Tuesday after the first Monday in each November.

(B) "Regular municipal election" means the election held on 211  
the first Tuesday after the first Monday in November in each 212  
odd-numbered year. 213

(C) "Regular state election" means the election held on the 214  
first Tuesday after the first Monday in November in each 215  
even-numbered year. 216

(D) "Special election" means any election other than those 217  
elections defined in other divisions of this section. A special 218  
election may be held only on the first Tuesday after the first 219  
Monday in February, May, August, or November, or on the day 220  
authorized by a particular municipal or county charter for the 221  
holding of a primary election, except that in any year in which a 222  
presidential primary election is held, no special election shall 223  
be held in February or May, except as authorized by a municipal or 224  
county charter, but may be held on the first Tuesday after the 225  
first Monday in March. 226

(E)(1) "Primary" or "primary election" means an election held 227  
for the purpose of nominating persons as candidates of political 228  
parties for election to offices, and for the purpose of electing 229  
persons as members of the controlling committees of political 230  
parties and as delegates and alternates to the conventions of 231  
political parties. Primary elections shall be held on the first 232  
Tuesday after the first Monday in May of each year except in years 233  
in which a presidential primary election is held. 234

(2) "Presidential primary election" means a primary election 235  
as defined by division (E)(1) of this section at which an election 236  
is held for the purpose of choosing delegates and alternates to 237  
the national conventions of the major political parties pursuant 238  
to section 3513.12 of the Revised Code. Unless otherwise 239  
specified, presidential primary elections are included in 240  
references to primary elections. In years in which a presidential 241  
primary election is held, all primary elections shall be held on 242



the first Tuesday after the first Monday in March except as 243  
otherwise authorized by a municipal or county charter. 244

(F) "Political party" means any group of voters meeting the 245  
requirements set forth in section 3517.01 of the Revised Code for 246  
the formation and existence of a political party. 247

(1) "Major political party" means any political party 248  
organized under the laws of this state whose candidate for 249  
governor or nominees for presidential electors received no less 250  
than twenty per cent of the total vote cast for such office at the 251  
most recent regular state election. 252

(2) "Intermediate political party" means any political party 253  
organized under the laws of this state whose candidate for 254  
governor or nominees for presidential electors received less than 255  
twenty per cent but not less than ten per cent of the total vote 256  
cast for such office at the most recent regular state election. 257

(3) "Minor political party" means any political party 258  
organized under the laws of this state whose candidate for 259  
governor or nominees for presidential electors received less than 260  
ten per cent but not less than five per cent of the total vote 261  
cast for such office at the most recent regular state election or 262  
~~which that~~ has filed a petition meeting the requirements of 263  
division (A)(1)(a) or (b) of section 3517.01 of the Revised Code 264  
with the secretary of state, subsequent to any election in which 265  
it received less than five per cent of such vote, ~~a petition~~ 266  
~~signed by qualified electors equal in number to at least one per~~ 267  
~~cent of the total vote cast for such office in the last preceding~~ 268  
~~regular state election,~~ except that a newly formed political party 269  
shall be known as a minor political party until the time of the 270  
first election for governor or president which occurs not less 271  
than twelve months subsequent to the formation of such party, 272  
after which election the status of such party shall be determined 273  
by the vote for the office of governor or president. 274

(G) "Dominant party in a precinct" or "dominant political party in a precinct" means that political party whose candidate for election to the office of governor at the most recent regular state election at which a governor was elected received more votes than any other person received for election to that office in such precinct at such election.

(H) "Candidate" means any qualified person certified in accordance with the provisions of the Revised Code for placement on the official ballot of a primary, general, or special election to be held in this state, or any qualified person who claims to be a write-in candidate, or who knowingly assents to being represented as a write-in candidate by another at either a primary, general, or special election to be held in this state.

(I) "Independent candidate" means any candidate who claims not to be affiliated with a political party, and whose name has been certified on the office-type ballot at a general or special election through the filing of a statement of candidacy and nominating petition, as prescribed in section 3513.257 of the Revised Code.

(J) "Nonpartisan candidate" means any candidate whose name is required, pursuant to section 3505.04 of the Revised Code, to be listed on the nonpartisan ballot, including all candidates for judicial office, for member of any board of education, for municipal or township offices in which primary elections are not held for nominating candidates by political parties, and for offices of municipal corporations having charters that provide for separate ballots for elections for these offices.

(K) "Party candidate" means any candidate who claims to be a member of a political party, whose name has been certified on the office-type ballot at a general or special election through the filing of a declaration of candidacy and petition of candidate, and who has won the primary election of the candidate's party for

the public office the candidate seeks or is selected by party 307  
committee in accordance with section 3513.31 of the Revised Code. 308

(L) "Officer of a political party" includes, but is not 309  
limited to, any member, elected or appointed, of a controlling 310  
committee, whether representing the territory of the state, a 311  
district therein, a county, township, a city, a ward, a precinct, 312  
or other territory, of a major, intermediate, or minor political 313  
party. 314

(M) "Question or issue" means any question or issue certified 315  
in accordance with the Revised Code for placement on an official 316  
ballot at a general or special election to be held in this state. 317

(N) "Elector" or "qualified elector" means a person having 318  
the qualifications provided by law to be entitled to vote. 319

(O) "Voter" means an elector who votes at an election. 320

(P) "Voting residence" means that place of residence of an 321  
elector which shall determine the precinct in which the elector 322  
may vote. 323

(Q) "Precinct" means a district within a county established 324  
by the board of elections of such county within which all 325  
qualified electors having a voting residence therein may vote at 326  
the same polling place. 327

(R) "Polling place" means that place provided for each 328  
precinct at which the electors having a voting residence in such 329  
precinct may vote. 330

(S) "Board" or "board of elections" means the board of 331  
elections appointed in a county pursuant to section 3501.06 of the 332  
Revised Code. 333

(T) "Political subdivision" means a county, township, city, 334  
village, or school district. 335

(U) "Election officer" or "election official" means any of 336

the following:	337
(1) Secretary of state;	338
(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;	339 340 341 342
(3) Director of a board of elections;	343
(4) Deputy director of a board of elections;	344
(5) Member of a board of elections;	345
(6) Employees of a board of elections;	346
(7) Precinct polling place judges;	347
(8) Employees appointed by the boards of elections on a temporary or part-time basis.	348 349
(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 complete, the precinct in which the applicant is to vote.	350 351 352 353 354 355 356
(W) "Confirmation notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, to a registered elector to confirm the registered elector's current address.	357 358 359 360
(X) "Designated agency" means an office or agency in the state that provides public assistance or that provides state-funded programs primarily engaged in providing services to persons with disabilities and that is required by the National Voter Registration Act of 1993 to implement a program designed and administered by the secretary of state for registering voters, or	361 362 363 364 365 366

any other public or government office or agency that implements a 367  
program designed and administered by the secretary of state for 368  
registering voters, including the department of job and family 369  
services, the program administered under section 3701.132 of the 370  
Revised Code by the department of health, the department of mental 371  
health, the department of developmental disabilities, the 372  
rehabilitation services commission, and any other agency the 373  
secretary of state designates. "Designated agency" does not 374  
include public high schools and vocational schools, public 375  
libraries, or the office of a county treasurer. 376

(Y) "National Voter Registration Act of 1993" means the 377  
"National Voter Registration Act of 1993," 107 Stat. 77, 42 378  
U.S.C.A. 1973gg. 379

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act 380  
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 381

(AA) "Photo identification" means a document that meets each 382  
of the following requirements: 383

(1) It shows the name of the individual to whom it was 384  
issued, which shall conform to the name in the poll list or 385  
signature pollbook. 386

(2) It shows the current address of the individual to whom it 387  
was issued, which shall conform to the address in the poll list or 388  
signature pollbook, except for a driver's license or a state 389  
identification card issued under section 4507.50 of the Revised 390  
Code, which may show either the current or former address of the 391  
individual to whom it was issued, regardless of whether that 392  
address conforms to the address in the poll list or signature 393  
pollbook. 394

(3) It shows a photograph of the individual to whom it was 395  
issued. 396

(4) It ~~includes~~ shall have on it an expiration date that has 397

not passed. 398

(5) It was issued by the government of the United States or 399  
this state. 400

**Sec. 3501.02.** General elections in the state and its 401  
political subdivisions shall be held as follows: 402

(A) For the election of electors of president and 403  
vice-president of the United States, in the year of 1932 and every 404  
four years thereafter; 405

(B) For the election of a member of the senate of the United 406  
States, in the years 1932 and 1934, and every six years after each 407  
of such years; except as otherwise provided for filling vacancies; 408

(C) For the election of representatives in the congress of 409  
the United States and of elective state and county officers 410  
including elected members of the state board of education, in the 411  
even-numbered years; except as otherwise provided for filling 412  
vacancies; 413

(D) For municipal and township officers, members of boards of 414  
education, judges and clerks of municipal courts, in the 415  
odd-numbered years; 416

(E) (1) Proposed constitutional amendments or proposed 417  
measures submitted ~~by the general assembly or~~ by initiative or 418  
referendum petitions to the voters of the state at large may be 419  
submitted to the general election in any year occurring at least 420  
~~sixty days, in case of a referendum, and ninety~~ one hundred 421  
twenty-five days, ~~in the case of an initiated measure,~~ subsequent 422  
to the filing of the petitions therefor. ~~Proposed~~ 423

(2) Proposed constitutional amendments submitted by the 424  
general assembly to the voters of the state at large may be 425  
submitted at a special election or general election in any year 426  
occurring at least ninety days after the resolution is filed with 427

the secretary of state. The proposed constitutional amendment may 428  
be submitted to the voters at a special election occurring on the 429  
day in any year specified by division (E) of section 3501.01 of 430  
the Revised Code for the holding of a primary election, ~~when~~ if a 431  
special election on that date is designated by the general 432  
assembly in the resolution adopting the proposed constitutional 433  
amendment. 434

No special election shall be held on a day other than the day 435  
of a general election, unless a law or charter provides otherwise, 436  
regarding the submission of a question or issue to the voters of a 437  
county, township, city, village, or school district. 438

(F)(1) Notwithstanding any provision of the Revised Code to 439  
the contrary, any question or issue, except a candidacy, to be 440  
voted upon at an election shall be certified, for placement upon 441  
the ballot, to the board of elections not later than four p.m. of 442  
the ninetieth day before the day of the election. 443

(2) Any question or issue that is certified for placement on 444  
a ballot on or after ~~the effective date of this amendment~~ July 2, 445  
2010, shall be certified not later than the ninetieth day before 446  
the day of the applicable election, notwithstanding any deadlines 447  
appearing in any section of the Revised Code governing the 448  
placement of that question or issue on the ballot. 449

**Sec. 3501.05.** (A) The secretary of state shall do all of the 450  
following: 451

~~(A)~~(1) Appoint all members of boards of elections; 452

~~(B)~~(2) Issue instructions by directives and advisories in 453  
accordance with section 3501.053 of the Revised Code to members of 454  
the boards as to the proper methods of conducting elections. 455

~~(C)~~(3) Prepare rules and instructions for the conduct of 456  
elections; 457

<del>(D)</del> (4) Publish and furnish to the boards from time to time a sufficient number of indexed copies of all election laws then in force;	458 459 460
<del>(E)</del> (5) Edit and issue all pamphlets concerning proposed laws or amendments required by law to be submitted to the voters;	461 462
<del>(F)</del> (6) Prescribe the form of registration cards, blanks, and records;	463 464
<del>(G)</del> (7) Determine and prescribe the forms of ballots and the forms of all blanks, cards of instructions, pollbooks, tally sheets, certificates of election, and forms and blanks required by law for use by candidates, committees, and boards;	465 466 467 468
<del>(H)</del> (8) Prepare the ballot title or statement to be placed on the ballot for any proposed law or amendment to the constitution to be submitted to the voters of the state;	469 470 471
<del>(I)</del> (9) Except as otherwise provided in section 3519.08 of the Revised Code, certify to the several boards the forms of ballots and names of candidates for state offices, and the form and wording of state referendum questions and issues, as they shall appear on the ballot;	472 473 474 475 476
<del>(J) Except as otherwise provided in division (I)(2)(b) of section 3501.38 of the Revised Code, give final approval to ballot language for any local question or issue approved and transmitted by boards of elections under section 3501.11 of the Revised Code;</del>	477 478 479 480
<del>(K)</del> (10) Receive all initiative and referendum petitions on state questions and issues and determine and certify to the sufficiency of those petitions;	481 482 483
<del>(L)</del> (11) Require such reports from the several boards as are provided by law, or as the secretary of state considers necessary;	484 485
<del>(M)</del> (12) Compel the observance by election officers in the several counties of the requirements of the election laws;	486 487



~~(N)(1)~~(13)(a) Except as otherwise provided in division 488  
~~(N)(2)(A)~~(13)(b) of this section, investigate the administration 489  
of election laws, frauds, and irregularities in elections in any 490  
county, and report violations of election laws to the attorney 491  
general or prosecuting attorney, or both, for prosecution; 492

~~(2)~~(b) On and after August 24, 1995, report a failure to 493  
comply with or a violation of a provision in sections 3517.08 to 494  
3517.13, 3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, or 495  
3599.031 of the Revised Code, whenever the secretary of state has 496  
or should have knowledge of a failure to comply with or a 497  
violation of a provision in one of those sections, by filing a 498  
complaint with the Ohio elections commission under section 499  
3517.153 of the Revised Code~~+~~. 500

~~(O)~~(14) Make an annual report to the governor containing the 501  
results of elections, the cost of elections in the various 502  
counties, a tabulation of the votes in the several political 503  
subdivisions, and other information and recommendations relative 504  
to elections the secretary of state considers desirable; 505

~~(P)~~(15) Prescribe and distribute to boards of elections a 506  
list of instructions indicating all legal steps necessary to 507  
petition successfully for local option elections under sections 508  
4301.32 to 4301.41, 4303.29, 4305.14, and 4305.15 of the Revised 509  
Code; 510

~~(Q)~~(16) Adopt rules pursuant to Chapter 119. of the Revised 511  
Code for the removal ~~by boards of elections~~ of ineligible voters 512  
from the statewide voter registration database and, if applicable, 513  
from the poll list or signature pollbook used in each precinct, 514  
which rules shall provide for all of the following: 515

~~(1)~~(a) A process for the removal of voters who have changed 516  
residence, which shall be uniform, nondiscriminatory, and in 517  
compliance with the Voting Rights Act of 1965 and the National 518

Voter Registration Act of 1993, including a program that uses the 519  
national change of address service provided by the United States 520  
postal system through its licensees; 521

~~(2)~~(b) A process for the removal of ineligible voters under 522  
section 3503.21 of the Revised Code; 523

~~(3)~~(c) A uniform system for marking or removing the name of a 524  
voter who is ineligible to vote from the statewide voter 525  
registration database and, if applicable, from the poll list or 526  
signature pollbook used in each precinct and noting the reason for 527  
that mark or removal. 528

~~(R)~~(17) Prescribe a general program for registering voters or 529  
updating voter registration information, such as name and 530  
residence changes, by boards of elections, designated agencies, 531  
offices of deputy registrars of motor vehicles, public high 532  
schools and vocational schools, public libraries, and offices of 533  
county treasurers consistent with the requirements of section 534  
3503.09 of the Revised Code; 535

~~(S)~~(18) Prescribe a program of distribution of voter 536  
registration forms through boards of elections, designated 537  
agencies, offices of the registrar and deputy registrars of motor 538  
vehicles, public high schools and vocational schools, public 539  
libraries, and offices of county treasurers; 540

~~(T)~~(19) To the extent feasible, provide copies, at no cost 541  
and upon request, of the voter registration form in post offices 542  
in this state; 543

~~(U)~~(20) Adopt rules pursuant to section 111.15 of the Revised 544  
Code for the purpose of implementing the program for registering 545  
voters through boards of elections, designated agencies, and the 546  
offices of the registrar and deputy registrars of motor vehicles 547  
consistent with this chapter; 548

~~(V)~~(21) Establish the full-time position of Americans with 549

Disabilities Act coordinator within the office of the secretary of 550  
state to do all of the following: 551

~~(1)~~(a) Assist the secretary of state with ensuring that there 552  
is equal access to polling places for persons with disabilities; 553

~~(2)~~(b) Assist the secretary of state with ensuring that each 554  
voter may cast the voter's ballot in a manner that provides the 555  
same opportunity for access and participation, including privacy 556  
and independence, as for other voters; 557

~~(3)~~(c) Advise the secretary of state in the development of 558  
standards for the certification of voting machines, marking 559  
devices, and automatic tabulating equipment. 560

~~(W)~~(22) Establish and maintain a computerized statewide 561  
database of all legally registered voters under section 3503.15 of 562  
the Revised Code that complies with the requirements of the "Help 563  
America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666, 564  
and provide training in the operation of that system; 565

~~(X)~~(23) Ensure that all directives, advisories, other 566  
instructions, or decisions issued or made during or as a result of 567  
any conference or teleconference call with a board of elections to 568  
discuss the proper methods and procedures for conducting 569  
elections, to answer questions regarding elections, or to discuss 570  
the interpretation of directives, advisories, or other 571  
instructions issued by the secretary of state are posted on a web 572  
site of the office of the secretary of state as soon as is 573  
practicable after the completion of the conference or 574  
teleconference call, but not later than the close of business on 575  
the same day as the conference or teleconference call takes place. 576

~~(Y)~~(24) Publish a report on a web site of the office of the 577  
secretary of state not later than one month after the completion 578  
of the canvass of the election returns for each primary and 579  
general election, identifying, by county, the number of absent 580

voter's ballots cast and the number of those ballots that were 581  
counted, and the number of provisional ballots cast and the number 582  
of those ballots that were counted, for that election. The 583  
secretary of state shall maintain the information on the web site 584  
in an archive format for each subsequent election. 585

~~(Z)~~(25) Conduct voter education outlining voter 586  
identification, absent voters ballot, provisional ballot, and 587  
other voting requirements; 588

~~(AA)~~(26) Establish a procedure by which a registered elector 589  
may make available to a board of elections a more recent signature 590  
to be used in the poll list or signature pollbook produced by the 591  
board of elections of the county in which the elector resides; 592

~~(BB)~~(27) Disseminate information, which may include all or 593  
part of the official explanations and arguments, by means of 594  
direct mail or other written publication, broadcast, or other 595  
means or combination of means, as directed by the Ohio ballot 596  
board under division (F) of section 3505.062 of the Revised Code, 597  
in order to inform the voters as fully as possible concerning each 598  
proposed constitutional amendment, proposed law, or referendum; 599

~~(CC)~~(28) Be the single state office responsible for the 600  
implementation of the "Uniformed and Overseas Citizens Absentee 601  
Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 1973ff, 602  
et seq., as amended, in this state. The secretary of state may 603  
delegate to the boards of elections responsibilities for the 604  
implementation of that act, including responsibilities arising 605  
from amendments to that act made by the "Military and Overseas 606  
Voter Empowerment Act," Subtitle H of the National Defense 607  
Authorization Act for Fiscal Year 2010, Pub. L. No. 111-84, 123 608  
Stat. 3190. 609

~~(DD)~~(29) Perform other duties required by law. 610

(B) Whenever a primary election is held under section 3513.32 611

of the Revised Code or a special election is held under section 612  
3521.03 of the Revised Code to fill a vacancy in the office of 613  
representative to congress, the secretary of state shall establish 614  
a deadline, notwithstanding any other deadline required under the 615  
Revised Code, by which any or all of the following shall occur: 616  
the filing of a declaration of candidacy and petitions or a 617  
statement of candidacy and nominating petition together with the 618  
applicable filing fee; the filing of protests against the 619  
candidacy of any person filing a declaration of candidacy or 620  
nominating petition; the filing of a declaration of intent to be a 621  
write-in candidate; the filing of campaign finance reports; the 622  
preparation of, and the making of corrections or challenges to, 623  
precinct voter registration lists; the receipt of applications for 624  
absent voter's ballots or ~~armed-service~~ uniformed services or 625  
overseas absent voter's ballots; the supplying of election 626  
materials to precincts by boards of elections; the holding of 627  
hearings by boards of elections to consider challenges to the 628  
right of a person to appear on a voter registration list; and the 629  
scheduling of programs to instruct or reinstruct election 630  
officers. 631

(C) In the performance of the secretary of state's duties as 632  
the chief election officer, the secretary of state may administer 633  
oaths, issue subpoenas, summon witnesses, compel the production of 634  
books, papers, records, and other evidence, and fix the time and 635  
place for hearing any matters relating to the administration and 636  
enforcement of the election laws. 637

(D) In any controversy involving or arising out of the 638  
adoption of registration or the appropriation of funds for 639  
registration, the secretary of state may, through the attorney 640  
general, bring an action in the name of the state in the court of 641  
common pleas of the county where the cause of action arose or in 642  
an adjoining county, to adjudicate the question. 643

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

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

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

**Sec. 3501.051.** (A) Notwithstanding any other section of the Revised Code, the secretary of state may authorize, in one or more precincts in one or more counties, a program allowing individuals under the age of eighteen to enter the polling place and vote in a simulated election held at the same time as a general election. Any individual working in or supervising at a simulated election may enter the polling place and remain within it during the entire period the polls are open.

(B) A program established under division (A) of this section shall require all of the following:

(1) That the duties imposed on ~~judges of precinct~~ election officials and peace officers under section 3501.33 of the Revised Code be performed by those ~~judges~~ officials and officers in regard to simulated elections and all activities related to simulated

elections; 675

(2) That volunteers provide the personnel necessary to 676  
conduct the simulated election, except that employees of the 677  
secretary of state, employees or members of boards of elections, 678  
and precinct election officials may aid in operating the program 679  
to the extent permitted by the secretary of state; 680

(3) That individuals under the age of fourteen be accompanied 681  
to the simulated election by an individual eighteen years of age 682  
or over; 683

(4) Any other requirements the secretary of state considers 684  
necessary for the orderly administration of the election process. 685

**Sec. 3501.11.** Each board of elections shall exercise by a 686  
majority vote all powers granted to the board by Title XXXV of the 687  
Revised Code, shall perform all the duties imposed by law, and 688  
shall do all of the following: 689

(A) Establish, define, provide, rearrange, and combine 690  
election precincts; 691

(B) Fix and provide the places for registration and for 692  
holding primaries and elections; 693

(C) Provide for the purchase, preservation, and maintenance 694  
of booths, ballot boxes, books, maps, flags, blanks, cards of 695  
instructions, and other forms, papers, and equipment used in 696  
registration, nominations, and elections; 697

(D) Appoint and remove its director, deputy director, and 698  
employees and all registrars, judges, and other officers of 699  
elections, fill vacancies, and designate the ward or district and 700  
precinct in which each shall serve; 701

(E) Make and issue rules and instructions, not inconsistent 702  
with law or the rules, directives, or advisories issued by the 703  
secretary of state, as it considers necessary for the guidance of 704

election officers and voters; 705

(F) Advertise and contract for the printing of all ballots 706  
and other supplies used in registrations and elections; 707

(G) Provide for the issuance of all notices, advertisements, 708  
and publications concerning elections, except as otherwise 709  
provided in division (G) of section 3501.17 and divisions (F) and 710  
(G) of section 3505.062 of the Revised Code; 711

(H) Provide for the delivery of ballots, pollbooks, and other 712  
required papers and material to the polling places; 713

(I) Cause the polling places to be suitably provided with 714  
voting machines, marking devices, automatic tabulating equipment, 715  
stalls, and other required supplies. In fulfilling this duty, each 716  
board of a county that uses voting machines, marking devices, or 717  
automatic tabulating equipment shall conduct a full vote of the 718  
board during a public session of the board on the allocation and 719  
distribution of voting machines, marking devices, and automatic 720  
tabulating equipment for each precinct in the county. 721

(J) Investigate irregularities, nonperformance of duties, or 722  
violations of Title XXXV of the Revised Code by election officers 723  
and other persons; administer oaths, issue subpoenas, summon 724  
witnesses, and compel the production of books, papers, records, 725  
and other evidence in connection with any such investigation; and 726  
report the facts to the prosecuting attorney or the secretary of 727  
state; 728

(K) Review, examine, and certify the sufficiency and validity 729  
of petitions and nomination papers, and, after certification, 730  
return to the secretary of state all petitions and nomination 731  
papers that the secretary of state forwarded to the board; 732

(L) Receive the returns of elections, canvass the returns, 733  
make abstracts of them, and transmit those abstracts to the proper 734  
authorities; 735



(M) Issue certificates of election on forms to be prescribed	736
by the secretary of state;	737
(N) Make an annual report to the secretary of state, on the	738
form prescribed by the secretary of state, containing a statement	739
of the number of voters registered, elections held, votes cast,	740
appropriations received, expenditures made, and other data	741
required by the secretary of state;	742
(O) Prepare and submit to the proper appropriating officer a	743
budget estimating the cost of elections for the ensuing fiscal	744
year;	745
(P) Perform other duties as prescribed by law or the rules,	746
directives, or advisories of the secretary of state;	747
(Q) Investigate and determine the residence qualifications of	748
electors;	749
(R) Administer oaths in matters pertaining to the	750
administration of the election laws;	751
(S) Prepare and submit to the secretary of state, whenever	752
the secretary of state requires, a report containing the names and	753
residence addresses of all incumbent county, municipal, township,	754
and board of education officials serving in their respective	755
counties;	756
(T) Establish and maintain a voter registration database of	757
all qualified electors in the county who offer to register;	758
(U) Maintain voter registration records, make reports	759
concerning voter registration as required by the secretary of	760
state, and remove ineligible electors from voter registration	761
lists in accordance with law and directives of the secretary of	762
state;	763
(V) Give approval to ballot language for any local question	764
or issue and transmit the language to the <del>secretary of state</del>	765

prosecuting attorney for ~~the secretary of state's~~ final approval; 766

(W) Prepare and cause the following notice to be displayed in 767  
a prominent location in every polling place: 768

"NOTICE 769

Ohio law prohibits any person from voting or attempting to 770  
vote more than once at the same election. 771

Violators are guilty of a felony of the fourth degree and 772  
shall be imprisoned and additionally may be fined in accordance 773  
with law." 774

(X) In all cases of a tie vote or a disagreement in the 775  
board, if no decision can be arrived at, the director or 776  
chairperson shall submit the matter in controversy, not later than 777  
fourteen days after the tie vote or the disagreement, to the 778  
secretary of state, who shall summarily decide the question, and 779  
the secretary of state's decision shall be final. 780

(Y) Assist each designated agency, deputy registrar of motor 781  
vehicles, public high school and vocational school, public 782  
library, and office of a county treasurer in the implementation of 783  
a program for registering voters at all voter registration 784  
locations as prescribed by the secretary of state. Under this 785  
program, each board of elections shall direct to the appropriate 786  
board of elections any voter registration applications for persons 787  
residing outside the county where the board is located within five 788  
days after receiving the applications. 789

(Z) On any day on which an elector may vote in person at the 790  
office of the board or at another site designated by the board, 791  
consider the board or other designated site a polling place for 792  
that day. All requirements or prohibitions of law that apply to a 793  
polling place shall apply to the office of the board or other 794  
designated site on that day. 795

(AA) Perform any duties with respect to voter registration 796

and voting by uniformed services and overseas voters that are 797  
delegated to the board by law or by the rules, directives, or 798  
advisories of the secretary of state. 799

Sec. 3501.111. A board of elections may contract with another 800  
board of elections in this state or with a county automatic data 801  
processing board for the provision of election services in the 802  
county, including any duties imposed upon the board of elections 803  
under section 3501.11 of the Revised Code. 804

**Sec. 3501.13.** (A) The director of the board of elections 805  
shall keep a full and true record of the proceedings of the board 806  
and of all moneys received and expended; file and preserve in the 807  
board's office all orders and records pertaining to the 808  
administration of registrations, primaries, and elections; receive 809  
and have the custody of all books, papers, and property belonging 810  
to the board; and perform other duties in connection with the 811  
office of director and the proper conduct of elections as the 812  
board determines. 813

(B) Before entering upon the duties of the office, the 814  
director shall subscribe to an oath that the director will support 815  
the Constitution of the United States and the Ohio Constitution, 816  
perform all the duties of the office to the best of the director's 817  
ability, enforce the election laws, and preserve all records, 818  
documents, and other property pertaining to the conduct of 819  
elections placed in the director's custody. 820

(C) The director may administer oaths to persons required by 821  
law to file certificates or other papers with the board, to ~~judges~~ 822  
~~of elections~~ precinct election officials, to witnesses who are 823  
called to testify before the board, and to voters filling out 824  
blanks at the board's offices. Except as otherwise provided by 825  
state or federal law, the records of the board and papers and 826

books filed in its office are public records and open to 827  
inspection under such reasonable regulations as shall be 828  
established by the board. The social security number of any 829  
elector or of any applicant for voter registration is not a public 830  
record. The board shall redact any such number from any record 831  
that it makes open to public inspection or copying under this 832  
section. 833

The following notice shall be posted in a prominent place at 834  
each board office: 835

"Except as otherwise provided by state or federal law, 836  
records filed in this office of the board of elections are open to 837  
public inspection during normal office hours, pursuant to the 838  
following reasonable regulations: (the board shall here list its 839  
regulations). Whoever prohibits any person from inspecting the 840  
public records of this board is subject to the penalties of 841  
section 3599.161 of the Revised Code." 842

(D) Upon receipt of a written declaration of intent to retire 843  
as provided for in section 145.38 of the Revised Code, the 844  
director shall provide a copy to each member of the board of 845  
elections. 846

**Sec. 3501.17.** (A) The expenses of the board of elections 847  
shall be paid from the county treasury, in pursuance of 848  
appropriations by the board of county commissioners, in the same 849  
manner as other county expenses are paid. If the board of county 850  
commissioners fails to appropriate an amount sufficient to provide 851  
for the necessary and proper expenses of the board of elections 852  
pertaining to the conduct of elections, the board of elections may 853  
apply to the court of common pleas within the county, which shall 854  
fix the amount necessary to be appropriated and the amount shall 855  
be appropriated. Payments shall be made upon vouchers of the board 856  
of elections certified to by its chairperson or acting chairperson 857

and the director or deputy director, upon warrants of the county auditor. 858  
859

The board of elections shall not incur any obligation 860  
involving the expenditure of money unless there are moneys 861  
sufficient in the funds appropriated therefor to meet the 862  
obligation. If the board of elections requests a transfer of funds 863  
from one of its appropriation items to another, the board of 864  
county commissioners shall adopt a resolution providing for the 865  
transfer except as otherwise provided in section 5705.40 of the 866  
Revised Code. The expenses of the board of elections shall be 867  
apportioned among the county and the various subdivisions as 868  
provided in this section, and the amount chargeable to each 869  
subdivision shall be withheld by the auditor from the moneys 870  
payable thereto at the time of the next tax settlement. At the 871  
time of submitting budget estimates in each year, the board of 872  
elections shall submit to the taxing authority of each 873  
subdivision, upon the request of the subdivision, an estimate of 874  
the amount to be withheld from the subdivision during the next 875  
fiscal year. 876

(B) Except as otherwise provided in division (F) of this 877  
section, the compensation of the members of the board of elections 878  
and of the director, deputy director, and regular employees in the 879  
board's offices, other than compensation for overtime worked; the 880  
expenditures for the rental, furnishing, and equipping of the 881  
office of the board and for the necessary office supplies for the 882  
use of the board; the expenditures for the acquisition, repair, 883  
care, and custody of the polling places, booths, guardrails, and 884  
other equipment for polling places; the cost of tally sheets, 885  
maps, flags, ballot boxes, and all other permanent records and 886  
equipment; the cost of all elections held in and for the state and 887  
county; and all other expenses of the board which are not 888  
chargeable to a political subdivision in accordance with this 889

section shall be paid in the same manner as other county expenses 890  
are paid. 891

(C) The compensation of ~~judges of elections~~ precinct election 892  
officials and intermittent employees in the board's offices; the 893  
cost of renting, moving, heating, and lighting polling places and 894  
of placing and removing ballot boxes and other fixtures and 895  
equipment thereof, including voting machines, marking devices, and 896  
automatic tabulating equipment; the cost of printing and 897  
delivering ballots, cards of instructions, registration lists 898  
required under section 3503.23 of the Revised Code, and other 899  
election supplies, including the supplies required to comply with 900  
division (H) of section 3506.01 of the Revised Code; the cost of 901  
contractors engaged by the board to prepare, program, test, and 902  
operate voting machines, marking devices, and automatic tabulating 903  
equipment; and all other expenses of conducting primaries and 904  
elections in the odd-numbered years shall be charged to the 905  
subdivisions in and for which such primaries or elections are 906  
held. The charge for each primary or general election in 907  
odd-numbered years for each subdivision shall be determined in the 908  
following manner: first, the total cost of all chargeable items 909  
used in conducting such elections shall be ascertained; second, 910  
the total charge shall be divided by the number of precincts 911  
participating in such election, in order to fix the cost per 912  
precinct; third, the cost per precinct shall be prorated by the 913  
board of elections to the subdivisions conducting elections for 914  
the nomination or election of offices in such precinct; fourth, 915  
the total cost for each subdivision shall be determined by adding 916  
the charges prorated to it in each precinct within the 917  
subdivision. 918

(D) The entire cost of special elections held on a day other 919  
than the day of a primary or general election, both in 920  
odd-numbered or in even-numbered years, shall be charged to the 921

subdivision. Where a special election is held on the same day as a 922  
primary or general election in an even-numbered year, the 923  
subdivision submitting the special election shall be charged only 924  
for the cost of ballots and advertising. Where a special election 925  
is held on the same day as a primary or general election in an 926  
odd-numbered year, the subdivision submitting the special election 927  
shall be charged for the cost of ballots and advertising for such 928  
special election, in addition to the charges prorated to such 929  
subdivision for the election or nomination of candidates in each 930  
precinct within the subdivision, as set forth in the preceding 931  
paragraph. 932

(E) Where a special election is held on the day specified by 933  
division (E) of section 3501.01 of the Revised Code for the 934  
holding of a primary election, for the purpose of submitting to 935  
the voters of the state constitutional amendments proposed by the 936  
general assembly, and a subdivision conducts a special election on 937  
the same day, the entire cost of the special election shall be 938  
divided proportionally between the state and the subdivision based 939  
upon a ratio determined by the number of issues placed on the 940  
ballot by each, except as otherwise provided in division (G) of 941  
this section. Such proportional division of cost shall be made 942  
only to the extent funds are available for such purpose from 943  
amounts appropriated by the general assembly to the secretary of 944  
state. If a primary election is also being conducted in the 945  
subdivision, the costs shall be apportioned as otherwise provided 946  
in this section. 947

(F) When a precinct is open during a general, primary, or 948  
special election solely for the purpose of submitting to the 949  
voters a statewide ballot issue, the state shall bear the entire 950  
cost of the election in that precinct and shall reimburse the 951  
county for all expenses incurred in opening the precinct. 952

(G)(1) The state shall bear the entire cost of advertising in 953

newspapers statewide ballot issues, explanations of those issues, 954  
and arguments for or against those issues, as required by Section 955  
1g of Article II and Section 1 of Article XVI, Ohio Constitution, 956  
and any other section of law. Appropriations made to the 957  
controlling board shall be used to reimburse the secretary of 958  
state for all expenses the secretary of state incurs for such 959  
advertising under division (G) of section 3505.062 of the Revised 960  
Code. 961

(2) There is hereby created in the state treasury the 962  
statewide ballot advertising fund. The fund shall receive 963  
transfers approved by the controlling board, and shall be used by 964  
the secretary of state to pay the costs of advertising state 965  
ballot issues as required under division (G)(1) of this section. 966  
Any such transfers may be requested from and approved by the 967  
controlling board prior to placing the advertising, in order to 968  
facilitate timely provision of the required advertising. 969

(H) The cost of renting, heating, and lighting registration 970  
places; the cost of the necessary books, forms, and supplies for 971  
the conduct of registration; and the cost of printing and posting 972  
precinct registration lists shall be charged to the subdivision in 973  
which such registration is held. 974

(I) At the request of a majority of the members of the board 975  
of elections, the board of county commissioners may, by 976  
resolution, establish an elections revenue fund. Except as 977  
otherwise provided in this division, the purpose of the fund shall 978  
be to accumulate revenue withheld by or paid to the county under 979  
this section for the payment of any expense related to the duties 980  
of the board of elections specified in section 3501.11 of the 981  
Revised Code, upon approval of a majority of the members of the 982  
board of elections. The fund shall not accumulate any revenue 983  
withheld by or paid to the county under this section for the 984  
compensation of the members of the board of elections or of the 985



director, deputy director, or other regular employees in the 986  
board's offices, other than compensation for overtime worked. 987

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 988  
Revised Code, the board of county commissioners may, by 989  
resolution, transfer money to the elections revenue fund from any 990  
other fund of the political subdivision from which such payments 991  
lawfully may be made. Following an affirmative vote of a majority 992  
of the members of the board of elections, the board of county 993  
commissioners may, by resolution, rescind an elections revenue 994  
fund established under this division. If an elections revenue fund 995  
is rescinded, money that has accumulated in the fund shall be 996  
transferred to the county general fund. 997

(J) As used in this section: 998

(1) "Political subdivision" and "subdivision" mean any board 999  
of county commissioners, board of township trustees, legislative 1000  
authority of a municipal corporation, board of education, or any 1001  
other board, commission, district, or authority that is empowered 1002  
to levy taxes or permitted to receive the proceeds of a tax levy, 1003  
regardless of whether the entity receives tax settlement moneys as 1004  
described in division (A) of this section; 1005

(2) "Statewide ballot issue" means any ballot issue, whether 1006  
proposed by the general assembly or by initiative or referendum, 1007  
that is submitted to the voters throughout the state. 1008

**Sec. 3501.22.** (A) On or before the fifteenth day of September 1009  
in each year, the board of elections by a majority vote shall, 1010  
after careful examination and investigation as to their 1011  
qualifications, appoint for each election precinct four residents 1012  
of the county in which the precinct is located, as ~~judges~~ precinct 1013  
election officials. Except as otherwise provided in division (C) 1014  
of this section, all ~~judges of~~ precinct election officials shall 1015  
be qualified electors. The ~~judges~~ precinct election officials 1016

shall constitute the election officers of the precinct. Not more 1017  
than one-half of the total number of ~~judges~~ precinct election 1018  
officials shall be members of the same political party. The term 1019  
of such precinct officers shall be for one year. The board may, at 1020  
any time, designate any number of election officers, not more than 1021  
one-half of whom shall be members of the same political party, to 1022  
perform their duties at any precinct in any election. The board 1023  
may appoint additional officials, ~~equally divided between the two~~ 1024  
~~major political parties,~~ when necessary to expedite voting. If the 1025  
board of elections determines that four precinct election 1026  
officials are not required in a precinct for a special election, 1027  
the board of elections may select two of the precinct's election 1028  
officials, who are not members of the same political party, to 1029  
serve as the precinct election officials for that precinct in that 1030  
special election. 1031

Vacancies for unexpired terms shall be filled by the board. 1032  
When new precincts have been created, the board shall appoint 1033  
~~judges~~ precinct election officials for those precincts for the 1034  
unexpired term. Any ~~judge~~ precinct election official may be 1035  
summarily removed from office at any time by the board for neglect 1036  
of duty, malfeasance, or misconduct in office or for any other 1037  
good and sufficient reason. 1038

Precinct election officials shall perform all of the duties 1039  
provided by law for receiving the ballots and supplies, opening 1040  
and closing the polls, and overseeing the casting of ballots 1041  
during the time the polls are open, and any other duties required 1042  
by section 3501.26 of the Revised Code. 1043

A board of elections may designate two precinct election 1044  
officials as counting officials to count and tally the votes cast 1045  
and certify the results of the election at each precinct, and 1046  
perform other duties as provided by law. To expedite the counting 1047  
of votes at each precinct, the board may appoint additional 1048

officials, not more than one-half of whom shall be members of the 1049  
same political party. 1050

The board shall designate one of the precinct election 1051  
officials who is a member of the dominant political party to serve 1052  
as a ~~presiding judge~~ voting location manager, whose duty it is to 1053  
deliver the returns of the election and all supplies to the office 1054  
of the board. For these services, the ~~presiding judge~~ voting 1055  
location manager shall receive additional compensation in an 1056  
amount, consistent with section 3501.28 of the Revised Code, 1057  
determined by the board of elections. 1058

The board shall issue to each precinct election official a 1059  
certificate of appointment, which the official shall present to 1060  
the ~~presiding judge~~ voting location manager at the time the polls 1061  
are opened. 1062

(B) If the board of elections determines that not enough 1063  
qualified electors in a precinct are available to serve as 1064  
precinct officers, it may appoint persons to serve as precinct 1065  
officers at a primary, special, or general election who are at 1066  
least seventeen years of age and are registered to vote in 1067  
accordance with section 3503.07 of the Revised Code. 1068

(C)(1) A board of elections, in conjunction with the board of 1069  
education of a city, local, or exempted village school district, 1070  
the governing authority of a community school established under 1071  
Chapter 3314. of the Revised Code, or the chief administrator of a 1072  
nonpublic school may establish a program permitting certain high 1073  
school students to apply and, if appointed by the board of 1074  
elections, to serve as precinct officers at a primary, special, or 1075  
general election. 1076

In addition to the requirements established by division 1077  
(C)(2) of this section, a board of education, governing authority, 1078  
or chief administrator that establishes a program under this 1079

division in conjunction with a board of elections may establish 1080  
additional criteria that students shall meet to be eligible to 1081  
participate in that program. 1082

(2)(a) To be eligible to participate in a program established 1083  
under division (C)(1) of this section, a student shall be a United 1084  
States citizen, a resident of the county, at least seventeen years 1085  
of age, and enrolled in the senior year of high school. 1086

(b) Any student applying to participate in a program 1087  
established under division (C)(1) of this section, as part of the 1088  
student's application process, shall declare the student's 1089  
political party affiliation with the board of elections. 1090

(3) No student appointed as a precinct officer pursuant to a 1091  
program established under division (C)(1) of this section shall be 1092  
designated as a ~~presiding judge~~ voting location manager. 1093

(4) Any student participating in a program established under 1094  
division (C)(1) of this section shall be excused for that 1095  
student's absence from school on the day of an election at which 1096  
the student is serving as a precinct officer. 1097

(D) In any precinct with six or more precinct officers, up to 1098  
two students participating in a program established under division 1099  
(C)(1) of this section who are under eighteen years of age may 1100  
serve as precinct officers. Not more than one precinct officer in 1101  
any given precinct with fewer than six precinct officers shall be 1102  
under eighteen years of age. 1103

**Sec. 3501.26.** When the polls are closed after a primary, 1104  
general, or special election, the receiving officials shall, in 1105  
the presence of the counting officials and attending observers, 1106  
proceed as follows: 1107

(A) Count the number of electors who voted, as shown on the 1108  
poll books; 1109

(B) Count the unused ballots without removing stubs; 1110

(C) Count the soiled and defaced ballots; 1111

(D) Insert the totals of divisions (A), (B), and (C) of this 1112  
section on the report forms provided therefor in the poll books; 1113

(E) Count the voted ballots. If the number of voted ballots 1114  
exceeds the number of voters whose names appear upon the poll 1115  
books, the ~~presiding judge~~ voting location manager shall enter on 1116  
the poll books an explanation of that discrepancy, and that 1117  
explanation, if agreed to, shall be subscribed to by all of the 1118  
~~judges~~ precinct election officials. Any ~~judge~~ precinct official 1119  
having a different explanation shall enter it in the poll books 1120  
and subscribe to it. 1121

(F) Put the unused ballots with stubs attached, and soiled 1122  
and defaced ballots with stubs attached, in the envelopes or 1123  
containers provided therefor, and certify the number. 1124

The receiving officials shall deliver to and place in the 1125  
custody of the counting officials all the supplies provided for 1126  
the conduct of that election and the ballots that are to be 1127  
counted and tallied, and take a receipt for the same, which 1128  
receipt shall appear in and be a part of the poll books of such 1129  
precinct. Having performed their duties, the receiving officials 1130  
shall immediately depart. 1131

Having receipted for the ballots, the counting officials 1132  
shall proceed to count and tally the vote as cast in the manner 1133  
prescribed by section 3505.27 of the Revised Code and certify the 1134  
result of the election to the board of elections. 1135

**Sec. 3501.27.** (A) All ~~judges~~ of precinct election officials 1136  
shall complete a program of instruction pursuant to division (B) 1137  
of this section. No person who has been convicted of a felony or 1138  
any violation of the election laws, who is unable to read and 1139

write the English language readily, or who is a candidate for an 1140  
office to be voted for by the voters of the precinct in which the 1141  
person is to serve shall serve as an election officer. A person 1142  
when appointed as an election officer shall receive from the board 1143  
of elections a certificate of appointment that may be revoked at 1144  
any time by the board for good and sufficient reasons. The 1145  
certificate shall be in the form the board prescribes and shall 1146  
specify the precinct, ward, or district in and for which the 1147  
person to whom it is issued is appointed to serve, the date of 1148  
appointment, and the expiration of the person's term of service. 1149

(B) Each board shall establish a program as prescribed by the 1150  
secretary of state for the instruction of election officers in the 1151  
rules, procedures, and law relating to elections. In each program, 1152  
the board shall use training materials prepared by the secretary 1153  
of state and may use additional materials prepared by or on behalf 1154  
of the board. The board may use the services of unpaid volunteers 1155  
in conducting its program and may reimburse those volunteers for 1156  
necessary and actual expenses incurred in participating in the 1157  
program. 1158

The board shall train each new election officer before the 1159  
new officer participates in the first election in that capacity. 1160  
The board shall instruct election officials who have been trained 1161  
previously only when the board or secretary of state considers 1162  
that instruction necessary, but the board shall reinstruct such 1163  
persons, other than ~~presiding judges~~ voting location managers, at 1164  
least once in every three years and shall reinstruct ~~presiding~~ 1165  
~~judges~~ voting location managers before the primary election in 1166  
even-numbered years. The board shall schedule any program of 1167  
instruction within sixty days prior to the election in which the 1168  
officials to be trained will participate. 1169

(C) The duties of a ~~judge of an~~ precinct election official in 1170  
each polling place shall be performed only by an individual who 1171

has successfully completed the requirements of the program, unless 1172  
such an individual is unavailable after reasonable efforts to 1173  
obtain such services. 1174

(D) The secretary of state shall establish a program for the 1175  
instruction of members of boards of elections and employees of 1176  
boards in the rules, procedures, and law relating to elections. 1177  
Each member and employee shall complete the training program 1178  
within six months after the member's or employee's original 1179  
appointment or employment, and thereafter each member and employee 1180  
shall complete a training program to update their knowledge once 1181  
every four years or more often as determined by the secretary of 1182  
state. 1183

(E) The secretary of state shall reimburse each county for 1184  
the cost of programs established pursuant to division (B) of this 1185  
section, once the secretary of state has received an itemized 1186  
statement of expenses for such instruction programs from the 1187  
county. The itemized statement shall be in a form prescribed by 1188  
the secretary of state. 1189

**Sec. 3501.28.** (A) As used in this section: 1190

(1) "Fair Labor Standards Act" or "Act" means the "Fair Labor 1191  
Standards Act of 1938," 52 Stat. 1062, 29 U.S.C.A. 201, as 1192  
amended. 1193

(2) "Full election day" means the period of time between the 1194  
opening of the polls and the completion of the procedures 1195  
contained in section 3501.26 of the Revised Code. 1196

(3) "Services" means services at each general, primary, or 1197  
special election. 1198

~~(B) Beginning with calendar year 1998, each judge of an 1199  
election in a county shall be paid for the judge's services at the 1200  
same hourly rate, which shall be not less than the minimum hourly 1201~~

~~rate established by the Fair Labor Standards Act and not more than~~ 1202  
~~eighty five dollars per diem.~~ 1203

~~(C)~~ Beginning with calendar year 2004, each ~~judge of an~~ 1204  
precinct election official in a county shall be paid for the 1205  
~~judge's official's~~ services at the same hourly rate, which shall 1206  
be not less than the minimum hourly rate established by the Fair 1207  
Labor Standards Act and not more than ninety-five dollars per 1208  
diem. 1209

~~(D)~~(C) The secretary of state shall establish, by rule 1210  
adopted under section 111.15 of the Revised Code, the maximum 1211  
amount of per diem compensation that may be paid to ~~judges of an~~ 1212  
precinct election officials under this section each time the Fair 1213  
Labor Standards Act is amended to increase the minimum hourly rate 1214  
established by the act. Upon learning of such an increase, the 1215  
secretary of state shall determine by what percentage the minimum 1216  
hourly rate has been increased under the act and establish a new 1217  
maximum amount of per diem compensation that ~~judges of an~~ precinct 1218  
election officials may be paid under this section that is 1219  
increased by the same percentage that the minimum hourly rate has 1220  
been increased under the act. 1221

~~(E)~~(D)(1)(a) No board of elections shall increase the pay of 1222  
a ~~judge of an~~ precinct election official under this section during 1223  
a calendar year unless the board has given written notice of the 1224  
proposed increase to the board of county commissioners not later 1225  
than the first day of October of the preceding calendar year. 1226

(b) Except as otherwise provided in division ~~(E)~~(D)(2) of 1227  
this section, a board of elections may increase the pay of a ~~judge~~ 1228  
~~of an~~ precinct election official during a calendar year by up to, 1229  
but not exceeding, nine per cent over the compensation paid to a 1230  
~~judge of an~~ precinct election official in the county where the 1231  
board is located during the previous calendar year, if the 1232  
compensation so paid during the previous calendar year was 1233



eighty-five dollars or less per diem. 1234

(c) Except as otherwise provided in division ~~(E)~~(D)(2) of 1235  
this section, a board of elections may increase the pay of a ~~judge~~ 1236  
~~of an precinct~~ election official during a calendar year by up to, 1237  
but not exceeding, four and one-half per cent over the 1238  
compensation paid to a ~~judge of an precinct~~ election official in 1239  
the county where the board is located during the previous calendar 1240  
year, if the compensation so paid during the previous calendar 1241  
year was more than eighty-five but less than ninety-five dollars 1242  
per diem. 1243

(2) The board of county commissioners may review and comment 1244  
upon a proposed increase and may enter into a written agreement 1245  
with a board of elections to permit an increase in the 1246  
compensation paid to ~~judges of an precinct~~ election officials for 1247  
their services during a calendar year that is greater than the 1248  
applicable percentage limitation described in division 1249  
~~(E)~~(D)(1)(b) or (c) of this section. 1250

~~(F)~~(E) No ~~judge of an precinct~~ election official who works 1251  
less than the full election day shall be paid the maximum amount 1252  
allowed under this section or the maximum amount as set by the 1253  
board of elections, whichever is less. 1254

~~(G)~~(F)(1) Except as otherwise provided in divisions ~~(G)~~(F)(4) 1255  
to (6) of this section, any employee of the state or of any 1256  
political subdivision of the state may serve as a ~~judge of~~ 1257  
~~elections~~ precinct election official on the day of an election 1258  
without loss of the employee's regular compensation for that day 1259  
as follows: 1260

(a) For employees of a county office, department, commission, 1261  
board, or other entity, or of a court of common pleas, county 1262  
court, or county-operated municipal court, as defined in section 1263  
1901.03 of the Revised Code, the employee's appointing authority 1264

may permit leave with pay for this service in accordance with a 1265  
resolution setting forth the terms and conditions for that leave 1266  
passed by the board of county commissioners. 1267

(b) For all other employees of a political subdivision of the 1268  
state, leave with pay for this service shall be subject to the 1269  
terms and conditions set forth in an ordinance or a resolution 1270  
passed by the legislative authority of the applicable political 1271  
subdivision. 1272

(c) For state employees, leave with pay for this service 1273  
shall be subject to the terms and conditions set forth by the head 1274  
of the state agency, as defined in section 1.60 of the Revised 1275  
Code, by which the person is employed. 1276

(2) Any terms and conditions set forth by a board of county 1277  
commissioners, legislative authority of a political subdivision, 1278  
or head of a state agency under division ~~(G)~~(F)(1) of this section 1279  
shall include a standard procedure for deciding which employees 1280  
are permitted to receive leave with pay if multiple employees of 1281  
an entity or court described in division ~~(G)~~(F)(1)(a) of this 1282  
section, of an entity of a political subdivision described in 1283  
division ~~(G)~~(F)(1)(b) of this section, or of a state agency as 1284  
defined in section 1.60 of the Revised Code apply to serve as a 1285  
~~judge of elections~~ precinct election official on the day of an 1286  
election. This procedure shall be applied uniformly to all 1287  
similarly situated employees. 1288

(3) Any employee who is eligible for leave with pay under 1289  
division ~~(G)~~(F)(1) of this section shall receive, in addition to 1290  
the employee's regular compensation, the compensation paid to the 1291  
~~judge of an~~ precinct election official under division (B) ~~or~~ (C) ~~or~~ 1292  
~~(D)~~ of this section. 1293

(4) Division ~~(G)~~(F)(1) of this section does not apply to 1294  
either of the following: 1295

(a) Election officials;	1296
(b) Public school teachers.	1297
(5) Nothing in division <del>(G)</del> (F)(1) of this section supersedes or negates any provision of a collective bargaining agreement in effect under Chapter 4117. of the Revised Code.	1298 1299 1300
(6) If a board of county commissioners, legislative authority of a political subdivision, or head of a state agency fails to set forth any terms and conditions under division <del>(G)</del> (F)(1) of this section, an employee of an entity or court described in division <del>(G)</del> (F)(1)(a) of this section, of an entity of a political subdivision described in division <del>(G)</del> (F)(1)(b) of this section, or of a state agency as defined in section 1.60 of the Revised Code may use personal leave, vacation leave, or compensatory time, or take unpaid leave, to serve as a <del>judge of elections precinct</del> <u>election official</u> on the day of an election.	1301 1302 1303 1304 1305 1306 1307 1308 1309 1310
<del>(H)</del> (G) The board of elections may withhold the compensation of any precinct <u>election</u> official for failure to obey the instructions of the board or to comply with the law relating to the duties of <del>such a precinct judge</del> <u>election official</u> . Any payment a <del>judge of an precinct</del> <u>election official</u> is entitled to receive under section 3501.36 of the Revised Code is in addition to the compensation the <del>judge</del> <u>official</u> is entitled to receive under this section.	1311 1312 1313 1314 1315 1316 1317 1318
<b>Sec. 3501.29.</b> (A) The board of elections shall provide for each precinct a polling place and provide adequate facilities at each polling place for conducting the election. The board shall provide a sufficient number of screened or curtained voting compartments to which electors may retire and conveniently mark their ballots, protected from the observation of others. Each voting compartment shall be provided at all times with writing implements, instructions how to vote, and other necessary	1319 1320 1321 1322 1323 1324 1325 1326

conveniences for marking the ballot. The ~~presiding judge~~ voting 1327  
location manager shall ensure that the voting compartments at all 1328  
times are adequately lighted and contain the necessary supplies. 1329  
The board shall utilize, in so far as practicable, rooms in public 1330  
schools and other public buildings for polling places. Upon 1331  
application of the board of elections, the authority which has the 1332  
control of any building or grounds supported by taxation under the 1333  
laws of this state, shall make available the necessary space 1334  
therein for the purpose of holding elections and adequate space 1335  
for the storage of voting machines, without charge for the use 1336  
thereof. A reasonable sum may be paid for necessary janitorial 1337  
service. When polling places are established in private buildings, 1338  
the board may pay a reasonable rental therefor, and also the cost 1339  
of liability insurance covering the premises when used for 1340  
election purposes, or the board may purchase a single liability 1341  
policy covering the board and the owners of the premises when used 1342  
for election purposes. When removable buildings are supplied by 1343  
the board, they shall be constructed under the contract let to the 1344  
lowest and best bidder, and the board shall observe all ordinances 1345  
and regulations then in force as to safety. The board shall remove 1346  
all such buildings from streets and other public places within 1347  
thirty days after an election, unless another election is to be 1348  
held within ninety days. 1349

(B)(1) Except as otherwise provided in this section, the 1350  
board shall ensure all of the following: 1351

(a) That polling places are free of barriers that would 1352  
impede ingress and egress of handicapped persons; 1353

(b) That the minimum number of special parking locations, 1354  
also known as handicapped parking spaces or disability parking 1355  
spaces, for handicapped persons are designated at each polling 1356  
place in accordance with 28 C.F.R. Part 36, Appendix A, and in 1357  
compliance with division (E) of section 4511.69 of the Revised 1358

Code. 1359

(c) That the entrances of polling places are level or are 1360  
provided with a nonskid ramp ~~of not over eight per cent gradient~~ 1361  
that meets the requirements of the "Americans with Disabilities 1362  
Act of 1990," 104 Stat. 327, 42 U.S.C. 12101; 1363

(d) That doors are a minimum of thirty-two inches wide. 1364

(2) Notwithstanding division (B)(1)(a), (c), or (d) of this 1365  
section, certain polling places may be specifically exempted by 1366  
the secretary of state upon certification by a board of elections 1367  
that a good faith, but unsuccessful, effort has been made to 1368  
modify, or change the location of, such polling places. 1369

(C) ~~At any~~ If a polling place ~~that is~~ has been exempted from 1370  
compliance by the secretary of state under division (B)(2) of this 1371  
section, the board of elections shall permit any handicapped 1372  
elector who travels to that ~~elector's~~ polling place, but who is 1373  
unable to enter the polling place due to the inaccessibility of 1374  
the polling place, to vote, with the assistance of two polling 1375  
place officials of major political parties, in the vehicle that 1376  
conveyed that elector to the polling place, or to receive and cast 1377  
that elector's ballot at the door of the polling place. 1378

(D) The secretary of state shall: 1379

(1) Work with other state agencies to facilitate the 1380  
distribution of information and technical assistance to boards of 1381  
elections to meet the requirements of division (B) of this 1382  
section; 1383

(2) Work with organizations that represent or provide 1384  
services to handicapped, disabled, or elderly citizens to effect a 1385  
wide dissemination of information about the availability of 1386  
absentee voting, voting in the voter's vehicle or at the door of 1387  
the polling place, or other election services to handicapped, 1388  
disabled, or elderly citizens. 1389

(E) Before the day of an election, the director of the board of elections of each county shall sign a statement verifying that each polling place that will be used in that county at that election meets the requirements of division (B)(1)(b) of this section. The signed statement shall be sent to the secretary of state by certified mail.

(F) As used in this section, "handicapped" means having lost the use of one or both legs, one or both arms, or any combination thereof, or being blind or so severely disabled as to be unable to move about without the aid of crutches or a wheelchair.

**Sec. 3501.30.** (A) The board of elections shall provide for each polling place the necessary ballot boxes, official ballots, cards of instructions, registration forms, pollbooks or poll lists, tally sheets, forms on which to make summary statements, writing implements, paper, and all other supplies necessary for casting and counting the ballots and recording the results of the voting at the polling place. The pollbooks or poll lists shall have certificates appropriately printed on them for the signatures of all the precinct officials, by which they shall certify that, to the best of their knowledge and belief, the pollbooks or poll lists correctly show the names of all electors who voted in the polling place at the election indicated in the pollbooks or poll lists.

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

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

(2) Any materials, postings, or instructions required to

comply with state or federal laws; 1421

(3) A flag of the United States approximately two and 1422  
one-half feet in length along the top, which shall be displayed 1423  
outside the entrance to the polling place during the time it is 1424  
open for voting; 1425

(4) Two or more small flags of the United States 1426  
approximately fifteen inches in length along the top, which shall 1427  
be placed at a distance of one hundred feet from the polling place 1428  
on the thoroughfares or walkways leading to the polling place, to 1429  
mark the distance within which persons other than election 1430  
officials, observers, police officers, and electors waiting to 1431  
mark, marking, or casting their ballots shall not loiter, 1432  
congregate, or engage in any kind of election campaigning. Where 1433  
small flags cannot reasonably be placed one hundred feet from the 1434  
polling place, the ~~presiding election judge~~ voting location 1435  
manager shall place the flags as near to one hundred feet from the 1436  
entrance to the polling place as is physically possible. Police 1437  
officers and all election officials shall see that this 1438  
prohibition against loitering and congregating is enforced. 1439

When the period of time during which the polling place is 1440  
open for voting expires, all of the flags described in this 1441  
division shall be taken into the polling place and shall be 1442  
returned to the board together with all other election supplies 1443  
required to be delivered to the board. 1444

(B) The board of elections shall follow the instructions and 1445  
advisories of the secretary of state in the production and use of 1446  
polling place supplies. 1447

Sec. 3501.302. The secretary of state may enter into 1448  
agreements for the bulk purchase of election supplies in order to 1449  
reduce the costs for such purchases by individual boards of 1450  
elections. A board of elections desiring to participate in such 1451

purchase agreements shall file with the secretary of state a 1452  
written request for inclusion. A request for inclusion shall 1453  
include an agreement to be bound by such terms and conditions as 1454  
the secretary of state prescribes and to make direct payments to 1455  
the vendor under each purchase agreement. 1456

**Sec. 3501.31.** The board of elections shall mail to each 1457  
precinct election official notice of the date, hours, and place of 1458  
holding each election in the official's respective precinct at 1459  
which it desires the official to serve. Each of such officials 1460  
shall notify the board immediately upon receipt of such notice of 1461  
any inability to serve. 1462

The election official designated as ~~presiding judge voting~~ 1463  
location manager under section 3501.22 of the Revised Code shall 1464  
call at the office of the board at such time before the day of the 1465  
election, not earlier than the tenth day before the day of the 1466  
election, as the board designates to obtain the ballots, 1467  
pollbooks, registration forms and lists, and other material to be 1468  
used in the official's polling place on election day. 1469

The board may also provide for the delivery of such materials 1470  
to polling places in a municipal corporation by members of the 1471  
police department of such municipal corporation; or the board may 1472  
provide for the delivery of such materials to the ~~presiding judge~~ 1473  
voting location manager not earlier than the tenth day before the 1474  
election, in any manner it finds to be advisable. 1475

On election day the precinct election officials shall 1476  
punctually attend the polling place ~~one-half hour before~~ at the 1477  
~~time fixed for opening the polls~~ determined by the board of 1478  
elections. Each of the precinct election officials shall thereupon 1479  
make and subscribe to a statement which shall be as follows: 1480

"State of Ohio 1481



County of ..... 1482

I do solemnly swear under the penalty of perjury that I will 1483  
support the constitution of the United States of America and the 1484  
constitution of the state of Ohio and its laws; that I have not 1485  
been convicted of a felony or any violation of the election laws; 1486  
that I will discharge to the best of my ability the duties of 1487  
~~judge of precinct~~ election official in and for precinct 1488  
..... in the ..... (township) or 1489  
(ward and city or village) ..... in the county of 1490  
....., in the election to be held on the ..... 1491  
day of ....., ....., as required by law and the rules 1492  
and instructions of the board of elections of said county; and 1493  
that I will endeavor to prevent fraud in such election, and will 1494  
report immediately to said board any violations of the election 1495  
laws which come to my attention, and will not disclose any 1496  
information as to how any elector voted which is gained by me in 1497  
the discharge of my official duties. 1498

..... 1499  
..... 1500  
..... 1501  
..... 1502  
..... 1503  
..... 1504

(Signatures of precinct election officials)" 1505

If any of the other precinct election officials is absent at 1506  
that time, the ~~presiding judge~~ voting location manager, with the 1507  
concurrence of a majority of the precinct election officials 1508  
present, shall appoint a qualified elector who is a member of the 1509  
same political party as the political party of which such absent 1510  
precinct election official is a member to fill the vacancy until 1511

the board appoints a person to fill such vacancy and the person so 1512  
appointed reports for duty at the polling place. The ~~presiding~~ 1513  
~~judge~~ voting location manager shall promptly notify the board of 1514  
such vacancy by telephone or otherwise. The ~~presiding judge~~ voting 1515  
location manager also shall assign the precinct election officials 1516  
to their respective duties and shall have general charge of the 1517  
polling place. 1518

**Sec. 3501.32.** (A) Except as otherwise provided in division 1519  
(B) of this section, on the day of the election the polls shall be 1520  
opened by proclamation by the ~~presiding judge~~ voting location 1521  
manager, or in ~~his~~ the manager's absence by a ~~presiding judge~~ 1522  
voting location manager chosen by the ~~judges~~ precinct election 1523  
officials, at six-thirty a.m. and shall be closed by proclamation 1524  
at seven-thirty p.m. unless there are voters waiting in line to 1525  
cast their ballots, in which case the polls shall be kept open 1526  
until such waiting voters have voted. 1527

(B) On the day of the election, any polling place located on 1528  
an island not connected to the mainland by a highway or a bridge 1529  
may close earlier than seven-thirty p.m. if all registered voters 1530  
in the precinct have voted. When a polling place closes under 1531  
division (B) of this section the ~~presiding judge~~ voting location 1532  
manager shall immediately notify the board of elections of the 1533  
closing. 1534

**Sec. 3501.33.** All ~~judges of~~ precinct election officials shall 1535  
enforce peace and good order in and about the place of 1536  
registration or election. They shall especially keep the place of 1537  
access of the electors to the polling place open and unobstructed 1538  
and prevent and stop any improper practices or attempts tending to 1539  
obstruct, intimidate, or interfere with any elector in registering 1540  
or voting. They shall protect observers against molestation and 1541  
violence in the performance of their duties, and may eject from 1542

the polling place any observer for violation of any provision of 1543  
Title XXXV of the Revised Code. They shall prevent riots, 1544  
violence, tumult, or disorder. In the discharge of these duties, 1545  
they may call upon the sheriff, police, or other peace officers to 1546  
aid them in enforcing the law. They may order the arrest of any 1547  
person violating Title XXXV of the Revised Code, but such an 1548  
arrest shall not prevent the person from registering or voting if 1549  
the person is entitled to do so. The sheriff, all constables, 1550  
police officers, and other officers of the peace shall immediately 1551  
obey and aid in the enforcement of any lawful order made by the 1552  
precinct election officials in the enforcement of Title XXXV of 1553  
the Revised Code. 1554

**Sec. 3501.35.** (A) During an election and the counting of the 1555  
ballots, no person shall do any of the following: 1556

(1) Loiter, congregate, or engage in any kind of election 1557  
campaigning within the area between the polling place and the 1558  
small flags of the United States placed on the thoroughfares and 1559  
walkways leading to the polling place, and if the line of electors 1560  
waiting to vote extends beyond those small flags, within ten feet 1561  
of any elector in that line; 1562

(2) In any manner hinder or delay an elector in reaching or 1563  
leaving the place fixed for casting the elector's ballot; 1564

(3) Give, tender, or exhibit any ballot or ticket to any 1565  
person other than the elector's own ballot to the ~~judge of~~ 1566  
precinct election officials within the area between the polling 1567  
place and the small flags of the United States placed on the 1568  
thoroughfares and walkways leading to the polling place, and if 1569  
the line of electors waiting to vote extends beyond those small 1570  
flags, within ten feet of any elector in that line; 1571

(4) Exhibit any ticket or ballot which the elector intends to 1572  
cast; 1573

(5) Solicit or in any manner attempt to influence any elector 1574  
in casting the elector's vote. 1575

(B)(1) Except as otherwise provided in division (B)(2) of 1576  
this section and division (C) of section 3503.23 of the Revised 1577  
Code, no person who is not an election official, employee, 1578  
observer, or police officer shall be allowed to enter the polling 1579  
place during the election, except for the purpose of voting or 1580  
assisting another person to vote as provided in section 3505.24 of 1581  
the Revised Code. 1582

(2) Notwithstanding any provision of this section to the 1583  
contrary, a journalist shall be allowed reasonable access to a 1584  
polling place during an election. As used in this division, 1585  
"journalist" has the same meaning as in division (B)(9) of section 1586  
149.43 of the Revised Code. 1587

(C) No more electors shall be allowed to approach the voting 1588  
shelves at any time than there are voting shelves provided. 1589

(D) The ~~judges of~~ precinct election officials and the police 1590  
officer shall strictly enforce the observance of this section. 1591

**Sec. 3501.37.** After each election, the ~~judges of elections~~ 1592  
precinct election officials of each precinct, except when the 1593  
board of elections assumes the duty, shall see that the movable 1594  
booths and other equipment are returned for safekeeping to the 1595  
fiscal officer of the township or to the clerk or auditor of the 1596  
municipal corporation in which the precinct is situated. The 1597  
fiscal officer, clerk, or auditor shall have booths and equipment 1598  
on hand and in place at the polling places in each precinct before 1599  
the time for opening the polls on election days, and for this 1600  
service the board may allow the necessary expenses incurred. In 1601  
cities, this duty shall devolve on the board. 1602

**Sec. 3501.38.** All declarations of candidacy, nominating 1603

petitions, or other petitions presented to or filed with the 1604  
secretary of state or a board of elections or with any other 1605  
public office for the purpose of becoming a candidate for any 1606  
nomination or office or for the holding of an election on any 1607  
issue shall, in addition to meeting the other specific 1608  
requirements prescribed in the sections of the Revised Code 1609  
relating to them, be governed by the following rules: 1610

(A) Only electors qualified to vote on the candidacy or issue 1611  
which is the subject of the petition shall sign a petition. Each 1612  
signer shall be a registered elector pursuant to section ~~3503.11~~ 1613  
3503.01 of the Revised Code. The facts of qualification shall be 1614  
determined as of the date when the petition is filed. 1615

(B) Signatures shall be affixed in ink. Each signer may also 1616  
print the signer's name, so as to clearly identify the signer's 1617  
signature. 1618

(C) Each signer shall place on the petition after the 1619  
signer's name the date of signing and the location of the signer's 1620  
voting residence, including the street and number if in a 1621  
municipal corporation or the rural route number, post office 1622  
address, or township if outside a municipal corporation. The 1623  
voting address given on the petition shall be the address 1624  
appearing in the registration records at the board of elections. 1625

(D) Except as otherwise provided in section 3501.382 of the 1626  
Revised Code, no person shall write any name other than the 1627  
person's own on any petition. Except as otherwise provided in 1628  
section 3501.382 of the Revised Code, no person may authorize 1629  
another to sign for the person. If a petition contains the 1630  
signature of an elector two or more times, only the first 1631  
signature shall be counted. 1632

(E)(1) On each petition paper, the circulator shall indicate 1633  
the number of signatures contained on it, and shall sign a 1634

statement made under penalty of election falsification that the 1635  
circulator witnessed the affixing of every signature, that all 1636  
signers were to the best of the circulator's knowledge and belief 1637  
qualified to sign, and that every signature is to the best of the 1638  
circulator's knowledge and belief the signature of the person 1639  
whose signature it purports to be or of an attorney in fact acting 1640  
pursuant to section 3501.382 of the Revised Code. On the 1641  
circulator's statement for a declaration of candidacy or 1642  
nominating petition for a person seeking to become a statewide 1643  
candidate or for a statewide initiative or a statewide referendum 1644  
petition, the circulator shall identify the circulator's name, the 1645  
address of the circulator's permanent residence, and the name and 1646  
address of the person employing the circulator to circulate the 1647  
petition, if any. 1648

(2) As used in division (E) of this section, "statewide 1649  
candidate" means the joint candidates for the offices of governor 1650  
and lieutenant governor or a candidate for the office of secretary 1651  
of state, auditor of state, treasurer of state, or attorney 1652  
general. 1653

(F) Except as otherwise provided in section 3501.382 of the 1654  
Revised Code, if a circulator knowingly permits an unqualified 1655  
person to sign a petition paper or permits a person to write a 1656  
name other than the person's own on a petition paper, that 1657  
petition paper is invalid; otherwise, the signature of a person 1658  
not qualified to sign shall be rejected but shall not invalidate 1659  
the other valid signatures on the paper. 1660

(G) The circulator of a petition may, before filing it in a 1661  
public office, strike from it any signature the circulator does 1662  
not wish to present as a part of the petition. 1663

(H) Any signer of a petition or an attorney in fact acting 1664  
pursuant to section 3501.382 of the Revised Code on behalf of a 1665  
signer may remove the signer's signature from that petition at any 1666

time before the petition is filed in a public office by striking 1667  
the signer's name from the petition; no signature may be removed 1668  
after the petition is filed in any public office. 1669

(I)(1) No alterations, corrections, or additions may be made 1670  
to a petition after it is filed in a public office. 1671

(2)(a) No declaration of candidacy, nominating petition, or 1672  
other petition for the purpose of becoming a candidate may be 1673  
withdrawn after it is filed in a public office. Nothing in this 1674  
division prohibits a person from withdrawing as a candidate as 1675  
otherwise provided by law. 1676

(b) No petition presented to or filed with the secretary of 1677  
state, a board of elections, or any other public office for the 1678  
purpose of the holding of an election on any question or issue may 1679  
be resubmitted after it is withdrawn from a public office. Nothing 1680  
in this division prevents a question or issue petition from being 1681  
withdrawn by the filing of a written notice of the withdrawal by a 1682  
majority of the members of the petitioning committee with the same 1683  
public office with which the petition was filed prior to the 1684  
sixtieth day before the election at which the question or issue is 1685  
scheduled to appear on the ballot. 1686

(J) All declarations of candidacy, nominating petitions, or 1687  
other petitions under this section shall be accompanied by the 1688  
following statement in boldface capital letters: WHOEVER COMMITS 1689  
ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE. 1690

(K) All separate petition papers shall be filed at the same 1691  
time, as one instrument. 1692

(L) If a board of elections distributes for use a petition 1693  
form for a declaration of candidacy, nominating petition, or any 1694  
type of question or issue petition that does not satisfy the 1695  
requirements of law as of the date of that distribution, the board 1696  
shall not invalidate the petition on the basis that the petition 1697

form does not satisfy the requirements of law, if the petition 1698  
otherwise is valid. Division (L) of this section applies only if 1699  
the candidate received the petition from the board within ninety 1700  
days of when the petition is required to be filed. 1701

**Sec. 3503.02.** All registrars and ~~judges of elections~~ precinct 1702  
election officials, in determining the residence of a person 1703  
offering to register or vote, shall be governed by the following 1704  
rules: 1705

(A) That place shall be considered the residence of a person 1706  
in which the person's habitation is fixed and to which, whenever 1707  
the person is absent, the person has the intention of returning. 1708

(B) A person shall not be considered to have lost the 1709  
person's residence who leaves the person's home and goes into 1710  
another state or county of this state, for temporary purposes 1711  
only, with the intention of returning. 1712

(C) A person shall not be considered to have gained a 1713  
residence in any county of this state into which the person comes 1714  
for temporary purposes only, without the intention of making such 1715  
county the permanent place of abode. 1716

(D) The place where the family of a married person resides 1717  
shall be considered to be the person's place of residence; except 1718  
that when the spouses have separated and live apart, the place 1719  
where such a spouse resides the length of time required to entitle 1720  
a person to vote shall be considered to be the spouse's place of 1721  
residence. 1722

(E) If a person removes to another state with the intention 1723  
of making such state the person's residence, the person shall be 1724  
considered to have lost the person's residence in this state. 1725

(F) Except as otherwise provided in division (G) of this 1726  
section, if a person removes from this state and continuously 1727



resides outside this state for a period of four years or more, the 1728  
person shall be considered to have lost the person's residence in 1729  
this state, notwithstanding the fact that the person may entertain 1730  
an intention to return at some future period. 1731

(G) If a person removes from this state to engage in the 1732  
services of the United States government, the person shall not be 1733  
considered to have lost the person's residence in this state 1734  
during the period of such service, and likewise should the person 1735  
enter the employment of the state, the place where such person 1736  
resided at the time of the person's removal shall be considered to 1737  
be the person's place of residence. 1738

(H) If a person goes into another state and while there 1739  
exercises the right of a citizen by voting, the person shall be 1740  
considered to have lost the person's residence in this state. 1741

(I) If a person does not have a fixed place of habitation, 1742  
but has a shelter or other location at which the person has been a 1743  
consistent or regular inhabitant and to which the person has the 1744  
intention of returning, that shelter or other location shall be 1745  
deemed the person's residence for the purpose of registering to 1746  
vote. 1747

**Sec. 3503.06.** ~~(A)~~ No person shall be entitled to vote at any 1748  
election, or to sign ~~or circulate~~ any declaration of candidacy or 1749  
any ~~nominating, or recall~~ election petition, unless the person is 1750  
registered as an elector and will have resided in the county and 1751  
precinct where the person is registered for at least thirty days 1752  
at the time of the next election. 1753

~~(B)(1) No person shall be entitled to circulate any 1754  
initiative or referendum petition unless the person is a resident 1755  
of this state. 1756~~

~~(2) All election officials, in determining the residence of a 1757~~

~~person circulating a petition under division (B)(1) of this section, shall be governed by the following rules:~~ 1758  
1759

~~(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.~~ 1760  
1761  
1762

~~(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.~~ 1763  
1764  
1765  
1766

~~(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.~~ 1767  
1768  
1769  
1770

~~(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.~~ 1771  
1772  
1773

~~(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.~~ 1774  
1775  
1776  
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1779

~~(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.~~ 1780  
1781  
1782  
1783  
1784  
1785  
1786

~~(g) If a person goes into another state and, while there, exercises the right of a citizen by voting, the person shall be~~ 1787  
1788

~~considered to have lost the person's residence in this state.~~ 1789

~~(C) No person shall be entitled to sign any initiative or 1790  
referendum petition unless the person is registered as an elector 1791  
and will have resided in the county and precinct where the person 1792  
is registered for at least thirty days at the time of the next 1793  
election.~~ 1794

**Sec. 3503.10.** (A) Each designated agency shall designate one 1795  
person within that agency to serve as coordinator for the voter 1796  
registration program within the agency and its departments, 1797  
divisions, and programs. The designated person shall be trained 1798  
under a program designed by the secretary of state and shall be 1799  
responsible for administering all aspects of the voter 1800  
registration program for that agency as prescribed by the 1801  
secretary of state. The designated person shall receive no 1802  
additional compensation for performing such duties. 1803

(B) Every designated agency, public high school and 1804  
vocational school, public library, and office of a county 1805  
treasurer shall provide in each of its offices or locations voter 1806  
registration applications and assistance in the registration of 1807  
persons qualified to register to vote, in accordance with this 1808  
chapter. 1809

(C) Every designated agency shall distribute to its 1810  
applicants, prior to or in conjunction with distributing a voter 1811  
registration application, a form prescribed by the secretary of 1812  
state that includes all of the following: 1813

(1) The question, "Do you want to register to vote or update 1814  
your current voter registration?"--followed by boxes for the 1815  
applicant to indicate whether the applicant would like to register 1816  
or decline to register to vote, and the statement, highlighted in 1817  
bold print, "If you do not check either box, you will be 1818  
considered to have decided not to register to vote at this time.;" 1819

(2) If the agency provides public assistance, the statement, 1820  
"Applying to register or declining to register to vote will not 1821  
affect the amount of assistance that you will be provided by this 1822  
agency." ; 1823

(3) The statement, "If you would like help in filling out the 1824  
voter registration application form, we will help you. The 1825  
decision whether to seek or accept help is yours. You may fill out 1826  
the application form in private." ; 1827

(4) The statement, "If you believe that someone has 1828  
interfered with your right to register or to decline to register 1829  
to vote, your right to privacy in deciding whether to register or 1830  
in applying to register to vote, or your right to choose your own 1831  
political party or other political preference, you may file a 1832  
complaint with the prosecuting attorney of your county or with the 1833  
secretary of state," with the address and telephone number for 1834  
each such official's office. 1835

(D) Each designated agency shall distribute a voter 1836  
registration form prescribed by the secretary of state to each 1837  
applicant with each application for service or assistance, and 1838  
with each written application or form for recertification, 1839  
renewal, or change of address. 1840

(E) Each designated agency shall do all of the following: 1841

(1) Have employees trained to administer the voter 1842  
registration program in order to provide to each applicant who 1843  
wishes to register to vote and who accepts assistance, the same 1844  
degree of assistance with regard to completion of the voter 1845  
registration application as is provided by the agency with regard 1846  
to the completion of its own form; 1847

(2) Accept completed voter registration applications, voter 1848  
registration change of residence forms, and voter registration 1849  
change of name forms, regardless of whether the application or 1850

form was distributed by the designated agency, for transmittal to 1851  
the office of the board of elections in the county in which the 1852  
agency is located. Each designated agency and the appropriate 1853  
board of elections shall establish a method by which the voter 1854  
registration applications and other voter registration forms are 1855  
transmitted to that board of elections within five days after 1856  
being accepted by the agency. 1857

(3) If the designated agency is one that is primarily engaged 1858  
in providing services to persons with disabilities under a 1859  
state-funded program, and that agency provides services to a 1860  
person with disabilities at a person's home, provide the services 1861  
described in divisions (E)(1) and (2) of this section at the 1862  
person's home; 1863

(4) Keep as confidential, except as required by the secretary 1864  
of state for record-keeping purposes, the identity of an agency 1865  
through which a person registered to vote or updated the person's 1866  
voter registration records, and information relating to a 1867  
declination to register to vote made in connection with a voter 1868  
registration application issued by a designated agency. 1869

(F) The secretary of state shall prepare and transmit written 1870  
instructions on the implementation of the voter registration 1871  
program within each designated agency, public high school and 1872  
vocational school, public library, and office of a county 1873  
treasurer. The instructions shall include directions as follows: 1874

(1) That each person designated to assist with voter 1875  
registration maintain strict neutrality with respect to a person's 1876  
political philosophies, a person's right to register or decline to 1877  
register, and any other matter that may influence a person's 1878  
decision to register or not register to vote; 1879

(2) That each person designated to assist with voter 1880  
registration not seek to influence a person's decision to register 1881

or not register to vote, not display or demonstrate any political 1882  
preference or party allegiance, and not make any statement to a 1883  
person or take any action the purpose or effect of which is to 1884  
lead a person to believe that a decision to register or not 1885  
register has any bearing on the availability of services or 1886  
benefits offered, on the grade in a particular class in school, or 1887  
on credit for a particular class in school; 1888

(3) Regarding when and how to assist a person in completing 1889  
the voter registration application, what to do with the completed 1890  
voter registration application or voter registration update form, 1891  
and when the application must be transmitted to the appropriate 1892  
board of elections; 1893

(4) Regarding what records must be kept by the agency and 1894  
where and when those records should be transmitted to satisfy 1895  
reporting requirements imposed on the secretary of state under the 1896  
National Voter Registration Act of 1993; 1897

(5) Regarding whom to contact to obtain answers to questions 1898  
about voter registration forms and procedures. 1899

(G) If the voter registration activity is part of an in-class 1900  
voter registration program in a public high school or vocational 1901  
school, whether prescribed by the secretary of state or 1902  
independent of the secretary of state, the board of education 1903  
shall do all of the following: 1904

(1) Establish a schedule of school days and hours during 1905  
these days when the person designated to assist with voter 1906  
registration shall provide voter registration assistance; 1907

(2) Designate a person to assist with voter registration from 1908  
the public high school's or vocational school's staff; 1909

(3) Make voter registration applications and materials 1910  
available, as outlined in the voter registration program 1911  
established by the secretary of state pursuant to section 3501.05 1912

of the Revised Code; 1913

(4) Distribute the statement, "applying to register or 1914  
declining to register to vote will not affect or be a condition of 1915  
your receiving a particular grade in or credit for a school course 1916  
or class, participating in a curricular or extracurricular 1917  
activity, receiving a benefit or privilege, or participating in a 1918  
program or activity otherwise available to pupils enrolled in this 1919  
school district's schools."; 1920

(5) Establish a method by which the voter registration 1921  
application and other voter registration forms are transmitted to 1922  
the board of elections within five days after being accepted by 1923  
the public high school or vocational school. 1924

(H) Any person employed by the designated agency, public high 1925  
school or vocational school, public library, or office of a county 1926  
treasurer may be designated to assist with voter registration 1927  
pursuant to this section. The designated agency, public high 1928  
school or vocational school, public library, or office of a county 1929  
treasurer shall provide the designated person, and make available 1930  
such space as may be necessary, without charge to the county or 1931  
state. 1932

(I) The secretary of state shall prepare and cause to be 1933  
displayed in a prominent location in each designated agency a 1934  
notice that identifies the person designated to assist with voter 1935  
registration, the nature of that person's duties, and where and 1936  
when that person is available for assisting in the registration of 1937  
voters. 1938

A designated agency may furnish additional supplies and 1939  
services to disseminate information to increase public awareness 1940  
of the existence of a person designated to assist with voter 1941  
registration in every designated agency. 1942

(J) This section does not limit any authority a board of 1943

education, superintendent, or principal has to allow, sponsor, or 1944  
promote voluntary election registration programs within a high 1945  
school or vocational school, including programs in which pupils 1946  
serve as persons designated to assist with voter registration, 1947  
provided that no pupil is required to participate. 1948

(K) Each public library and office of the county treasurer 1949  
shall establish a method by which voter registration forms are 1950  
transmitted to the board of elections within five days after being 1951  
accepted by the public library or office of the county treasurer. 1952

(L) The department of job and family services and its 1953  
departments, divisions, and programs shall limit administration of 1954  
the aspects of the voter registration program for the department 1955  
to the requirements prescribed by the secretary of state ~~and~~, the 1956  
requirements of this section and section 3503.19 of the Revised 1957  
Code, and the requirements of the National Voter Registration Act 1958  
of 1993. 1959

**Sec. 3503.14.** (A) The secretary of state shall prescribe the 1960  
form and content of the registration, change of residence, and 1961  
change of name forms used in this state. The forms shall meet the 1962  
requirements of the National Voter Registration Act of 1993 and 1963  
shall include spaces for all of the following: 1964

(1) The voter's name; 1965

(2) The voter's address; 1966

(3) The current date; 1967

(4) The voter's date of birth; 1968

(5) The voter to provide one or more of the following: 1969

(a) The voter's driver's license number, if any; 1970

(b) The ~~last four digits of the~~ voter's social security 1971  
number, if any; 1972



(c) A copy of a current and valid photo identification, a 1973  
copy of a military identification, or a copy of a current utility 1974  
bill, bank statement, government check, paycheck, or other 1975  
government document, other than ~~a notice of an election mailed by~~ 1976  
~~a board of elections under section 3501.19 of the Revised Code or~~ 1977  
a notice of voter registration mailed by a board of elections 1978  
under section 3503.19 of the Revised Code, that shows the voter's 1979  
name and address. 1980

(6) The voter's signature. 1981

The registration form shall include a space on which the 1982  
person registering an applicant shall sign the person's name and 1983  
provide the person's address and a space on which the person 1984  
registering an applicant shall name the employer who is employing 1985  
that person to register the applicant. 1986

Except for forms prescribed by the secretary of state under 1987  
section 3503.11 of the Revised Code, the secretary of state shall 1988  
permit boards of elections to produce forms that have subdivided 1989  
spaces for each individual alphanumeric character of the 1990  
information provided by the voter so as to accommodate the 1991  
electronic reading and conversion of the voter's information to 1992  
data and the subsequent electronic transfer of that data to the 1993  
statewide voter registration database established under section 1994  
3503.15 of the Revised Code. 1995

(B) None of the following persons who are registering an 1996  
applicant in the course of that official's or employee's normal 1997  
duties shall sign the person's name, provide the person's address, 1998  
or name the employer who is employing the person to register an 1999  
applicant on a form prepared under this section: 2000

(1) An election official; 2001

(2) A county treasurer; 2002

(3) A deputy registrar of motor vehicles; 2003

(4) An employee of a designated agency;	2004
(5) An employee of a public high school;	2005
(6) An employee of a public vocational school;	2006
(7) An employee of a public library;	2007
(8) An employee of the office of a county treasurer;	2008
(9) An employee of the bureau of motor vehicles;	2009
(10) An employee of a deputy registrar of motor vehicles;	2010
(11) An employee of an election official.	2011
(C) Except as provided in section 3501.382 of the Revised Code, any applicant who is unable to sign the applicant's own name shall make an "X," if possible, which shall be certified by the signing of the name of the applicant by the person filling out the form, who shall add the person's own signature. If an applicant is unable to make an "X," the applicant shall indicate in some manner that the applicant desires to register to vote or to change the applicant's name or residence. The person registering the applicant shall sign the form and attest that the applicant indicated that the applicant desired to register to vote or to change the applicant's name or residence.	2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022
(D) No registration, change of residence, or change of name form shall be rejected solely on the basis that a person registering an applicant failed to sign the person's name or failed to name the employer who is employing that person to register the applicant as required under division (A) of this section.	2023 2024 2025 2026 2027 2028
(E) <u>A voter registration application submitted online through the internet pursuant to section 3503.20 of the Revised Code is not required to contain a signature to be considered valid. The signature obtained under division (B) of that section shall be considered the applicant's signature for all election and</u>	2029 2030 2031 2032 2033

signature-matching purposes. 2034

(F) As used in this section, "registering an applicant" 2035  
includes any effort, for compensation, to provide voter 2036  
registration forms or to assist persons in completing or returning 2037  
those forms. 2038

**Sec. 3503.15.** (A)(1) The secretary of state shall establish 2039  
and maintain a statewide voter registration database that shall be 2040  
administered by the office of the secretary of state and made 2041  
continuously available to each board of elections and to other 2042  
agencies as authorized by law. 2043

(2) State agencies, including, but not limited to, the 2044  
department of health, bureau of motor vehicles, department of job 2045  
and family services, and the department of rehabilitation and 2046  
corrections, shall provide any information and data to the 2047  
secretary of state that the secretary of state considers necessary 2048  
in order to maintain the statewide voter registration database 2049  
established pursuant to this section. The secretary of state shall 2050  
ensure that any information or data provided to the secretary of 2051  
state that is confidential in the possession of the entity 2052  
providing the data remains confidential while in the possession of 2053  
the secretary of state. 2054

Information provided under this division for maintenance of 2055  
the statewide voter registration database shall not be used to 2056  
update the name or address of a registered elector. The name or 2057  
address of a registered elector shall only be updated as a result 2058  
of the elector's actions in filing a notice of change of name, 2059  
change of address, or both. 2060

(3) The secretary of state may enter into agreements to share 2061  
information or data with other states or groups of states, as the 2062  
secretary of state considers necessary, in order to maintain the 2063  
statewide voter registration database established pursuant to this 2064

section. Except as otherwise provided in this division, the 2065  
secretary of state shall ensure that any information or data 2066  
provided to the secretary of state that is confidential in the 2067  
possession of the state providing the data remains confidential 2068  
while in the possession of the secretary of state. The secretary 2069  
of state may provide such otherwise confidential information or 2070  
data to persons or organizations that are engaging in legitimate 2071  
governmental purposes related to the maintenance of the statewide 2072  
voter registration database. 2073

(B) The statewide voter registration database established 2074  
under this section shall be the official list of registered voters 2075  
for all elections conducted in this state. 2076

(C) The statewide voter registration database established 2077  
under this section shall, at a minimum, include all of the 2078  
following: 2079

(1) An electronic network that connects all board of 2080  
elections offices with the office of the secretary of state and 2081  
with the offices of all other boards of elections; 2082

(2) A computer program that harmonizes the records contained 2083  
in the database with records maintained by each board of 2084  
elections; 2085

(3) An interactive computer program that allows access to the 2086  
records contained in the database by each board of elections and 2087  
by any persons authorized by the secretary of state to add, 2088  
delete, modify, or print database records, and to conduct updates 2089  
of the database; 2090

(4) A search program capable of verifying registered voters 2091  
and their registration information by name, driver's license 2092  
number, birth date, social security number, or current address; 2093

(5) Safeguards and components to ensure that the integrity, 2094  
security, and confidentiality of the voter registration 2095

information is maintained. 2096

(D) The secretary of state shall adopt rules pursuant to 2097  
Chapter 119. of the Revised Code doing all of the following: 2098

(1) Specifying the manner in which existing voter 2099  
registration records maintained by boards of elections shall be 2100  
converted to electronic files for inclusion in the statewide voter 2101  
registration database; 2102

(2) Establishing a uniform method for entering voter 2103  
registration records into the statewide voter registration 2104  
database on an expedited basis, but not less than once per day, if 2105  
new registration information is received; 2106

(3) Establishing a uniform method for purging canceled voter 2107  
registration records from the statewide voter registration 2108  
database in accordance with section 3503.21 of the Revised Code; 2109

(4) Specifying the persons authorized to add, delete, modify, 2110  
or print records contained in the statewide voter registration 2111  
database and to make updates of that database; 2112

(5) Establishing a process for annually auditing the 2113  
information contained in the statewide voter registration 2114  
database; 2115

(6) Establishing a uniform method for addressing instances in 2116  
which records contained in the statewide voter registration 2117  
database do not conform with records maintained by the bureau of 2118  
motor vehicles. 2119

(E) A ~~board of elections promptly shall purge~~ a voter's name 2120  
and voter registration information shall be purged from the 2121  
statewide voter registration database in accordance with the rules 2122  
adopted by the secretary of state under division (D)(3) of this 2123  
section after the cancellation of a voter's registration under 2124  
section 3503.21 of the Revised Code. 2125

(F) The secretary of state shall provide training in the 2126  
operation of the statewide voter registration database to each 2127  
board of elections and to any persons authorized by the secretary 2128  
of state to add, delete, modify, or print database records, and to 2129  
conduct updates of the database. 2130

(G)(1) The statewide voter registration database established 2131  
under this section shall be made available on a web site of the 2132  
office of the secretary of state as follows: 2133

(a) Except as otherwise provided in division (G)(1)(b) of 2134  
this section, ~~only~~ the following information from the statewide 2135  
voter registration database regarding a registered voter shall be 2136  
made available on the web site: 2137

(i) The voter's name; 2138

(ii) The voter's address; 2139

(iii) The voter's precinct number; 2140

(iv) The voter's voting history. 2141

(b) During the thirty days before the day of a primary or 2142  
general election, the web site interface of the statewide voter 2143  
registration database shall permit a voter to search for the 2144  
polling location at which that voter may cast a ballot. 2145

(2) The secretary of state shall establish, by rule adopted 2146  
under Chapter 119. of the Revised Code, a process for boards of 2147  
elections to notify the secretary of state of changes in the 2148  
locations of precinct polling places for the purpose of updating 2149  
the information made available on the secretary of state's web 2150  
site under division (G)(1)(b) of this section. Those rules shall 2151  
require a board of elections, during the thirty days before the 2152  
day of a primary or general election, to notify the secretary of 2153  
state within one business day of any change to the location of a 2154  
precinct polling place within the county. 2155

(3) During the thirty days before the day of a primary or 2156  
general election, not later than one business day after receiving 2157  
a notification from a county pursuant to division (G)(2) of this 2158  
section that the location of a precinct polling place has changed, 2159  
the secretary of state shall update that information on the 2160  
secretary of state's web site for the purpose of division 2161  
(G)(1)(b) of this section. 2162

**Sec. 3503.16.** (A) Whenever a registered elector changes the 2163  
place of residence of that registered elector from one precinct to 2164  
another within a county or from one county to another, or has a 2165  
change of name, that registered elector shall report the change by 2166  
delivering a change of residence or change of name form, whichever 2167  
is appropriate, as prescribed by the secretary of state under 2168  
section 3503.14 of the Revised Code to the state or local office 2169  
of a designated agency, a public high school or vocational school, 2170  
a public library, the office of the county treasurer, the office 2171  
of the secretary of state, any office of the registrar or deputy 2172  
registrar of motor vehicles, or any office of a board of elections 2173  
in person or by a third person. Any voter registration, change of 2174  
address, or change of name application, returned by mail, may be 2175  
sent only to the secretary of state ~~or~~, the board of elections, or 2176  
to the state department or any county department of job and family 2177  
services. 2178

A registered elector also may update the registration of that 2179  
registered elector by filing a change of residence or change of 2180  
name form on the day of a special, primary, or general election at 2181  
the polling place in the precinct in which that registered elector 2182  
resides or at the board of elections or at another site designated 2183  
by the board. 2184

(B)(1)(a) Any registered elector who moves within a precinct 2185  
on or prior to the day of a general, primary, or special election 2186

and has not filed a notice of change of residence with the board 2187  
of elections may vote in that election by going to that registered 2188  
elector's assigned polling place in the precinct in which the 2189  
registered elector resides, completing and signing a notice of 2190  
change of residence, showing identification in the form of a 2191  
current and valid photo identification, a military identification, 2192  
or a copy of a current utility bill, bank statement, government 2193  
check, paycheck, or other government document, other than a ~~notice~~ 2194  
~~of an election mailed by a board of elections under section~~ 2195  
~~3501.19 of the Revised Code or a notice of voter registration~~ 2196  
~~mailed by a board of elections under section 3503.19 of the~~ 2197  
~~Revised Code, that shows the name and current address of the~~ 2198  
~~elector, and casting a ballot. If the elector provides either a~~ 2199  
~~driver's license or a state identification card issued under~~ 2200  
~~section 4507.50 of the Revised Code that does not contain the~~ 2201  
~~elector's current residence address, the elector shall provide the~~ 2202  
~~last four digits of the elector's driver's license number or state~~ 2203  
~~identification card number, and the precinct election official~~ 2204  
~~shall mark the poll list or signature pollbook to indicate that~~ 2205  
~~the elector has provided a driver's license or state~~ 2206  
~~identification card number with a former address and record the~~ 2207  
~~last four digits of the elector's driver's license number or state~~ 2208  
~~identification card number.~~ 2209

(b) Any registered elector who changes the name of that 2210  
registered elector and remains within a precinct on or prior to 2211  
the day of a general, primary, or special election and has not 2212  
filed a notice of change of name with the board of elections may 2213  
vote in that election by going to that registered elector's 2214  
assigned polling place, completing and signing a notice of a 2215  
change of name, showing the identification required by division 2216  
(B)(1)(a) of this section, and casting a ~~provisional~~ ballot ~~under~~ 2217  
~~section 3505.181 of the Revised Code.~~ 2218



(2) Any registered elector who moves from one precinct to 2219  
another within a county or moves from one precinct to another and 2220  
changes the name of that registered elector on or prior to the day 2221  
of a general, primary, or special election and has not filed a 2222  
notice of change of residence or change of name, whichever is 2223  
appropriate, with the board of elections may vote in that election 2224  
if that registered elector complies with division (G) of this 2225  
section or does all of the following: 2226

(a) Appears at anytime during ~~regular business~~ the hours for 2227  
casting an absent voter's ballot in person under section 3509.01 2228  
of the Revised Code on or after the ~~twenty-eighth~~ sixteenth day 2229  
prior to the election in which that registered elector wishes to 2230  
vote ~~or, if the election is held on the day of a presidential~~ 2231  
~~primary election, the twenty-fifth day prior to the election,~~ 2232  
through ~~noon~~ six p.m. of the ~~Saturday~~ Friday prior to the election 2233  
at the office of the board of elections, ~~appears at any time~~ 2234  
~~during regular business hours on the Monday prior to the election~~ 2235  
~~at the office of the board of elections, or at another location~~ 2236  
designated under division (C) of section 3501.10 of the Revised 2237  
Code or appears on the day of the election at either of the 2238  
following locations: 2239

(i) The polling place in the precinct in which that 2240  
registered elector resides; 2241

(ii) The office of the board of elections or, if pursuant to 2242  
division (C) of section 3501.10 of the Revised Code the board has 2243  
designated another location in the county at which registered 2244  
electors may vote, at that other location instead of the office of 2245  
the board of elections. 2246

(b) Completes and signs, under penalty of election 2247  
falsification, the written affirmation on the provisional ballot 2248  
envelope, which shall serve as a notice of change of residence or 2249  
change of name, whichever is appropriate, ~~and files it with~~ 2250

~~election officials at the polling place, at the office of the 2251  
board of elections, or, if pursuant to division (C) of section 2252  
3501.10 of the Revised Code the board has designated another 2253  
location in the county at which registered electors may vote, at 2254  
that other location instead of the office of the board of 2255  
elections, whichever is appropriate; 2256~~

(c) Votes a provisional ballot under section 3505.181 of the 2257  
Revised Code at the polling place in the precinct in which the 2258  
registered elector resides, at the office of the board of 2259  
elections, or, if pursuant to division (C) of section 3501.10 of 2260  
the Revised Code the board has designated another location in the 2261  
county at which registered electors may vote, at that other 2262  
location instead of the office of the board of elections, 2263  
whichever is appropriate, using the address to which that 2264  
registered elector has moved or the name of that registered 2265  
elector as changed, whichever is appropriate; 2266

(d) Completes and signs, under penalty of election 2267  
falsification, a statement attesting that that registered elector 2268  
moved or had a change of name, whichever is appropriate, on or 2269  
prior to the day of the election, has voted a provisional ballot 2270  
at the polling place in the precinct in which that registered 2271  
elector resides, at the office of the board of elections, or, if 2272  
pursuant to division (C) of section 3501.10 of the Revised Code 2273  
the board has designated another location in the county at which 2274  
registered electors may vote, at that other location instead of 2275  
the office of the board of elections, whichever is appropriate, 2276  
and will not vote or attempt to vote at any other location for 2277  
that particular election. ~~The statement required under division 2278  
(B)(2)(d) of this section shall be included on the notice of 2279  
change of residence or change of name, whichever is appropriate, 2280  
required under division (B)(2)(b) of this section. 2281~~

(C) Any registered elector who moves from one county to 2282

another county within the state or moves from one county to 2283  
another and changes the name of that registered elector on or 2284  
prior to the day of a general, primary, or special election and 2285  
has not registered to vote in the county to which that registered 2286  
elector moved may vote in that election if that registered elector 2287  
complies with division (G) of this section or does all of the 2288  
following: 2289

(1) Appears at any time during ~~regular business~~ the hours for 2290  
casting an absent voter's ballot in person under section 3509.01 2291  
of the Revised Code on or after the ~~twenty-eighth~~ sixteenth day 2292  
prior to the election in which that registered elector wishes to 2293  
vote ~~or, if the election is held on the day of a presidential~~ 2294  
~~primary election, the twenty-fifth day prior to the election,~~ 2295  
through ~~noon~~ six p.m. of the ~~Saturday~~ Friday prior to the election 2296  
at the office of the board of elections ~~or, if pursuant to at~~ 2297  
another location designated under division (C) of section 3501.10 2298  
of the Revised Code ~~the board has designated another location in~~ 2299  
~~the county at which registered electors may vote, at that other~~ 2300  
~~location instead of the office of the board of elections, appears~~ 2301  
~~during regular business hours on the Monday prior to the election~~ 2302  
~~at the office of the board of elections or, if pursuant to~~ 2303  
division (C) of section 3501.10 of the Revised Code ~~the board has~~ 2304  
~~designated another location in the county at which registered~~ 2305  
~~electors may vote, at that other location instead of the office of~~ 2306  
~~the board of elections, or appears on the day of the election at~~ 2307  
~~the~~ either of the following locations: 2308

(a) The polling place in the precinct in which that elector 2309  
resides; 2310

(b) The office of the board of elections or, if pursuant to 2311  
division (C) of section 3501.10 of the Revised Code the board has 2312  
designated another location in the county at which registered 2313  
electors may vote, at that other location instead of the office of 2314

the board of elections; 2315

(2) Completes and signs, under penalty of election 2316  
falsification, the written affirmation on the provisional ballot 2317  
envelope, which shall serve as a notice of change of residence and 2318  
~~files it with election officials at the board of elections or, if~~ 2319  
~~pursuant to division (C) of section 3501.10 of the Revised Code~~ 2320  
~~the board has designated another location in the county at which~~ 2321  
~~registered electors may vote, at that other location instead of~~ 2322  
~~the office of the board of elections or change of name, whichever~~ 2323  
is appropriate; 2324

(3) Votes a provisional ballot under section 3505.181 of the 2325  
Revised Code at the polling place in the precinct in which the 2326  
registered elector resides, at the office of the board of 2327  
elections, or, if pursuant to division (C) of section 3501.10 of 2328  
the Revised Code the board has designated another location in the 2329  
county at which registered electors may vote, at that other 2330  
location instead of the office of the board of elections, using 2331  
the address to which that registered elector has moved or the name 2332  
of that registered elector as changed, whichever is appropriate; 2333

(4) Completes and signs, under penalty of election 2334  
falsification, a statement attesting that that registered elector 2335  
has moved from one county to another county within the state or 2336  
moved from one county to another and changed the elector's name, 2337  
whichever is appropriate, on or prior to the day of the election, 2338  
has voted at the office of the board of elections or, if pursuant 2339  
to division (C) of section 3501.10 of the Revised Code the board 2340  
has designated another location in the county at which registered 2341  
electors may vote, at that other location instead of the office of 2342  
the board of elections, and will not vote or attempt to vote at 2343  
any other location for that particular election. ~~The statement~~ 2344  
~~required under division (C)(4) of this section shall be included~~ 2345  
~~on the notice of change of residence required under division~~ 2346

~~(C)(2) of this section.~~ 2347

(D) A person who votes by absent voter's ballots pursuant to 2348  
division (G) of this section shall not make written application 2349  
for the ballots pursuant to Chapter 3509. of the Revised Code. 2350  
Ballots cast pursuant to division (G) of this section shall be set 2351  
aside in a special envelope and counted during the official 2352  
canvass of votes in the manner provided for in sections 3505.32 2353  
and 3509.06 of the Revised Code insofar as that manner is 2354  
applicable. The board shall examine the pollbooks to verify that 2355  
no ballot was cast at the polls or by absent voter's ballots under 2356  
Chapter 3509. or 3511. of the Revised Code by an elector who has 2357  
voted by absent voter's ballots pursuant to division (G) of this 2358  
section. Any ballot determined to be insufficient for any of the 2359  
reasons stated above or stated in section 3509.07 of the Revised 2360  
Code shall not be counted. 2361

Subject to division (C) of section 3501.10 of the Revised 2362  
Code, a board of elections may lease or otherwise acquire a site 2363  
different from the office of the board at which registered 2364  
electors may vote pursuant to division (B) or (C) of this section. 2365

(E) Upon receiving a change of residence or change of name 2366  
form, the board of elections shall immediately send the registrant 2367  
an acknowledgment notice. If the change of residence or change of 2368  
name form is valid, the board shall update the voter's 2369  
registration as appropriate. If that form is incomplete, the board 2370  
shall inform the registrant in the acknowledgment notice specified 2371  
in this division of the information necessary to complete or 2372  
update that registrant's registration. 2373

(F) Change of residence and change of name forms shall be 2374  
available at each polling place, and when these forms are 2375  
completed, noting changes of residence or name, as appropriate, 2376  
they shall be filed with election officials at the polling place. 2377  
Election officials shall return completed forms, together with the 2378

pollbooks and tally sheets, to the board of elections. 2379

The board of elections shall provide change of residence and 2380  
change of name forms to the probate court and court of common 2381  
pleas. The court shall provide the forms to any person eighteen 2382  
years of age or older who has a change of name by order of the 2383  
court or who applies for a marriage license. The court shall 2384  
forward all completed forms to the board of elections within five 2385  
days after receiving them. 2386

(G) A registered elector who otherwise would qualify to vote 2387  
under division (B) or (C) of this section but is unable to appear 2388  
at the office of the board of elections or, if pursuant to 2389  
division (C) of section 3501.10 of the Revised Code the board has 2390  
designated another location in the county at which registered 2391  
electors may vote, at that other location, on account of personal 2392  
illness, physical disability, or infirmity, may vote on the day of 2393  
the election if that registered elector does all of the following: 2394

(1) Makes a written application that includes all of the 2395  
information required under section 3509.03 of the Revised Code to 2396  
the appropriate board for an absent voter's ballot on or after the 2397  
~~twenty-seventh~~ twenty-first day prior to the election in which the 2398  
registered elector wishes to vote through ~~noon~~ six p.m. of the 2399  
~~Saturday~~ Friday prior to that election and requests that the 2400  
absent voter's ballot be sent to the address to which the 2401  
registered elector has moved if the registered elector has moved, 2402  
or to the address of that registered elector who has not moved but 2403  
has had a change of name; 2404

(2) Declares that the registered elector has moved or had a 2405  
change of name, whichever is appropriate, and otherwise is 2406  
qualified to vote under the circumstances described in division 2407  
(B) or (C) of this section, whichever is appropriate, but that the 2408  
registered elector is unable to appear at the board of elections 2409  
because of personal illness, physical disability, or infirmity; 2410

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

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

**Sec. 3503.18.** (A)(1) The chief health officer of each political subdivision and the director of health shall file with the secretary of state and each board of elections, at least once each month, the names, social security numbers, dates of birth, dates of death, and residences of all persons, over eighteen years of age, who have died within such subdivision or within this state or another state, respectively, within such month.

(2) The secretary of state and the director of health shall jointly establish a secure electronic system through which they shall exchange the information described in division (A)(1) of this section regarding the death of a registered elector.

(B) At least once each month, each probate judge in this state shall file with the board of elections the names and residence addresses of all persons over eighteen years of age who have been adjudicated incompetent for the purpose of voting, as provided in section 5122.301 of the Revised Code. ~~At~~

(C) At least once each month the clerk of the court of common pleas shall file with the board the names and residence addresses

of all persons who have been convicted during the previous month 2442  
of crimes that would disfranchise such persons under existing laws 2443  
of the state. Reports of conviction of crimes under the laws of 2444  
the United States that would disfranchise an elector and that are 2445  
provided to the secretary of state by any United States attorney 2446  
shall be forwarded by the secretary of state to the appropriate 2447  
board of elections. 2448

(D) Upon receiving a report required by this section, the 2449  
~~board of elections shall promptly cancel the registration of each~~ 2450  
elector named in the report shall be promptly canceled by the 2451  
secretary of state or the board of elections, as applicable. If a 2452  
board of elections receives the report, and the report contains a 2453  
residence address of an elector in a county other than the county 2454  
in which the board of elections is located, the director shall 2455  
promptly send a copy of the report to the appropriate board of 2456  
elections, which shall cancel the registration. 2457

**Sec. 3503.19.** (A) Persons qualified to register or to change 2458  
their registration because of a change of address or change of 2459  
name may register or change their registration in person at any 2460  
state or local office of a designated agency, at the office of the 2461  
registrar or any deputy registrar of motor vehicles, at a public 2462  
high school or vocational school, at a public library, at the 2463  
office of a county treasurer, or at a branch office established by 2464  
the board of elections, or in person, through another person, or 2465  
by mail at the office of the secretary of state or at the office 2466  
of a board of elections. A registered elector may also change the 2467  
elector's registration on election day at any polling place where 2468  
the elector is eligible to vote, in the manner provided under 2469  
section 3503.16 of the Revised Code. 2470

Any state or local office of a designated agency, the office 2471  
of the registrar or any deputy registrar of motor vehicles, a 2472



public high school or vocational school, a public library, or the 2473  
office of a county treasurer shall transmit any voter registration 2474  
application or change of registration form that it receives to the 2475  
board of elections of the county in which the state or local 2476  
office is located, within five business days after receiving the 2477  
voter registration application or change of registration form. 2478

An otherwise valid voter registration application that is 2479  
returned to the appropriate office other than by mail must be 2480  
received by a state or local office of a designated agency, the 2481  
office of the registrar or any deputy registrar of motor vehicles, 2482  
a public high school or vocational school, a public library, the 2483  
office of a county treasurer, the office of the secretary of 2484  
state, or the office of a board of elections no later than the 2485  
thirtieth day preceding a primary, special, or general election 2486  
for the person to qualify as an elector eligible to vote at that 2487  
election. An otherwise valid registration application received 2488  
after that day entitles the elector to vote at all subsequent 2489  
elections. 2490

Any state or local office of a designated agency, the office 2491  
of the registrar or any deputy registrar of motor vehicles, a 2492  
public high school or vocational school, a public library, or the 2493  
office of a county treasurer shall date stamp a registration 2494  
application or change of name or change of address form it 2495  
receives using a date stamp that does not disclose the identity of 2496  
the state or local office that receives the registration. 2497

Voter registration applications, if otherwise valid, that are 2498  
returned by mail to the office of the secretary of state or to the 2499  
office of a board of elections must be postmarked no later than 2500  
the thirtieth day preceding a primary, special, or general 2501  
election in order for the person to qualify as an elector eligible 2502  
to vote at that election. If an otherwise valid voter registration 2503  
application that is returned by mail does not bear a postmark or a 2504

legible postmark, the registration shall be valid for that 2505  
election if received by the office of the secretary of state or 2506  
the office of a board of elections no later than twenty-five days 2507  
preceding any special, primary, or general election. 2508

(B)(1) Any person may apply in person, by telephone, by mail, 2509  
or through another person for voter registration forms to the 2510  
office of the secretary of state or the office of a board of 2511  
elections. An individual who is eligible to vote as a uniformed 2512  
services voter or an overseas voter in accordance with 42 U.S.C. 2513  
1973ff-6 also may apply for voter registration forms by electronic 2514  
means to the office of the secretary of state or to the board of 2515  
elections of the county in which the person's voting residence is 2516  
located pursuant to section 3503.191 of the Revised Code. 2517

(2)(a) An applicant may return the applicant's completed 2518  
registration form in person ~~or by mail~~ to any state or local 2519  
office of a designated agency, to the state department or any 2520  
county department of job and family services, to a public high 2521  
school or vocational school, to a public library, to the office of 2522  
a county treasurer, to the office of the secretary of state, or to 2523  
the office of a board of elections. An applicant who is eligible 2524  
to vote as a uniformed services voter or an overseas voter in 2525  
accordance with 42 U.S.C. 1973ff-6 also may return the applicant's 2526  
completed voter registration form electronically to the office of 2527  
the secretary of state or to the board of elections of the county 2528  
in which the person's voting residence is located pursuant to 2529  
section 3503.191 of the Revised Code. 2530

(b) Subject to division (B)(2)(c) of this section, an 2531  
applicant may return the applicant's completed registration form 2532  
by mail or through another person to any board of elections or the 2533  
office of the secretary of state. 2534

(c) A person who receives compensation for registering a 2535  
voter shall return any registration form entrusted to that person 2536

by an applicant to any board of elections or to the office of the 2537  
secretary of state. 2538

(d) If a board of elections or the office of the secretary of 2539  
state receives a registration form under division (B)(2)(b) or (c) 2540  
of this section before the thirtieth day before an election, the 2541  
board or the office of the secretary of state, as applicable, 2542  
shall forward the registration to the board of elections of the 2543  
county in which the applicant is seeking to register to vote 2544  
within ten days after receiving the application. If a board of 2545  
elections or the office of the secretary of state receives a 2546  
registration form under division (B)(2)(b) or (c) of this section 2547  
on or after the thirtieth day before an election, the board or the 2548  
office of the secretary of state, as applicable, shall forward the 2549  
registration to the board of elections of the county in which the 2550  
applicant is seeking to register to vote within thirty days after 2551  
that election. 2552

(C)(1) A board of elections that receives a voter 2553  
registration application and is satisfied as to the truth of the 2554  
statements made in the registration form shall register the 2555  
applicant not later than twenty business days after receiving the 2556  
application, unless that application is received during the thirty 2557  
days immediately preceding the day of an election. The board shall 2558  
promptly notify the applicant in writing of each of the following: 2559

(a) The applicant's registration; 2560

(b) The precinct in which the applicant is to vote; 2561

(c) In bold type as follows: 2562

"Voters must bring identification to the polls in order to 2563  
verify identity. Identification may include a current and valid 2564  
photo identification, a military identification, or a copy of a 2565  
current utility bill, bank statement, government check, paycheck, 2566  
or other government document, other than this notification ~~or a~~ 2567

~~notification of an election mailed by a board of elections, that~~ 2568  
shows the voter's name and current address. Voters who do not 2569  
provide one of these documents will still be able to vote by 2570  
providing ~~the last four digits of~~ the voter's social security 2571  
number and by casting a provisional ballot. Voters who do not have 2572  
any of the above forms of identification, including a social 2573  
security number, will still be able to vote by signing an 2574  
affirmation swearing to the voter's identity under penalty of 2575  
election falsification and by casting a provisional ballot." 2576

The notification shall be by nonforwardable mail. If the mail 2577  
is returned to the board, it shall investigate and cause the 2578  
notification to be delivered to the correct address. 2579

(2) If, after investigating as required under division (C)(1) 2580  
of this section, the board is unable to verify the voter's correct 2581  
address, it shall cause the voter's name in the official 2582  
registration list and in the poll list or signature pollbook to be 2583  
marked to indicate that the voter's notification was returned to 2584  
the board. 2585

At the first election at which a voter whose name has been so 2586  
marked appears to vote, the voter shall be required to provide 2587  
identification to the election officials and to vote by 2588  
provisional ballot under section 3505.181 of the Revised Code. If 2589  
the provisional ballot is counted pursuant to division (B)(3) of 2590  
section 3505.183 of the Revised Code, the board shall correct that 2591  
voter's registration, if needed, and shall remove the indication 2592  
that the voter's notification was returned from that voter's name 2593  
on the official registration list and on the poll list or 2594  
signature pollbook. If the provisional ballot is not counted 2595  
pursuant to division (B)(4)(a)(i) ~~or (v) or (vi)~~ of section 2596  
3505.183 of the Revised Code, the voter's registration shall be 2597  
canceled. The board shall notify the voter by United States mail 2598  
of the cancellation. 2599

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

Sec. 3503.20. (A) The secretary of state, by rule, shall establish a secure online process for voter registration. The rules shall provide for all of the following:

(1) An applicant to submit a voter registration application to the secretary of state online through the internet;

(2) The online applicant to be registered to vote, if all of the following apply:

(a) The application contains all of the required information;

(b) The applicant is qualified to register to vote; and

(c) The applicant attests to the truth and accuracy of the information submitted in the online application under penalty of election falsification using the applicant's Ohio driver's license number or the number of the applicant's Ohio identification card as proof of the applicant's identity.

(B) If an individual registers to vote or a registered elector updates the elector's name, address, or both under this section, the secretary of state shall obtain an electronic copy of the applicant's or elector's signature that is on file with the bureau of motor vehicles. That electronic signature shall be used as the applicant's or elector's signature on voter registration

records, for all election and signature-matching purposes. 2630

(C) The secretary of state shall employ whatever security 2631  
measures the secretary considers necessary to ensure the integrity 2632  
and accuracy of voter registration information submitted 2633  
electronically pursuant to this section. 2634

**Sec. 3503.21.** (A) The registration of a registered elector 2635  
shall be canceled upon the occurrence of any of the following: 2636

(1) The filing by a registered elector of a written request 2637  
with a board of elections, on a form prescribed by the secretary 2638  
of state and signed by the elector, that the registration be 2639  
canceled. The filing of such a request does not prohibit an 2640  
otherwise qualified elector from reregistering to vote at any 2641  
time. 2642

(2) The filing of a notice of the death of a registered 2643  
elector as provided in section 3503.18 of the Revised Code; 2644

(3) The filing with the board of elections of a certified 2645  
copy of the death certificate of a registered elector by the 2646  
deceased elector's spouse, parent, or child, by the administrator 2647  
of the deceased elector's estate, or by the executor of the 2648  
deceased elector's will; 2649

(4) The conviction of the registered elector of a felony 2650  
under the laws of this state, any other state, or the United 2651  
States as provided in section 2961.01 of the Revised Code; 2652

~~(3)~~(5) The adjudication of incompetency of the registered 2653  
elector for the purpose of voting as provided in section 5122.301 2654  
of the Revised Code; 2655

~~(5)~~(6) The change of residence of the registered elector to a 2656  
location outside the county of registration in accordance with 2657  
division (B) of this section; 2658

~~(6)~~(7) The failure of the registered elector, after having 2659

been mailed a confirmation notice, to do either of the following: 2660

(a) Respond to such a notice and vote at least once during a 2661  
period of four consecutive years, which period shall include two 2662  
general federal elections; 2663

(b) Update the elector's registration and vote at least once 2664  
during a period of four consecutive years, which period shall 2665  
include two general federal elections. 2666

(B)(1) The secretary of state shall prescribe procedures to 2667  
identify and cancel the registration in a prior county of 2668  
residence of any registrant who changes the registrant's voting 2669  
residence to a location outside the registrant's current county of 2670  
registration. Any procedures prescribed in this division shall be 2671  
uniform and nondiscriminatory, and shall comply with the Voting 2672  
Rights Act of 1965. The secretary of state may prescribe 2673  
procedures under this division that include the use of the 2674  
national change of address service provided by the United States 2675  
postal system through its licensees. Any program so prescribed 2676  
shall be completed not later than ninety days prior to the date of 2677  
any primary or general election for federal office. 2678

(2) The registration of any elector identified as having 2679  
changed the elector's voting residence to a location outside the 2680  
elector's current county of registration shall not be canceled 2681  
unless the registrant is sent a confirmation notice on a form 2682  
prescribed by the secretary of state and the registrant fails to 2683  
respond to the confirmation notice or otherwise update the 2684  
registration and fails to vote in any election during the period 2685  
of two federal elections subsequent to the mailing of the 2686  
confirmation notice. 2687

(C) The registration of a registered elector shall not be 2688  
canceled except as provided in this section, division ~~(Q)~~(A)(16) 2689  
of section 3501.05 of the Revised Code, division (C)(2) of section 2690

3503.19 of the Revised Code, or division (C) of section 3503.24 of  
the Revised Code.

(D) Boards of elections shall send their voter registration  
information to the secretary of state as required under section  
3503.15 of the Revised Code. In the first quarter of each  
odd-numbered year, the secretary of state shall send the  
information to the national change of address service described in  
division (B) of this section and request that service to provide  
the secretary of state with a list of any voters sent by the  
secretary of state who have moved within the last thirty-six  
months. The secretary of state shall transmit to each appropriate  
board of elections whatever lists the secretary of state receives  
from that service. The board shall send a notice to each person on  
the list transmitted by the secretary of state requesting  
confirmation of the person's change of address, together with a  
postage prepaid, preaddressed return envelope containing a form on  
which the voter may verify or correct the change of address  
information.

(E) The registration of a registered elector described in  
division (A)~~(6)~~(7) or (B)(2) of this section shall be canceled not  
later than one hundred twenty days after the date of the second  
general federal election in which the elector fails to vote or not  
later than one hundred twenty days after the expiration of the  
four-year period in which the elector fails to vote or respond to  
a confirmation notice, whichever is later.

**Sec. 3503.26.** (A) All registration forms and lists, when not  
in official use by the registrars or ~~judges of elections~~ precinct  
election officials, shall be in the possession of the board of  
elections. Names and addresses of electors may be copied from the  
registration lists only in the office of the board when it is open  
for business; but no such copying shall be permitted during the



period of time commencing twenty-one days before an election and 2722  
ending on the eleventh day after an election if such copying will, 2723  
in the opinion of the board, interfere with the necessary work of 2724  
the board. The board shall keep in convenient form and available 2725  
for public inspection a correct set of the registration lists of 2726  
all precincts in the county. 2727

(B) Notwithstanding division (A) of this section, the board 2728  
of elections shall maintain and make available for public 2729  
inspection and copying at a reasonable cost all records concerning 2730  
the implementation of programs and activities conducted for the 2731  
purpose of ensuring the accuracy and currency of voter 2732  
registration lists, including the names and addresses of all 2733  
registered electors sent confirmation notices and whether or not 2734  
the elector responded to the confirmation notice. The board shall 2735  
maintain all records described in this division for a period of 2736  
two years. 2737

**Sec. 3503.28.** (A) The secretary of state shall develop an 2738  
information brochure regarding voter registration. The brochure 2739  
shall include, but is not limited to, all of the following 2740  
information: 2741

(1) The applicable deadlines for registering to vote or for 2742  
returning an applicant's completed registration form; 2743

(2) The applicable deadline for returning an applicant's 2744  
completed registration form if the person returning the form is 2745  
being compensated for registering voters; 2746

(3) The locations to which a person may return an applicant's 2747  
completed registration form; 2748

(4) The location to which a person who is compensated for 2749  
registering voters may return an applicant's completed 2750  
registration form; 2751

(5) ~~The registration and affirmation requirements applicable to persons who are compensated for registering voters under section 3503.29 of the Revised Code;~~

~~(6)~~ A notice, which shall be written in bold type, stating as follows:

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

~~(B) Except as otherwise provided in division (D) of this section, a board of elections, designated agency, public high school, public vocational school, public library, office of a county treasurer, or deputy registrar of motor vehicles shall distribute a copy of the brochure developed under division (A) of this section to any person who requests more than two voter registration forms at one time.~~

~~(C)~~(1) The secretary of state shall provide the information required to be included in the brochure developed under division (A) of this section to any person who prints a voter registration form that is made available on a web site of the office of the secretary of state.

(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)(C)~~ 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. 3505.05. At any time prior to the seventieth day before the day of an election at which a question or issue, other than a statewide question or issue, is certified to appear on the ballot, the political subdivision, taxing authority, or other entity that

placed the issue on the ballot may remove that issue from the 2811  
ballot using the same process that the entity used to originally 2812  
certify the issue for placement on the ballot. 2813

Upon receipt of a notification that a question or issue has 2814  
been withdrawn, the board of elections shall remove that question 2815  
or issue from the ballot. 2816

**Sec. 3505.11.** (A) The ballots, with the stubs attached, shall 2817  
be bound into tablets for each precinct, which tablets shall 2818  
contain at least one per cent more ballots than the total 2819  
registration in the precinct, except as otherwise provided in 2820  
division (B) of this section. Upon the covers of the tablets shall 2821  
be written, printed, or stamped the designation of the precinct 2822  
for which the ballots have been prepared. All official ballots 2823  
shall be printed uniformly upon the same kind and quality of paper 2824  
and shall be of the same shape, size, and type. 2825

Electors who have failed to respond within thirty days to any 2826  
confirmation notice shall not be counted in determining the number 2827  
of ballots to be printed under this section. 2828

(B)(1) A board of elections may choose to provide ballots on 2829  
demand. If a board so chooses, the board shall have prepared for 2830  
each precinct at least five per cent more ballots for an election 2831  
than the number specified below for that kind of election: 2832

(a) For a primary election or a special election held on the 2833  
day of a primary election, the total number of electors in that 2834  
precinct who voted in the primary election held four years 2835  
previously or, if no primary election was held four years 2836  
previously, the total number of electors in that precinct who 2837  
voted in a similarly situated primary, as determined by the board; 2838

(b) For a general election or a special election held on the 2839  
day of a general election, the total number of electors in that 2840

precinct who voted in the general election held four years 2841  
previously; 2842

(c) For a special election held at any time other than on the 2843  
day of a primary or general election, the total number of electors 2844  
in that precinct who voted in the most recent primary or general 2845  
election, whichever of those elections occurred in the precinct 2846  
most recently. 2847

(2) If, after the board complies with the requirements of 2848  
division (B)(1) of this section, the election officials of a 2849  
precinct determine that the precinct will not have enough ballots 2850  
to enable all the qualified electors in the precinct who wish to 2851  
vote at a particular election to do so, the officials shall 2852  
request that the board provide additional ballots, and the board 2853  
shall provide enough additional ballots, to that precinct in a 2854  
timely manner so that all qualified electors in that precinct who 2855  
wish to vote at that election may do so. 2856

**Sec. 3505.17.** If by accident or casualty the ballots or other 2857  
required papers, lists, or supplies are lost or destroyed, or in 2858  
case none are delivered at the polling place, or if during the 2859  
time the polls are open additional ballots or supplies are 2860  
required, the board of elections, upon requisition by telephone or 2861  
in writing and signed by a majority of the precinct election 2862  
~~judges~~ officials of the precinct stating why such additional 2863  
supplies are needed, shall supply them as speedily as possible. 2864

**Sec. 3505.18.** (A)(1) When an elector appears in a polling 2865  
place to vote, the elector shall announce to the precinct election 2866  
officials the elector's full name and current address and provide 2867  
proof of the elector's identity in the form of a current and valid 2868  
photo identification, a military identification, or a copy of a 2869  
current utility bill, bank statement, government check, paycheck, 2870

or other government document, other than a notice of an election 2871  
mailed by a board of elections under section 3501.19 of the 2872  
~~Revised Code~~ or a notice of voter registration mailed by a board 2873  
of elections under section 3503.19 of the Revised Code, that shows 2874  
the name and current address of the elector. If the elector 2875  
~~provides either a driver's license or a state identification card~~ 2876  
~~issued under section 4507.50 of the Revised Code that does not~~ 2877  
~~contain the elector's current residence address, the elector shall~~ 2878  
~~provide the last four digits of the elector's driver's license~~ 2879  
~~number or state identification card number, and the precinct~~ 2880  
~~election official shall mark the poll list or signature pollbook~~ 2881  
~~to indicate that the elector has provided a driver's license or~~ 2882  
~~state identification card number with a former address and record~~ 2883  
~~the last four digits of the elector's driver's license number or~~ 2884  
~~state identification card number.~~ 2885

(2) If an elector has but is unable to provide to the 2886  
precinct election officials any of the forms of identification 2887  
required under division (A)(1) of this section, ~~but has a social~~ 2888  
~~security number, the elector may provide the last four digits of~~ 2889  
~~the elector's social security number. Upon providing the social~~ 2890  
~~security number information, the elector may cast a provisional~~ 2891  
ballot under section 3505.181 of the Revised Code, ~~the envelope of~~ 2892  
~~which ballot shall include that social security number~~ 2893  
~~information.~~ 2894

(3) ~~If an elector has but is unable to provide to the~~ 2895  
~~precinct election officials any of the forms of identification~~ 2896  
~~required under division (A)(1) of this section and if the elector~~ 2897  
~~has a social security number but is unable to provide the last~~ 2898  
~~four digits of the elector's social security number, the elector~~ 2899  
~~may cast a provisional ballot under section 3505.181 of the~~ 2900  
~~Revised Code.~~ 2901

~~(4)~~ If an elector does not have any of the forms of 2902

identification required under division (A)(1) of this section ~~and~~ 2903  
~~cannot provide the last four digits of the elector's social~~ 2904  
~~security number because the elector does not have a social~~ 2905  
~~security number~~, the elector may execute an affirmation under 2906  
penalty of election falsification that the elector cannot provide 2907  
the identification required under that division ~~or the last four~~ 2908  
~~digits of the elector's social security number for those reasons~~ 2909  
that reason. Upon signing the affirmation, the elector may cast a 2910  
provisional ballot under section 3505.181 of the Revised Code. The 2911  
secretary of state shall prescribe the form of the affirmation, 2912  
which shall include spaces for the elector to complete all of the 2913  
following: 2914

(a) The elector's name; 2915

(b) The elector's address; 2916

(c) The ~~current date~~ elector's social security number, Ohio 2917  
driver's license number, or state identification card number; 2918

(d) The elector's date of birth; 2919

(e) The elector's signature. 2920

~~(5)(4)~~ If an elector does not have any of the forms of 2921  
identification required under division (A)(1) of this section and 2922  
~~cannot provide the last four digits of the elector's social~~ 2923  
~~security number because the elector does not have a social~~ 2924  
~~security number~~, and if the elector declines to execute an 2925  
affirmation under division (A)~~(4)~~(3) of this section, the elector 2926  
may cast a provisional ballot under section 3505.181 of the 2927  
Revised Code, ~~the envelope of which ballot shall include the~~ 2928  
elector's name but the ballot will not be counted. 2929

~~(6) If an elector has but declines to provide to the precinct~~ 2930  
~~election officials any of the forms of identification required~~ 2931  
~~under division (A)(1) of this section or the elector has a social~~ 2932  
~~security number but declines to provide to the precinct election~~ 2933

~~officials 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.~~

(B) After the elector has announced the elector's full name  
and current address and provided any of the forms of  
identification required under division (A)(1) of this section, the  
elector shall write the elector's ~~name and address~~ signature at  
the proper place in the poll list or signature pollbook provided  
for the purpose, except that if, for any reason, an elector is  
unable to write the elector's ~~name and current address~~ signature  
in the poll list or signature pollbook, the elector may make the  
elector's mark at the place intended for the elector's ~~name~~  
signature, and a precinct election official shall write the name  
of the elector at the proper place on the poll list or signature  
pollbook following the elector's mark. The making of such a mark  
shall be attested by the precinct election official, who shall  
evidence the same by signing the precinct election official's name  
on the poll list or signature pollbook as a witness to the mark.  
Alternatively, if applicable, an attorney in fact acting pursuant  
to section 3501.382 of the Revised Code may sign the elector's  
signature in the poll list or signature pollbook in accordance  
with that section.

The elector's signature in the poll list or signature  
pollbook then shall be compared with the elector's signature on  
the elector's registration form or a digitized signature list as  
provided for in section 3503.13 of the Revised Code, and if, in  
the opinion of a majority of the precinct election officials, the  
signatures are the signatures of the same person, the election  
officials shall enter the date of the election on the registration  
form or shall record the date by other means prescribed by the  
secretary of state. The validity of an attorney in fact's  
signature on behalf of an elector shall be determined in



accordance with section 3501.382 of the Revised Code. 2966

If the right of the elector to vote is not then challenged, 2967  
or, if being challenged, the elector establishes the elector's 2968  
right to vote, the elector shall be allowed to proceed to use the 2969  
voting machine. If voting machines are not being used in that 2970  
precinct, the judge in charge of ballots shall then detach the 2971  
next ballots to be issued to the elector from Stub B attached to 2972  
each ballot, leaving Stub A attached to each ballot, hand the 2973  
ballots to the elector, and call the elector's name and the stub 2974  
number on each of the ballots. The judge shall enter the stub 2975  
numbers opposite the signature of the elector in the pollbook. The 2976  
elector shall then retire to one of the voting compartments to 2977  
mark the elector's ballots. No mark shall be made on any ballot 2978  
which would in any way enable any person to identify the person 2979  
who voted the ballot. 2980

**Sec. 3505.181.** (A) All of the following individuals shall be 2981  
permitted to cast a provisional ballot at an election: 2982

(1) An individual who declares that the individual is a 2983  
registered voter in the jurisdiction in which the individual 2984  
desires to vote and that the individual is eligible to vote in an 2985  
election, but the name of the individual does not appear on the 2986  
official list of eligible voters for the polling place or an 2987  
election official asserts that the individual is not eligible to 2988  
vote; 2989

~~(2) An individual who has a social security number and 2990  
provides to the election officials the last four digits of the 2991  
individual's social security number as permitted by division 2992  
(A)(2) of section 3505.18 of the Revised Code; 2993~~

~~(3) An individual who has but is unable to provide to the 2994  
election officials any of the forms of identification required 2995  
under division (A)(1) of section 3505.18 of the Revised Code and 2996~~

~~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;~~

~~(4)(3) 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 executes an affirmation as  
permitted under division (A)(3) of that section or declines to  
execute an affirmation under division (A)(4) of that section;~~

~~(5)(4) 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~~ a uniformed services or overseas absent voter's  
ballot for that election and who appears to vote at the polling  
place;~~

~~(6)(5) 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;~~

~~(7)(6) 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;~~

~~(8)(7) 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)(8) 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 3028  
the individual's name, ~~or~~ moves from one county to another within 3029  
the state, or moves from one county to another and changes the 3030  
individual's name and completes and signs the required forms and 3031  
statements under division (B) or (C) of section 3503.16 of the 3032  
Revised Code; 3033

~~(10)~~(9) An individual whose signature, in the opinion of the 3034  
precinct officers under section 3505.22 of the Revised Code, is 3035  
not that of the person who signed that name in the registration 3036  
forms; 3037

~~(11)~~(10) An individual who is challenged under section 3038  
3513.20 of the Revised Code who refuses to make the statement 3039  
required under that section, who a majority of the precinct 3040  
officials find lacks any of the qualifications to make the 3041  
individual a qualified elector, or who a majority of the precinct 3042  
officials find is not affiliated with or a member of the political 3043  
party whose ballot the individual desires to vote; 3044

~~(12) An individual who does not have any of the forms of~~ 3045  
~~identification required under division (A)(1) of section 3505.18~~ 3046  
~~of the Revised Code, who cannot provide the last four digits of~~ 3047  
~~the individual's social security number under division (A)(2) of~~ 3048  
~~that section because the person does not have a social security~~ 3049  
~~number, and who declines to execute an affirmation as permitted~~ 3050  
~~under division (A)(4) of that section;~~ 3051

~~(13) An individual who has but declines to provide to the~~ 3052  
~~precinct election officials any of the forms of identification~~ 3053  
~~required under division (A)(1) of section 3501.18 of the Revised~~ 3054  
~~Code or who has a social security number but declines to provide~~ 3055  
~~to the precinct election officials the last four digits of the~~ 3056  
~~individual's social security number~~ (11) An individual who is 3057  
casting a ballot after the time for the closing of the polls under 3058  
section 3501.32 of the Revised Code pursuant to a court order 3059

extending the time for the closing of the polls. 3060

(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: 3061  
3062  
3063

(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election. 3064  
3065  
3066

(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: 3067  
3068  
3069  
3070  
3071

(a) A registered voter in the jurisdiction in which the individual desires to vote; 3072  
3073

(b) Eligible to vote in that election. 3074

If the individual declines to execute the affirmation, the election official shall not record any of the information required to be provided by the individual on the affirmation. The election official shall explain to the individual that the provisional ballot will not be counted. 3075  
3076  
3077  
3078  
3079

(3) An election official at the polling place shall transmit the ballot cast by the individual, and 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) of this section.~~ 3080  
3081  
3082  
3083  
3084  
3085  
3086

~~(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~~ 3087  
3088  
3089

~~eligible to vote, the individual's provisional ballot shall be~~ 3090  
~~counted as a vote in that election.~~ 3091

~~(5)~~(a) At the time that an individual casts a provisional 3092  
ballot, the appropriate local election official shall give the 3093  
individual written information that states that any individual who 3094  
casts a provisional ballot will be able to ascertain under the 3095  
system established under division (B)~~(5)~~(4)(b) of this section 3096  
whether the vote was counted, and, if the vote was not counted, 3097  
the reason that the vote was not counted. 3098

(b) The appropriate state or local election official shall 3099  
establish a free access system, in the form of a toll-free 3100  
telephone number, that any individual who casts a provisional 3101  
ballot may access to discover whether the vote of that individual 3102  
was counted, and, if the vote was not counted, the reason that the 3103  
vote was not counted. The free access system established under 3104  
this division also shall provide to an individual whose 3105  
provisional ballot was not counted information explaining how that 3106  
individual may contact the board of elections to register to vote 3107  
or to resolve problems with the individual's voter registration. 3108

The appropriate state or local election official shall 3109  
establish and maintain reasonable procedures necessary to protect 3110  
the security, confidentiality, and integrity of personal 3111  
information collected, stored, or otherwise used by the free 3112  
access system established under this division. Access to 3113  
information about an individual ballot shall be restricted to the 3114  
individual who cast the ballot. 3115

~~(6) If, at the time that an individual casts a provisional~~ 3116  
~~ballot, the individual provides identification in the form of a~~ 3117  
~~current and valid photo identification, a military identification,~~ 3118  
~~or a copy of a current utility bill, bank statement, government~~ 3119  
~~check, paycheck, or other government document, other than a notice~~ 3120  
~~of an election mailed by a board of elections under section~~ 3121

~~3501.19 of the Revised Code or a notice of voter registration 3122  
mailed by a board of elections under section 3503.19 of the 3123  
Revised Code, that shows the individual's name and current 3124  
address, or provides the last four digits of the individual's 3125  
social security number, or executes an affirmation that the 3126  
elector does not have any of those forms of identification or the 3127  
last four digits of the individual's social security number 3128  
because the individual does not have a social security number, or 3129  
declines to execute such an affirmation, the appropriate local 3130  
election official shall record the type of identification 3131  
provided, the social security number information, the fact that 3132  
the affirmation was executed, or the fact that the individual 3133  
declined to execute such an affirmation and include that 3134  
information with the transmission of the ballot or voter or 3135  
address information under division (B)(3) of this section. If the 3136  
individual declines to execute such an affirmation, the 3137  
appropriate local election official shall record the individual's 3138  
name and include that information with the transmission of the 3139  
ballot under division (B)(3) of this section. 3140~~

~~(7)(5) If an individual casts a provisional ballot pursuant 3141  
to division (A)(3), (7), (8), (12), or (13)(7) of this section, 3142  
the election official shall indicate, on the provisional ballot 3143  
verification statement required under section 3505.182 of the 3144  
Revised Code, that the individual is required to provide 3145  
additional information to the board of elections or that an 3146  
application or challenge hearing has been postponed with respect 3147  
to the individual, such that additional information is required 3148  
for the board of elections to determine the eligibility of the 3149  
individual who cast the provisional ballot. 3150~~

~~(8) During the ten days after the day of an election, an 3151  
individual who casts a provisional ballot pursuant to division 3152  
(A)(3), (7), (12), or (13) of this section shall appear at the 3153~~

~~office of the board of elections and provide to the board any 3154  
additional information necessary to determine the eligibility of 3155  
the individual who cast the provisional ballot. 3156~~

~~(a) For a provisional ballot cast pursuant to division 3157  
(A)(3), (12), or (13) of this section to be eligible to be 3158  
counted, the individual who cast that ballot, within ten days 3159  
after the day of the election, shall do any of the following: 3160~~

~~(i) Provide to the board of elections proof of the 3161  
individual's identity in the form of a current and valid photo 3162  
identification, a military identification, or a copy of a current 3163  
utility bill, bank statement, government check, paycheck, or other 3164  
government document, other than a notice of an election mailed by 3165  
a board of elections under section 3501.19 of the Revised Code or 3166  
a notice of voter registration mailed by a board of elections 3167  
under section 3503.19 of the Revised Code, that shows the 3168  
individual's name and current address; 3169~~

~~(ii) Provide to the board of elections the last four digits 3170  
of the individual's social security number; 3171~~

~~(iii) In the case of a provisional ballot executed pursuant 3172  
to division (A)(12) of this section, execute an affirmation as 3173  
permitted under division (A)(4) of section 3505.18 of the Revised 3174  
Code. 3175~~

~~(b) For a provisional ballot cast pursuant to division (A)(7) 3176  
of this section to be eligible to be counted, the individual who 3177  
cast that ballot, within ten days after the day of that election, 3178  
shall provide to the board of elections any identification or 3179  
other documentation required to be provided by the applicable 3180  
challenge questions asked of that individual under section 3505.20 3181  
of the Revised Code. 3182~~

~~(C)(1) If an individual declares that the individual is 3183  
eligible to vote in a jurisdiction other than the jurisdiction in 3184~~

which the individual desires to vote, or if, upon review of the 3185  
precinct voting location guide using the residential street 3186  
address provided by the individual, an election official at the 3187  
polling place at which the individual desires to vote determines 3188  
that the individual is not eligible to vote in that jurisdiction, 3189  
the election official shall direct the individual to the polling 3190  
place for the jurisdiction in which the individual appears to be 3191  
eligible to vote, explain that the individual may cast a 3192  
provisional ballot at the current location but the ballot will not 3193  
be counted if it is cast in the wrong precinct, and provide the 3194  
telephone number of the board of elections in case the individual 3195  
has additional questions. 3196

(2) If the individual refuses to travel to the polling place 3197  
for the correct jurisdiction or to the office of the board of 3198  
elections to cast a ballot, the individual shall be permitted to 3199  
vote a provisional ballot at that jurisdiction in accordance with 3200  
division (B) of this section. If any of the following apply, the 3201  
provisional ballot cast by that individual shall not be opened or 3202  
counted: 3203

(a) The individual is not properly registered in that 3204  
jurisdiction. 3205

(b) The individual is not eligible to vote in that election 3206  
in that jurisdiction. 3207

(c) The individual's eligibility to vote in that jurisdiction 3208  
in that election cannot be established upon examination of the 3209  
records on file with the board of elections. 3210

(D) The appropriate local election official shall cause 3211  
voting information to be publicly posted at each polling place on 3212  
the day of each election. 3213

(E) As used in this section and sections 3505.182 and 3214  
3505.183 of the Revised Code: 3215



(1) "Jurisdiction" means the precinct in which a person is a legally qualified elector.	3216 3217
(2) "Precinct voting location guide" means either of the following:	3218 3219
(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;	3220 3221 3222 3223 3224
(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.	3225 3226 3227 3228 3229
(3) "Voting information" means all of the following:	3230
(a) A sample version of the ballot that will be used for that election;	3231 3232
(b) Information regarding the date of the election and the hours during which polling places will be open;	3233 3234
(c) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;	3235 3236
(d) Instructions for mail-in registrants and first-time voters under applicable federal and state laws;	3237 3238
(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;	3239 3240 3241 3242 3243
(f) General information on federal and state laws regarding prohibitions against acts of fraud and misrepresentation.	3244 3245

**Sec. 3505.182.** Each individual who casts a provisional ballot 3246  
under section 3505.181 of the Revised Code shall execute a written 3247  
affirmation. The secretary of state shall prescribe the form of 3248  
the written affirmation, which shall be printed upon the face of 3249  
the provisional ballot envelope ~~and shall be substantially as~~ 3250  
~~follows:~~ 3251

~~"Provisional Ballot Affirmation~~ 3252

~~STATE OF OHIO~~ 3253

I, ..... (Name of provisional voter), solemnly 3254  
~~swear or affirm that I am a registered voter in the jurisdiction~~ 3255  
~~in which I am voting this provisional ballot and that I am~~ 3256  
~~eligible to vote in the election in which I am voting this~~ 3257  
~~provisional ballot.~~ 3258

I understand that, if the above provided information is not 3259  
fully completed and correct, if the board of elections determines 3260  
that I am not registered to vote, a resident of this precinct, or 3261  
eligible to vote in this election, or if the board of elections 3262  
determines that I have already voted in this election, my 3263  
provisional ballot will not be counted. I further understand that 3264  
knowingly providing false information is a violation of law and 3265  
subjects me to possible criminal prosecution. 3266

I hereby declare, under penalty of election falsification, 3267  
that the above statements are true and correct to the best of my 3268  
knowledge and belief. 3269

..... 3270

(Signature of Voter) 3271

..... 3272

(Voter's date of birth) 3273

The last four digits of the 3274

voter's social security number

..... 3275

~~(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)~~ 3276

~~WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.~~ 3277  
3278

~~Additional Information For Determining Ballot Validity~~ 3279

~~(May be completed at voter's discretion)~~ 3280

~~Voter's current address: .....~~ 3281

~~Voter's former address if .....~~ 3282

~~photo identification does not contain voter's current address~~

~~Voter's driver's license number or, if not provided above, the last four digits of voter's social security number~~ 3283

~~(Please circle number type) .....~~ 3284

~~(Voter may attach a copy of any of the following for~~ 3285

~~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):~~ 3286

~~..... Requested, but did not receive, absent voter's ballot~~ 3287

~~..... Other~~ 3288

~~Verification Statement~~ 3289

~~(To be completed by election official)~~ 3290

~~The Provisional Ballot Affirmation printed above was~~ 3291

~~subscribed and affirmed before me this ..... day of~~ 3292

~~..... (Month), ..... (Year).~~ 3293

~~(If applicable, the election official must check the~~ 3294

~~following true statement concerning additional information needed~~ 3295

~~to determine the eligibility of the provisional voter.)~~ 3296

~~..... The provisional voter is required to provide~~ 3297

~~additional information to the board of elections.~~ 3298

~~..... An application or challenge hearing regarding this~~ 3299

~~voter has been postponed until after the election.~~ 3300

~~(The election official must check the following true~~ 3301

~~statement concerning identification provided by the provisional~~ 3302

~~voter, if any.)~~ 3303

~~..... The provisional voter provided a current and valid~~ 3304

~~photo identification.~~ 3305

~~..... The provisional voter provided a current valid photo~~ 3306

~~identification, other than a driver's license or a state~~ 3307

~~identification card, with the voter's former address instead of~~ 3308

~~current address and has provided the election official both the  
current and former addresses.~~

~~..... The provisional voter provided 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, with the voter's name and current  
address.~~

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

~~..... The provisional voter is not able to provide 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, with  
the voter's name and current address but does have one of these  
forms of identification. The provisional voter must provide one of  
the foregoing items of identification to the board of elections  
within ten days after the election.~~

~~..... The provisional voter is not able to provide 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, with  
the voter's name and current address but does have one of these  
forms of identification. Additionally, the provisional voter does~~

~~have a social security number but is not able to provide the last  
four digits of the voter's social security number before voting.  
The provisional voter must provide one of the foregoing items of  
identification or the last four digits of the voter's social  
security number to the board of elections within ten days after  
the election.~~

~~..... The provisional voter does not have 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 with the voter's name and current  
address, or a social security number, but has executed an  
affirmation.~~

~~..... The provisional voter does not have 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 with the voter's name and current  
address, or a social security number, and has declined to execute  
an affirmation.~~

~~..... The provisional voter declined 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 with the voter's name and current  
address, or the last four digits of the voter's social security  
number but does have one of these forms of identification or a  
social security number. The provisional voter must provide one of  
the foregoing items of identification or the last four digits of  
the voter's social security number to the board of elections  
within ten days after the election.~~

~~.....~~

~~(Signature of Election Official)"~~

~~In addition to any information required to be included on the  
written affirmation, an individual casting a provisional ballot~~

~~may provide additional information to the election official to 3373  
assist the board of elections in determining the individual's 3374  
eligibility to vote in that election, including the date and 3375  
location at which the individual registered to vote, if known. 3376~~

~~If the individual declines to execute the affirmation, an 3377  
appropriate local election official shall comply with division 3378  
(B)(6) of section 3505.181 of the Revised Code. 3379~~

**Sec. 3505.183.** (A) When the ballot boxes are delivered to the 3380  
board of elections from the precincts, the board shall separate 3381  
the provisional ballot envelopes from the rest of the ballots. 3382  
Teams of employees of the board consisting of one member of each 3383  
major political party shall place the sealed provisional ballot 3384  
envelopes in a secure location within the office of the board. The 3385  
sealed provisional ballot envelopes shall remain in that secure 3386  
location until the validity of those ballots is determined under 3387  
division (B) of this section. ~~While the provisional ballot is 3388  
stored in that secure location, and prior to the counting of the 3389  
provisional ballots, if the board receives information regarding 3390  
the validity of a specific provisional ballot under division (B) 3391  
of this section, the board may note, on the sealed provisional 3392  
ballot envelope for that ballot, whether the ballot is valid and 3393  
entitled to be counted. 3394~~

(B)(1) To determine whether a provisional ballot is valid and 3395  
entitled to be counted, the board shall examine ~~its~~ the 3396  
affirmation executed by the provisional voter, the statewide voter 3397  
registration database, and other records maintained by the board  
of elections and determine whether the individual who cast the 3398  
provisional ballot is registered and eligible to vote in the 3399  
applicable election. The board shall examine the information 3400  
contained in the written affirmation executed by the individual 3401  
who cast the provisional ballot under division (B)(2) of section 3402  
3403

3505.181 of the Revised Code. ~~If the individual declines to~~ 3404  
~~execute such an affirmation, the individual's name, written by~~ 3405  
~~either the individual or the election official at the direction of~~ 3406  
~~the individual, shall be included in a written affirmation in~~ 3407  
~~order for the provisional ballot to be eligible to be counted;~~ 3408  
~~otherwise, the~~ The following information shall be included by the 3409  
provisional voter in the written affirmation in order for the 3410  
provisional ballot to be eligible to be counted: 3411

(a) The individual's printed name ~~and;~~ 3412

(b) The individual's signature; 3413

~~(b)(c)~~ The individual's date of birth; 3414

(d) The individual's social security number, driver's license 3415  
number, or state identification card number, or an affirmation 3416  
notation that the individual provided the required identification 3417  
under division (A)(1) of section 3505.18 of the Revised Code; 3418

(e) The individual's residence address; 3419

(f) A statement that the individual is a registered voter in 3420  
the jurisdiction in which the provisional ballot is being voted; 3421

~~(e)(g)~~ (g) A statement that the individual is eligible to vote in 3422  
the election in which the provisional ballot is being voted. 3423

(2) ~~In addition to the information required to be included in~~ 3424  
~~an affirmation under division (B)(1) of this section, in~~ 3425  
~~determining whether a provisional ballot is valid and entitled to~~ 3426  
~~be counted, the board also shall examine any additional~~ 3427  
~~information for determining ballot validity provided by the~~ 3428  
~~provisional voter on the affirmation, provided by the provisional~~ 3429  
~~voter to an election official under section 3505.182 of the~~ 3430  
~~Revised Code, or provided to the board of elections during the ten~~ 3431  
~~days after the day of the election under division (B)(8) of~~ 3432  
~~section 3505.181 of the Revised Code, to assist the board in~~ 3433



determining the individual's eligibility to vote. 3434

~~(3)~~ If, in examining a provisional ballot affirmation ~~and~~ 3435  
~~additional information under divisions (B)(1) and (2) of this~~ 3436  
~~section~~, the board determines that all of the following apply, the 3437  
provisional ballot envelope shall be opened, and the ballot shall 3438  
be placed in a ballot box to be counted: 3439

(a) The individual named on the affirmation is properly 3440  
registered to vote. 3441

(b) The individual named on the affirmation is eligible to 3442  
cast a ballot in the precinct and for the election in which the 3443  
individual cast the provisional ballot. 3444

(c) The individual provided all of the information required 3445  
under division (B)(1) of this section in the affirmation that the 3446  
individual executed at the time the individual cast the 3447  
provisional ballot. 3448

~~(d) If applicable, the individual provided any additional~~ 3449  
~~information required under division (B)(8) of section 3505.181 of~~ 3450  
~~the Revised Code within ten days after the day of the election.~~ 3451

~~(e)~~ If applicable, the hearing conducted under division (B) 3452  
of section 3503.24 of the Revised Code after the day of the 3453  
election resulted in the individual's inclusion in the official 3454  
registration list. 3455

~~(4)~~(3)(a) If, in examining a provisional ballot affirmation 3456  
~~and additional information under divisions (B)(1) and (2) of this~~ 3457  
~~section~~, the board determines that any of the following applies, 3458  
the provisional ballot envelope shall not be opened, and the 3459  
ballot shall not be counted: 3460

(i) The individual named on the affirmation is not qualified 3461  
or is not properly registered to vote. 3462

(ii) The individual named on the affirmation is not eligible 3463

to cast a ballot in the precinct or for the election in which the individual cast the provisional ballot.

(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.

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

~~(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.~~

~~(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.~~

~~(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.~~

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

ballot shall not be counted: 3495

(i) Whether the individual named on the affirmation is 3496  
qualified or properly registered to vote; 3497

(ii) Whether the individual named on the affirmation is 3498  
eligible to cast a ballot in the precinct or for the election in 3499  
which the individual cast the provisional ballot. 3500

(C)(1) For each provisional ballot rejected under division 3501  
(B)~~(4)~~(3) of this section, the board shall record the name of the 3502  
provisional voter who cast the ballot, the identification number 3503  
of the provisional ballot envelope, the names of the election 3504  
officials who determined the validity of that ballot, the date and 3505  
time that the determination was made, and the reason that the 3506  
ballot was not counted. 3507

(2) Provisional ballots that are rejected under division 3508  
(B)~~(4)~~(3) of this section shall not be counted but shall be 3509  
preserved in their provisional ballot envelopes unopened until the 3510  
time provided by section 3505.31 of the Revised Code for the 3511  
destruction of all other ballots used at the election for which 3512  
ballots were provided, at which time they shall be destroyed. 3513

(D) Provisional ballots that the board determines are 3514  
eligible to be counted under division (B)~~(3)~~(2) of this section 3515  
shall be counted in the same manner as provided for other ballots 3516  
under section 3505.27 of the Revised Code. No provisional ballots 3517  
shall be counted in a particular county until the board determines 3518  
the eligibility to be counted of all provisional ballots cast in 3519  
that county under division (B) of this section for that election. 3520  
Observers, as provided in section 3505.21 of the Revised Code, may 3521  
be present at all times that the board is determining the 3522  
eligibility of provisional ballots to be counted and counting 3523  
those provisional ballots determined to be eligible. No person 3524  
shall recklessly disclose the count or any portion of the count of 3525

provisional ballots in such a manner as to jeopardize the secrecy 3526  
of any individual ballot. 3527

(E)(1) Except as otherwise provided in division (E)(2) of 3528  
this section, nothing in this section shall prevent a board of 3529  
elections from examining provisional ballot affirmations ~~and~~ 3530  
~~additional information under divisions (B)(1) and (2) of this~~ 3531  
~~section~~ to determine the eligibility of provisional ballots to be 3532  
counted during the ten days after the day of an election. 3533

(2) A board of elections shall not examine the provisional 3534  
ballot affirmation ~~and additional information under divisions~~ 3535  
~~(B)(1) and (2) of this section~~ of any provisional ballot for which 3536  
an election official has indicated under division (B)~~(7)~~(5) of 3537  
section 3505.181 of the Revised Code that ~~additional information~~ 3538  
~~is required for the board of elections to determine the~~ 3539  
~~eligibility of the individual who cast that provisional ballot~~ 3540  
~~until the individual provides any information required under~~ 3541  
~~division (B)(8) of section 3505.181 of the Revised Code~~ an 3542  
application or challenge hearing has been postponed, until any 3543  
hearing required to be conducted under section 3503.24 of the 3544  
Revised Code with regard to the provisional voter is held, or 3545  
until the eleventh day after the day of the election, whichever is 3546  
earlier. 3547

**Sec. 3505.20.** Any person offering to vote may be challenged 3548  
at the polling place by any ~~judge of elections~~ precinct election 3549  
official. If the board of elections has ruled on the question 3550  
presented by a challenge prior to election day, its finding and 3551  
decision shall be final, and the ~~presiding judge~~ voting location 3552  
manager shall be notified in writing. If the board has not ruled, 3553  
the question shall be determined as set forth in this section. If 3554  
any person is so challenged as unqualified to vote, the ~~presiding~~ 3555  
~~judge~~ voting location manager shall tender the person the 3556

following oath: "You do swear or affirm under penalty of election 3557  
falsification that you will fully and truly answer all of the 3558  
following questions put to you concerning your qualifications as 3559  
an elector at this election." 3560

(A) If the person is challenged as unqualified on the ground 3561  
that the person is not a citizen, the judges shall put the 3562  
following ~~questions~~ question: 3563

~~(1) Are you a citizen of the United States?~~ 3564

~~(2) Are you a native or naturalized citizen?~~ 3565

~~(3) Where were you born?~~ 3566

~~(4) What official documentation do you possess to prove your 3567  
citizenship? Please provide that documentation.~~ 3568

~~If the person offering to vote claims to be a naturalized 3569  
citizen of the United States, the person shall, before the vote is 3570  
received, produce for inspection of the judges a certificate of 3571  
naturalization and declare under oath that the person is the 3572  
identical person named in the certificate. If the person states 3573  
under oath that, by reason of the naturalization of the person's 3574  
parents or one of them, the person has become a citizen of the 3575  
United States, and when or where the person's parents were 3576  
naturalized, the certificate of naturalization need not be 3577  
produced. If the person is unable to provide a certificate of 3578  
naturalization on the day of the election, the judges shall 3579  
provide to the person, and the person may vote, a provisional 3580  
ballot under section 3505.181 of the Revised Code. The provisional 3581  
ballot shall not be counted unless it is properly completed and 3582  
the board of elections determines that the voter is properly 3583  
registered and eligible to vote in the election.~~ 3584

(B) If the person is challenged as unqualified on the ground 3585  
that the person has not resided in this state for thirty days 3586  
immediately preceding the election, the judges precinct election 3587

<u>officials</u> shall put the following questions:	3588
(1) Have you resided in this state for thirty days	3589
immediately preceding this election? If so, where have you	3590
resided?	3591
(2) Did you properly register to vote?	3592
(3) Can you provide some form of identification containing	3593
your current mailing address in this precinct? Please provide that	3594
identification.	3595
(4) Have you voted or attempted to vote at any other location	3596
in this or in any other state at this election?	3597
(5) Have you applied for an absent voter's ballot in any	3598
state for this election?	3599
If the <del>judges</del> <u>precinct election officials</u> are unable to	3600
verify the person's eligibility to cast a ballot in the election,	3601
the <del>judges</del> <u>precinct election officials</u> shall provide to the	3602
person, and the person may vote, a provisional ballot under	3603
section 3505.181 of the Revised Code. The provisional ballot shall	3604
not be counted unless it is properly completed and the board of	3605
elections determines that the voter is properly registered and	3606
eligible to vote in the election.	3607
(C) If the person is challenged as unqualified on the ground	3608
that the person is not a resident of the precinct where the person	3609
offers to vote, the <del>judges</del> <u>precinct election officials</u> shall put	3610
the following questions:	3611
(1) Do you reside in this precinct?	3612
(2) When did you move into this precinct?	3613
(3) When you came into this precinct, did you come for a	3614
temporary purpose merely or for the purpose of making it your	3615
home?	3616
(4) What is your current mailing address?	3617

(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~~ precinct election officials 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~~ precinct election officials are unable to verify the person's eligibility to cast a ballot in the election, the ~~judges~~ precinct election officials shall provide to the person, and the person may vote, a provisional ballot under section 3505.181 of the Revised Code. The provisional ballot shall not be counted unless it is properly completed and the board of elections determines that the voter is properly registered and eligible to vote in the election.

(D) If the person is challenged as unqualified on the ground that the person is not of legal voting age, the ~~judges~~ precinct election officials 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~~ precinct election officials are unable to verify the person's age and eligibility to cast a ballot in the election, the ~~judges~~ precinct election officials shall provide to the person, and the person may vote, a provisional ballot under section 3505.181 of the Revised Code. The provisional ballot shall

not be counted unless it is properly completed and the board of 3648  
elections determines that the voter is properly registered and 3649  
eligible to vote in the election. 3650

~~The presiding judge shall put such other questions to the 3651  
person challenged as are necessary to determine the person's 3652  
qualifications as an elector at the election.~~ If a person 3653  
challenged refuses to answer fully any question put to the person, 3654  
is unable to answer the questions as they were answered on the 3655  
registration form by the person under whose name the person offers 3656  
to vote, or refuses to sign the person's name or make the person's 3657  
mark, or if for any other reason a majority of the ~~judges~~ precinct 3658  
election officials believes the person is not entitled to vote, 3659  
the ~~judges~~ precinct election officials shall provide to the 3660  
person, and the person may vote, a provisional ballot under 3661  
section 3505.181 of the Revised Code. The provisional ballot shall 3662  
not be counted unless it is properly completed and the board of 3663  
elections determines that the voter is properly registered and 3664  
eligible to vote in the election. 3665

A qualified citizen who has certified the citizen's intention 3666  
to vote for president and vice-president as provided by Chapter 3667  
3504. of the Revised Code shall be eligible to receive only the 3668  
ballot containing presidential and vice-presidential candidates. 3669

However, prior to the nineteenth day before the day of an 3670  
election and in accordance with section 3503.24 of the Revised 3671  
Code, any person qualified to vote may challenge the right of any 3672  
other person to be registered as a voter, or the right to cast an 3673  
absent voter's ballot, or to make application for such ballot. 3674  
Such challenge shall be made in accordance with section 3503.24 of 3675  
the Revised Code, and the board of elections of the county in 3676  
which the voting residence of the challenged voter is situated 3677  
shall make a final determination relative to the legality of such 3678  
registration or application. 3679



Sec. 3505.21. At any primary, special, or general election, 3680  
any political party supporting candidates to be voted upon at such 3681  
election and any group of five or more candidates may appoint to 3682  
the board of elections or to any of the precincts in the county or 3683  
city one person, a qualified elector, who shall serve as observer 3684  
for such party or such candidates during the casting and counting 3685  
of the ballots; provided that separate observers may be appointed 3686  
to serve during the casting and during the counting of the 3687  
ballots. No candidate, no uniformed peace officer as defined by 3688  
section 2935.01 of the Revised Code, no uniformed state highway 3689  
patrol trooper, no uniformed member of any fire department, no 3690  
uniformed member of the armed services, no uniformed member of the 3691  
organized militia, no person wearing any other uniform, and no 3692  
person carrying a firearm or other deadly weapon shall serve as an 3693  
observer, nor shall any candidate be represented by more than one 3694  
observer at any one precinct except that a candidate who is a 3695  
member of a party controlling committee, as defined in section 3696  
3517.03 of the Revised Code, may serve as an observer. Any 3697  
political party or group of candidates appointing observers shall 3698  
notify the board of elections of the names and addresses of its 3699  
appointees and the precincts at which they shall serve. 3700  
Notification shall take place not less than eleven days before the 3701  
election on forms prescribed by the secretary of state and may be 3702  
amended by filing an amendment with the board of elections at any 3703  
time until four p.m. of the day before the election. The observer 3704  
serving on behalf of a political party shall be appointed in 3705  
writing by the chairperson and secretary of the respective 3706  
controlling party committee. Observers serving for any five or 3707  
more candidates shall have their certificates signed by those 3708  
candidates. Observers appointed to a precinct may file their 3709  
certificates of appointment with the ~~presiding judge~~ voting 3710  
location manager of the precinct at the meeting on the evening 3711

prior to the election, or with the ~~presiding judge~~ voting location 3712  
manager of the precinct on the day of the election. Upon the 3713  
filing of a certificate, the person named as observer in the 3714  
certificate shall be permitted to be in and about the polling 3715  
place for the precinct during the casting of the ballots and shall 3716  
be permitted to watch every proceeding of the ~~judges of elections~~ 3717  
precinct election officials from the time of the opening until the 3718  
closing of the polls. The observer also may inspect the counting 3719  
of all ballots in the polling place or board of elections from the 3720  
time of the closing of the polls until the counting is completed 3721  
and the final returns are certified and signed. Observers 3722  
appointed to the board of elections under this section may observe 3723  
at the board of elections and may observe at any precinct in the 3724  
county. The ~~judges of elections~~ precinct election officials shall 3725  
protect such observers in all of the rights and privileges granted 3726  
to them by Title XXXV of the Revised Code. 3727

No persons other than the ~~judges of elections~~ precinct 3728  
election officials, the observers, a police officer, other persons 3729  
who are detailed to any precinct on request of the board of 3730  
elections, or the secretary of state or the secretary of state's 3731  
legal representative shall be admitted to the polling place, or 3732  
any room in which a board of elections is counting ballots, after 3733  
the closing of the polls until the counting, certifying, and 3734  
signing of the final returns of each election have been completed. 3735

Not later than four p.m. of the twentieth day prior to an 3736  
election at which questions are to be submitted to a vote of the 3737  
people, any committee that in good faith advocates or opposes a 3738  
measure may file a petition with the board of any county asking 3739  
that the petitioners be recognized as the committee entitled to 3740  
appoint observers to the count at the election. If more than one 3741  
committee alleging themselves to advocate or oppose the same 3742  
measure file such a petition, the board shall decide and announce 3743

by registered mail to each committee not less than twelve days 3744  
immediately preceding the election which committee is recognized 3745  
as being entitled to appoint observers. The decision shall not be 3746  
final, but any aggrieved party may institute mandamus proceedings 3747  
in the court of common pleas of the county in which the board has 3748  
jurisdiction to compel the ~~judges of elections~~ precinct election 3749  
officials to accept the appointees of such aggrieved party. Any 3750  
such recognized committee may appoint an observer to the count in 3751  
each precinct. Committees appointing observers shall notify the 3752  
board of elections of the names and addresses of its appointees 3753  
and the precincts at which they shall serve. Notification shall 3754  
take place not less than eleven days before the election on forms 3755  
prescribed by the secretary of state and may be amended by filing 3756  
an amendment with the board of elections at any time until four 3757  
p.m. on the day before the election. A person so appointed shall 3758  
file the person's certificate of appointment with the ~~presiding~~ 3759  
~~judge~~ voting location manager in the precinct in which the person 3760  
has been appointed to serve. Observers shall file their 3761  
certificates before the polls are closed. In no case shall more 3762  
than six observers be appointed for any one election in any one 3763  
precinct. If more than three questions are to be voted on, the 3764  
committees which have appointed observers may agree upon not to 3765  
exceed six observers, and the ~~judges of elections~~ precinct 3766  
election officials shall appoint such observers. If such 3767  
committees fail to agree, the ~~judges of elections~~ precinct 3768  
election officials shall appoint six observers from the appointees 3769  
so certified, in such manner that each side of the several 3770  
questions shall be represented. 3771

No person shall serve as an observer at any precinct unless 3772  
the board of elections of the county in which such observer is to 3773  
serve has first been notified of the name, address, and precinct 3774  
at which such observer is to serve. Notification to the board of 3775  
elections shall be given by the political party, group of 3776

candidates, or committee appointing such observer as prescribed in 3777  
this section. No such observers shall receive any compensation 3778  
from the county, municipal corporation, or township, and they 3779  
shall take the following oath, to be administered by one of the 3780  
~~judges of elections~~ precinct election officials: 3781

"You do solemnly swear that you will faithfully and 3782  
impartially discharge the duties as an official observer, assigned 3783  
by law; that you will not cause any delay to persons offering to 3784  
vote; and that you will not disclose or communicate to any person 3785  
how any elector has voted at such election." 3786

**Sec. 3505.23.** No voter shall be allowed to occupy a voting 3787  
compartment or use a voting machine for more than ~~five~~ ten minutes 3788  
when all the voting compartments or machines are in use and voters 3789  
are waiting to occupy them. Except as otherwise provided by 3790  
section 3505.24 of the Revised Code, no voter shall occupy a 3791  
voting compartment or machine with another person or speak to 3792  
anyone, nor shall anyone speak to the voter, while the voter is in 3793  
a voting compartment or machine. 3794

In precincts that do not use voting machines the following 3795  
procedure shall be followed: 3796

If a voter tears, soils, defaces, or erroneously marks a 3797  
ballot the voter may return it to the precinct election officials 3798  
and a second ballot shall be issued to the voter. Before returning 3799  
a torn, soiled, defaced, or erroneously marked ballot, the voter 3800  
shall fold it so as to conceal any marks the voter made upon it, 3801  
but the voter shall not remove Stub A therefrom. If the voter 3802  
tears, soils, defaces, or erroneously marks such second ballot, 3803  
the voter may return it to the precinct election officials, and a 3804  
third ballot shall be issued to the voter. In no case shall more 3805  
than three ballots be issued to a voter. Upon receiving a returned 3806  
torn, soiled, defaced, or erroneously marked ballot the precinct 3807

election officials shall detach Stub A therefrom, write "Defaced" 3808  
on the back of such ballot, and place the stub and the ballot in 3809  
the separate containers provided therefor. 3810

No elector shall leave the polling place until the elector 3811  
returns to the precinct election officials every ballot issued to 3812  
the elector with Stub A on each ballot attached thereto, 3813  
regardless of whether the elector has or has not placed any marks 3814  
upon the ballot. 3815

Before leaving the voting compartment, the voter shall fold 3816  
each ballot marked by the voter so that no part of the face of the 3817  
ballot is visible, and so that the printing thereon indicating the 3818  
kind of ballot it is and the facsimile signatures of the members 3819  
of the board of elections are visible. The voter shall then leave 3820  
the voting compartment, deliver the voter's ballots, and state the 3821  
voter's name to the ~~judge~~ precinct election official having charge 3822  
of the ballot boxes, who shall announce the name, detach Stub A 3823  
from each ballot, and announce the number on the stubs. The ~~judges~~ 3824  
precinct election officials in charge of the poll lists or poll 3825  
books shall check to ascertain whether the number so announced is 3826  
the number on Stub B of the ballots issued to such voter, and if 3827  
no discrepancy appears to exist, the ~~judge~~ precinct election 3828  
official in charge of the ballot boxes shall, in the presence of 3829  
the voter, deposit each such ballot in the proper ballot box and 3830  
shall place Stub A from each ballot in the container provided 3831  
therefor. The voter shall then immediately leave the polling 3832  
place. 3833

No ballot delivered by a voter to the ~~judge~~ precinct election 3834  
official in charge of the ballot boxes with Stub A detached 3835  
therefrom, and only ballots provided in accordance with Title XXXV 3836  
of the Revised Code, shall be voted or deposited in the ballot 3837  
boxes. 3838

In marking a presidential ballot, the voter shall record the 3839

vote in the manner provided on the ballot next to the names of the 3840  
candidates for the offices of president and vice-president. Such 3841  
ballot shall be considered and counted as a vote for each of the 3842  
candidates for election as presidential elector whose names were 3843  
certified to the secretary of state by the political party of such 3844  
nominees for president and vice-president. 3845

In marking an office type ballot or nonpartisan ballot, the 3846  
voter shall record the vote in the manner provided on the ballot 3847  
next to the name of each candidate for whom the voter desires to 3848  
vote. 3849

In marking a primary election ballot, the voter shall record 3850  
the vote in the manner provided on the ballot next to the name of 3851  
each candidate for whom the voter desires to vote. If the voter 3852  
desires to vote for the nomination of a person whose name is not 3853  
printed on the primary election ballot, the voter may do so by 3854  
writing such person's name on the ballot in the proper place 3855  
provided for such purpose. 3856

In marking a questions and issues ballot, the voter shall 3857  
record the vote in the manner provided on the ballot at the left 3858  
or at the right of "YES" or "NO" or other words of similar import 3859  
which are printed on the ballot to enable the voter to indicate 3860  
how the voter votes in connection with each question or issue upon 3861  
which the voter desires to vote. 3862

In marking any ballot on which a blank space has been 3863  
provided wherein an elector may write in the name of a person for 3864  
whom the elector desires to vote, the elector shall write such 3865  
person's name in such blank space and on no other place on the 3866  
ballot. Unless specific provision is made by statute, no blank 3867  
space shall be provided on a ballot for write-in votes, and any 3868  
names written on a ballot other than in a blank space provided 3869  
therefor shall not be counted or recorded. 3870

**Sec. 3505.24.** Any elector who declares to the ~~presiding judge~~ 3871  
~~of elections~~ voting location manager that the elector is unable to 3872  
mark the elector's ballot by reason of blindness, disability, or 3873  
illiteracy may be accompanied in the voting booth and aided by any 3874  
person of the elector's choice, other than the elector's employer, 3875  
an agent of the elector's employer, or an officer or agent of the 3876  
elector's union, if any. The elector also may request and receive 3877  
assistance in the marking of the elector's ballot from two 3878  
election officials of different political parties. Any person 3879  
providing assistance in the marking of an elector's ballot under 3880  
this section shall thereafter provide no information in regard to 3881  
the marking of that ballot. 3882

Any ~~judge~~ precinct election official may require a 3883  
declaration of inability to be made by the elector under oath 3884  
before the ~~judge~~ official. Assistance shall not be rendered for 3885  
causes other than those specified in this section, and no 3886  
candidate whose name appears on the ballot shall assist any person 3887  
in marking that person's ballot. 3888

**Sec. 3505.26.** At the time for closing the polls, the 3889  
~~presiding judge~~ voting location manager shall by proclamation 3890  
announce that the polls are closed. 3891

The ~~judges~~ precinct election officials shall then in the 3892  
presence of observers proceed as follows: 3893

(A) Count the number of electors who voted, as shown on the 3894  
pollbooks; 3895

(B) Count the unused ballots without removing stubs; 3896

(C) Count the soiled and defaced ballots; 3897

(D) Insert the totals of (A), (B), and (C) on the report 3898  
forms provided therefor in the pollbook; 3899

(E) Count the voted ballots. If the number of voted ballots exceeds the number of voters whose names appear upon the pollbooks, the ~~presiding judge~~ voting location manager shall enter on the pollbooks an explanation of that discrepancy, and that explanation, if agreed to, shall be subscribed to by all of the ~~judges~~ precinct election officials. Any ~~judge~~ precinct official having a different explanation shall enter it in the pollbooks and subscribe to it.

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

**Sec. 3505.28.** No ballot shall be counted which is marked contrary to law, except that no ballot shall be rejected for any technical error unless it is impossible to determine the voter's choice. ~~If~~

A ballot is marked contrary to law and does not contain a technical error if the voter marks more selections for a particular office, question, or issue than the number of selections that the voter is allowed by law to make for that office, question, or issue. A voter makes more selections for a particular office than the voter is allowed by law to make for that office if the voter marks the ballot for a candidate and also writes in the name of that candidate as a write-in vote. The voter's ballot shall be invalidated for that office, question, or issue, but shall not be invalidated for any other office, question, or issue for which the voter has not marked an excess number of selections.

If two or more ballots are found folded together among the



ballots removed from a ballot box, they shall be deemed to be 3931  
fraudulent. Such ballots shall not be counted. They shall be 3932  
marked "Fraudulent" and shall be placed in an envelope indorsed 3933  
"Not Counted" with the reasons therefor, and such envelope shall 3934  
be delivered to the board of elections together with other 3935  
uncounted ballots. 3936

No ballot shall be rejected because of being marked with ink 3937  
or by any writing instrument other than one of the pencils 3938  
provided by the board of elections. 3939

**Sec. 3505.29.** From the time the ballot box is opened and the 3940  
count of ballots begun until the ballots are counted and 3941  
certificates of votes cast are made out, signed, certified and 3942  
given to the ~~presiding judge~~ voting location manager for delivery 3943  
to the headquarters of the board of elections, the ~~judges~~ precinct  
election officials in each precinct shall not separate, nor shall 3944  
a ~~judge~~ precinct election official leave the polling place except 3945  
from unavoidable necessity. In cases of illness or unavoidable 3946  
necessity, the board may substitute another qualified person for 3947  
any precinct official so incapacitated. 3948  
3949

**Sec. 3505.30.** When the results of the ballots have been 3950  
ascertained, such results shall be embodied in a summary statement 3951  
to be prepared by the judges in duplicate, on forms provided by 3952  
the board of elections. One copy shall be certified by the judges 3953  
and posted on the front of the polling place, and one copy, 3954  
similarly certified, shall be transmitted without delay to the 3955  
board in a sealed envelope along with the other returns of the 3956  
election. The board shall, immediately upon receipt of such 3957  
summary statements, compile and prepare an unofficial count and 3958  
upon its completion shall transmit prepaid, immediately by 3959  
telephone, facsimile machine, or other telecommunications device, 3960  
the results of such unofficial count to the secretary of state, or 3961

to the board of the most populous county of the district which is 3962  
authorized to canvass the returns. Such count, in no event, shall 3963  
be made later than twelve noon on the day following the election. 3964  
~~The board shall also, at the same time, certify the results~~ 3965  
~~thereof to the secretary of state by certified mail.~~ The board 3966  
shall remain in session from the time of the opening of the polls, 3967  
continuously, until the results of the election are received from 3968  
every precinct in the county and such results are communicated to 3969  
the secretary of state. 3970

**Sec. 3505.31.** When the results of the voting in a polling 3971  
place on the day of an election have been determined and entered 3972  
upon the proper forms and the certifications of those results have 3973  
been signed by the precinct officials, those officials, before 3974  
leaving the polling place, shall place all ballots that they have 3975  
counted in containers provided for that purpose by the board of 3976  
elections, and shall seal each container in a manner that it 3977  
cannot be opened without breaking the seal or the material of 3978  
which the container is made. They shall also seal the pollbook, 3979  
poll list or signature pollbook, and tally sheet in a manner that 3980  
the data contained in these items cannot be seen without breaking 3981  
the seals. On the outside of these items shall be a plain 3982  
indication that they are to be filed with the board. The ~~presiding~~ 3983  
~~judge~~ voting location manager and an employee or appointee of the 3984  
board of elections who has taken an oath to uphold the laws and 3985  
constitution of this state, including an oath that the person will 3986  
promptly and securely perform the duties required under this 3987  
section and who is a member of a different political party than 3988  
the ~~presiding judge~~ voting location manager, shall then deliver to 3989  
the board the containers of ballots and the sealed pollbook, poll 3990  
list, and tally sheet, together with all other election reports, 3991  
materials, and supplies required to be delivered to the board. 3992

The board shall carefully preserve all ballots prepared and 3993

provided by it for use in an election, whether used or unused, for 3994  
sixty days after the day of the election, except that, if an 3995  
election includes the nomination or election of candidates for any 3996  
of the offices of president, vice-president, presidential elector, 3997  
member of the senate of the congress of the United States, or 3998  
member of the house of representatives of the congress of the 3999  
United States, the board shall carefully preserve all ballots 4000  
prepared and provided by it for use in that election, whether used 4001  
or unused, for twenty-two months after the day of the election. If 4002  
an election is held within that sixty-day period, the board shall 4003  
have authority to transfer those ballots to other containers to 4004  
preserve them until the sixty-day period has expired. After that 4005  
sixty-day period, the ballots shall be disposed of by the board in 4006  
a manner that the board orders, or where voting machines have been 4007  
used the counters may be turned back to zero; provided that the 4008  
secretary of state, within that sixty-day period, may order the 4009  
board to preserve the ballots or any part of the ballots for a 4010  
longer period of time, in which event the board shall preserve 4011  
those ballots for that longer period of time. 4012

In counties where voting machines are used, if an election is 4013  
to be held within the sixty days immediately following a primary, 4014  
general, or special election or within any period of time within 4015  
which the ballots have been ordered preserved by the secretary of 4016  
state or a court of competent jurisdiction, the board, after 4017  
giving notice to all interested parties and affording them an 4018  
opportunity to have a representative present, shall open the 4019  
compartments of the machines and, without unlocking the machines, 4020  
shall recanvass the vote cast in them as if a recount were being 4021  
held. The results shall be certified by the board, and this 4022  
certification shall be filed in the board's office and retained 4023  
for the remainder of the period for which ballots must be kept. 4024  
After preparation of the certificate, the counters may be turned 4025  
back to zero, and the machines may be used for the election. 4026

The board shall carefully preserve the pollbook, poll list or signature pollbook, and tally sheet delivered to it from each polling place until it has completed the official canvass of the election returns from all precincts in which electors were entitled to vote at an election, and has prepared and certified the abstracts of election returns, as required by law. The board shall not break, or permit anyone to break, the seals upon the pollbook, poll list or signature pollbook, and tally sheet, or make, or permit any one to make, any changes or notations in these items, while they are in its custody, except as provided by section 3505.32 of the Revised Code.

Pollbooks and poll lists or signature pollbooks of a party primary election delivered to the board from polling places shall be carefully preserved by it for two years after the day of election in which they were used, and shall then be disposed of by the board in a manner that the board orders.

Pollbooks, poll lists or signature pollbooks, tally sheets, summary statements, and other records and returns of an election delivered to it from polling places shall be carefully preserved by the board for two years after the day of the election in which they were used, and shall then be disposed of by the board in a manner that the board orders.

Sec. 3506.021. (A) A board of elections may adopt the use of any electronic pollbook that has been certified for use in this state in accordance with section 3506.05 of the Revised Code, instead of using poll lists or signature pollbooks. A board of elections that opts to use electronic pollbooks shall notify the secretary of state of that decision.

(B) The secretary of state shall provide each board of elections that adopts the use of electronic pollbooks under division (A) of this section with rules, instructions, directives,

and advisories regarding the examination, testing, and use of 4058  
electronic pollbooks, including rules regarding the sealing of the 4059  
information in those pollbooks as required under section 3505.31 4060  
of the Revised Code. 4061

(C) As used in this section, "electronic pollbook" has the 4062  
same meaning as in section 3506.05 of the Revised Code. 4063

**Sec. 3506.05.** (A) As used in this section, ~~except:~~ 4064

(1) "Electronic pollbook" means an electronic list of 4065  
registered voters for a particular precinct or polling location 4066  
that may be transported to a polling location; 4067

(2) Except when used as part of the phrase "tabulating 4068  
equipment" or "automatic tabulating equipment," 4069

~~(1) "Equipment"~~ "equipment" means a voting machine, marking 4070  
device, automatic tabulating equipment, ~~or~~ software, or an 4071  
electronic pollbook. 4072

~~(2)~~(3) "Vendor" means the person that owns, manufactures, 4073  
distributes, or has the legal right to control the use of 4074  
equipment, or the person's agent. 4075

(B) No voting machine, marking device, automatic tabulating 4076  
equipment, or software for the purpose of casting or tabulating 4077  
votes or for communications among systems involved in the 4078  
tabulation, storage, or casting of votes, and no electronic 4079  
pollbook, shall be purchased, leased, put in use, or continued to 4080  
be used, except for experimental use as provided in division (B) 4081  
of section 3506.04 of the Revised Code, unless it, a manual of 4082  
procedures governing its use, and training materials, service, and 4083  
other support arrangements have been certified by the secretary of 4084  
state and unless the board of elections of each county where the 4085  
equipment will be used has assured that a demonstration of the use 4086  
of the equipment has been made available to all interested 4087

electors. The secretary of state shall appoint a board of voting machine examiners to examine and approve equipment and its related manuals and support arrangements. The board shall consist of four members, who shall be appointed as follows:

(1) Two members appointed by the secretary of state.

(2) One member appointed by either the speaker of the house of representatives or the minority leader of the house of representatives, whichever is a member of the opposite political party from the one to which the secretary of state belongs.

(3) One member appointed by either the president of the senate or the minority leader of the senate, whichever is a member of the opposite political party from the one to which the secretary of state belongs.

In all cases of a tie vote or a disagreement in the board, if no decision can be arrived at, the board shall submit the matter in controversy to the secretary of state, who shall summarily decide the question, and the secretary of state's decision shall be final. Each member of the board shall be a competent and experienced election officer or a person who is knowledgeable about the operation of voting equipment and shall serve during the secretary of state's term. Any vacancy on the board shall be filled in the same manner as the original appointment. The secretary of state shall provide staffing assistance to the board, at the board's request.

For the member's service, each member of the board shall receive three hundred dollars per day for each combination of marking device, tabulating equipment, ~~and~~ voting machine, and electronic pollbook examined and reported, but in no event shall a member receive more than six hundred dollars to examine and report on any one marking device, item of tabulating equipment, ~~or~~ voting machine, or electronic pollbook. Each member of the board shall be

reimbursed for expenses the member incurs during an examination or 4119  
during the performance of any related duties that may be required 4120  
by the secretary of state. Reimbursement of these expenses shall 4121  
be made in accordance with, and shall not exceed, the rates 4122  
provided for under section 126.31 of the Revised Code. 4123

Neither the secretary of state nor the board, nor any public 4124  
officer who participates in the authorization, examination, 4125  
testing, or purchase of equipment, shall have any pecuniary 4126  
interest in the equipment or any affiliation with the vendor. 4127

(C)(1) A vendor who desires to have the secretary of state 4128  
certify equipment shall first submit the equipment, all current 4129  
related procedural manuals, and a current description of all 4130  
related support arrangements to the board of voting machine 4131  
examiners for examination, testing, and approval. The submission 4132  
shall be accompanied by a fee of eighteen hundred dollars and a 4133  
detailed explanation of the construction and method of operation 4134  
of the equipment, a full statement of its advantages, and a list 4135  
of the patents and copyrights used in operations essential to the 4136  
processes of vote recording and tabulating, vote storage, system 4137  
security, pollbook storage and security, and other crucial 4138  
operations of the equipment as may be determined by the board. An 4139  
additional fee, in an amount to be set by rules promulgated by the 4140  
board, may be imposed to pay for the costs of alternative testing 4141  
or testing by persons other than board members, record-keeping, 4142  
and other extraordinary costs incurred in the examination process. 4143  
Moneys not used shall be returned to the person or entity 4144  
submitting the equipment for examination. 4145

(2) Fees collected by the secretary of state under this 4146  
section shall be deposited into the state treasury to the credit 4147  
of the board of voting machine examiners fund, which is hereby 4148  
created. All moneys credited to this fund shall be used solely for 4149  
the purpose of paying for the services and expenses of each member 4150

of the board or for other expenses incurred relating to the 4151  
examination, testing, reporting, or certification of ~~voting~~ 4152  
~~machine devices~~ equipment, the performance of any related duties 4153  
as required by the secretary of state, or the reimbursement of any 4154  
person submitting an examination fee as provided in this chapter. 4155

(D) Within sixty days after the submission of the equipment 4156  
and payment of the fee, or as soon thereafter as is reasonably 4157  
practicable, but in any event within not more than ninety days 4158  
after the submission and payment, the board of voting machine 4159  
examiners shall examine the equipment and file with the secretary 4160  
of state a written report on the equipment with its 4161  
recommendations and, if applicable, its determination or condition 4162  
of approval regarding whether the equipment, manual, and other 4163  
related materials or arrangements meet the criteria set forth in 4164  
sections 3506.07 and 3506.10 of the Revised Code and can be safely 4165  
used by the voters at elections under the conditions prescribed in 4166  
Title XXXV of the Revised Code, or a written statement of reasons 4167  
for which testing requires a longer period. The board may grant 4168  
temporary approval for the purpose of allowing experimental use of 4169  
equipment. If the board finds that the equipment meets ~~the~~ any 4170  
applicable criteria set forth in sections 3506.06, 3506.07, and 4171  
3506.10 of the Revised Code, can be used safely and, if 4172  
applicable, can be depended upon to record and count accurately 4173  
and continuously the votes of electors, and has the capacity to be 4174  
warranted, maintained, and serviced, it shall approve the 4175  
equipment and recommend that the secretary of state certify the 4176  
equipment. The secretary of state shall notify all boards of 4177  
elections of any such certification. Equipment of the same model 4178  
and make, if it ~~provides for recording of voter intent, system~~ 4179  
~~security, voter privacy, retention of vote, and communication of~~ 4180  
~~voting records~~ operates in an identical manner, may then be 4181  
adopted for use at elections. 4182



(E) The vendor shall notify the secretary of state, who shall 4183  
then notify the board of voting machine examiners, of any 4184  
enhancement and any significant adjustment to the hardware or 4185  
software that could result in a patent or copyright change or that 4186  
significantly alters the methods of recording voter intent, system 4187  
security, voter privacy, retention of the vote, communication of 4188  
~~voting~~ records, and connections between the system and other 4189  
systems. The vendor shall provide the secretary of state with an 4190  
updated operations manual for the equipment, and the secretary of 4191  
state shall forward the manual to the board. Upon receiving such a 4192  
notification and manual, the board may require the vendor to 4193  
submit the equipment to an examination and test in order for the 4194  
equipment to remain certified. The board or the secretary of state 4195  
shall periodically examine, test, and inspect certified equipment 4196  
to determine continued compliance with the requirements of this 4197  
chapter and the initial certification. Any examination, test, or 4198  
inspection conducted for the purpose of continuing certification 4199  
of any equipment in which a significant problem has been uncovered 4200  
or in which a record of continuing problems exists shall be 4201  
performed pursuant to divisions (C) and (D) of this section, in 4202  
the same manner as the examination, test, or inspection is 4203  
performed for initial approval and certification. 4204

(F) If, at any time after the certification of equipment, the 4205  
board of voting machine examiners or the secretary of state is 4206  
notified by a board of elections of any significant problem with 4207  
the equipment or determines that the equipment fails to meet the 4208  
requirements necessary for approval or continued compliance with 4209  
the requirements of this chapter, or if the board of voting 4210  
machine examiners determines that there are significant 4211  
enhancements or adjustments to the hardware or software, or if 4212  
notice of such enhancements or adjustments has not been given as 4213  
required by division (E) of this section, the secretary of state 4214  
shall notify the users and vendors of that equipment that 4215

certification of the equipment may be withdrawn. 4216

(G)(1) The notice given by the secretary of state under 4217  
division (F) of this section shall be in writing and shall specify 4218  
both of the following: 4219

(a) The reasons why the certification may be withdrawn; 4220

(b) The date on which certification will be withdrawn unless 4221  
the vendor takes satisfactory corrective measures or explains why 4222  
there are no problems with the equipment or why the enhancements 4223  
or adjustments to the equipment are not significant. 4224

(2) A vendor who receives a notice under division (F) of this 4225  
section shall, within thirty days after receiving it, submit to 4226  
the board of voting machine examiners in writing a description of 4227  
the corrective measures taken and the date on which they were 4228  
taken, or the explanation required under division (G)(1)(b) of 4229  
this section. 4230

(3) Not later than fifteen days after receiving a written 4231  
description or explanation under division (G)(2) of this section 4232  
from a vendor, the board shall determine whether the corrective 4233  
measures taken or the explanation is satisfactory to allow 4234  
continued certification of the equipment, and the secretary of 4235  
state shall send the vendor a written notice of the board's 4236  
determination, specifying the reasons for it. If the board has 4237  
determined that the measures taken or the explanation given is 4238  
unsatisfactory, the notice shall include the effective date of 4239  
withdrawal of the certification. This date may be different from 4240  
the date originally specified in division (G)(1)(b) of this 4241  
section. 4242

(4) A vendor who receives a notice under division (G)(3) of 4243  
this section indicating a decision to withdraw certification may, 4244  
within thirty days after receiving it, request in writing that the 4245  
board hold a hearing to reconsider its decision. Any interested 4246

party shall be given the opportunity to submit testimony or 4247  
documentation in support of or in opposition to the board's 4248  
recommendation to withdraw certification. Failure of the vendor to 4249  
take appropriate steps as described in division (G)(1)(b) or to 4250  
comply with division (G)(2) of this section results in a waiver of 4251  
the vendor's rights under division (G)(4) of this section. 4252

(H)(1) The secretary of state, in consultation with the board 4253  
of voting machine examiners, shall establish, by rule, guidelines 4254  
for the approval, certification, and continued certification of 4255  
the voting machines, marking devices, ~~and~~ tabulating equipment, 4256  
and electronic pollbooks to be used under Title XXXV of the 4257  
Revised Code. The guidelines shall establish procedures requiring 4258  
vendors or computer software developers to place in escrow with an 4259  
independent escrow agent approved by the secretary of state a copy 4260  
of all source code and related documentation, together with 4261  
periodic updates as they become known or available. The secretary 4262  
of state shall require that the documentation include a system 4263  
configuration and that the source code include all relevant 4264  
program statements in low- or high-level languages. As used in 4265  
this division, "source code" does not include variable codes 4266  
created for specific elections. 4267

(2) Nothing in any rule adopted under division (H) of this 4268  
section shall be construed to limit the ability of the secretary 4269  
of state to follow or adopt, or to preclude the secretary of state 4270  
from following or adopting, any guidelines proposed by the federal 4271  
election commission, any entity authorized by the federal election 4272  
commission to propose guidelines, the election assistance 4273  
commission, or any entity authorized by the election assistance 4274  
commission to propose guidelines. 4275

(3)(a) Before the initial certification of any direct 4276  
recording electronic voting machine with a voter verified paper 4277  
audit trail, and as a condition for the continued certification 4278

and use of those machines, the secretary of state shall establish, 4279  
by rule, standards for the certification of those machines. Those 4280  
standards shall include, but are not limited to, all of the 4281  
following: 4282

(i) A definition of a voter verified paper audit trail as a 4283  
paper record of the voter's choices that is verified by the voter 4284  
prior to the casting of the voter's ballot and that is securely 4285  
retained by the board of elections; 4286

(ii) Requirements that the voter verified paper audit trail 4287  
shall not be retained by any voter and shall not contain 4288  
individual voter information; 4289

(iii) A prohibition against the production by any direct 4290  
recording electronic voting machine of anything that legally could 4291  
be removed by the voter from the polling place, such as a receipt 4292  
or voter confirmation; 4293

(iv) A requirement that paper used in producing a voter 4294  
verified paper audit trail be sturdy, clean, and resistant to 4295  
degradation; 4296

(v) A requirement that the voter verified paper audit trail 4297  
shall be capable of being optically scanned for the purpose of 4298  
conducting a recount or other audit of the voting machine and 4299  
shall be readable in a manner that makes the voter's ballot 4300  
choices obvious to the voter without the use of computer or 4301  
electronic codes; 4302

(vi) A requirement, for office-type ballots, that the voter 4303  
verified paper audit trail include the name of each candidate 4304  
selected by the voter; 4305

(vii) A requirement, for questions and issues ballots, that 4306  
the voter verified paper audit trail include the title of the 4307  
question or issue, the name of the entity that placed the question 4308  
or issue on the ballot, and the voter's ballot selection on that 4309

question or issue, but not the entire text of the question or 4310  
issue. 4311

(b) The secretary of state, by rule adopted under Chapter 4312  
119. of the Revised Code, may waive the requirement under division 4313  
(H)(3)(a)(v) of this section, if the secretary of state determines 4314  
that the requirement is cost prohibitive. 4315

(4)(a) Except as otherwise provided in division (H)(4)(c) of 4316  
this section, any voting machine, marking device, or automatic 4317  
tabulating equipment initially certified or acquired on or after 4318  
December 1, 2008, shall have the most recent federal certification 4319  
number issued by the election assistance commission. 4320

(b) Any voting machine, marking device, or automatic 4321  
tabulating equipment certified for use in this state on ~~the~~ 4322  
~~effective date of this amendment~~ September 12, 2008, shall meet, 4323  
as a condition of continued certification and use, the voting 4324  
system standards adopted by the federal election commission in 4325  
2002. 4326

(c) A county that acquires additional voting machines, 4327  
marking devices, or automatic tabulating equipment on or after 4328  
December 1, 2008, shall not be considered to have acquired those 4329  
machines, devices, or equipment on or after December 1, 2008, for 4330  
the purpose of division (H)(4)(a) of this section if all of the 4331  
following apply: 4332

(i) The voting machines, marking devices, or automatic 4333  
tabulating equipment acquired are the same as the machines, 4334  
devices, or equipment currently used in that county. 4335

(ii) The acquisition of the voting machines, marking devices, 4336  
or automatic tabulating equipment does not replace or change the 4337  
primary voting system used in that county. 4338

(iii) The acquisition of the voting machines, marking 4339  
devices, or automatic tabulating equipment is for the purpose of 4340

replacing inoperable machines, devices, or equipment or for the 4341  
purpose providing additional machines, devices, or equipment 4342  
required to meet the allocation requirements established pursuant 4343  
to division (I) of section 3501.11 of the Revised Code. 4344

**Sec. 3506.12.** In counties where marking devices, automatic 4345  
tabulating equipment, voting machines, or any combination of these 4346  
are in use or are to be used, the board of elections: 4347

(A) May combine, rearrange, and enlarge precincts; but the 4348  
board shall arrange for a sufficient number of these devices to 4349  
accommodate the number of electors in each precinct as determined 4350  
by the number of votes cast in that precinct at the most recent 4351  
election for the office of governor, taking into consideration the 4352  
size and location of each selected polling place, available 4353  
parking, handicap accessibility and other accessibility to the 4354  
polling place, and the number of candidates and issues to be voted 4355  
on. Notwithstanding section 3501.22 of the Revised Code, the board 4356  
may appoint more than four precinct officers to each precinct if 4357  
this is made necessary by the number of voting machines to be used 4358  
in that precinct. 4359

(B) Except as otherwise provided in this division, shall 4360  
establish one or more counting stations to receive voted ballots 4361  
and other precinct election supplies after the polling precincts 4362  
are closed. Those stations shall be under the supervision and 4363  
direction of the board of elections. Processing and counting of 4364  
voted ballots, and the preparation of summary sheets, shall be 4365  
done in the presence of observers approved by the board. A 4366  
certified copy of the summary sheet for the precinct shall be 4367  
posted at each counting station immediately after completion of 4368  
the summary sheet. 4369

~~In counties where punch card ballots are used, one or more 4370  
counting stations, located at the board of elections, shall be 4371~~

~~established, at which location all punch card ballots shall be~~ 4372  
~~counted.~~ 4373

~~As used in this division, "punch card ballot" has the same~~ 4374  
~~meaning as in section 3506.16 of the Revised Code.~~ 4375

**Sec. 3506.15.** The secretary of state shall provide each board 4376  
of elections with rules, instructions, directives, and advisories 4377  
regarding the examination, testing, and use of the voting machine 4378  
and tabulating equipment, the assignment of duties of booth 4379  
officials, the procedure for casting a vote on the machine, and 4380  
how the vote shall be tallied and reported to the board, and with 4381  
other rules, instructions, directives, and advisories the 4382  
secretary of state finds necessary to ensure the adequate care and 4383  
custody of voting equipment, and the accurate registering, 4384  
counting, and canvassing of the votes as required by this chapter. 4385  
The boards of elections shall be charged with the responsibility 4386  
of providing for the adequate instruction of voters and election 4387  
officials in the proper use of the voting machine and marking 4388  
devices. ~~The boards' instructions shall include, in counties where~~ 4389  
~~punch card ballots are used, instructions that each voter shall~~ 4390  
~~examine the voter's marked ballot card and remove any chads that~~ 4391  
~~remain partially attached to it before returning it to election~~ 4392  
~~officials.~~ 4393

The secretary of state's rules, instructions, directives, and 4394  
advisories provided under this section shall comply, insofar as 4395  
practicable, with this chapter. The provisions of Title XXXV of 4396  
the Revised Code, not inconsistent with the provisions relating to 4397  
voting machines, apply in any county using a voting machine. 4398

~~As used in this section, "chad" and "punch card ballot" have~~ 4399  
~~the same meanings as in section 3506.16 of the Revised Code.~~ 4400

**Sec. 3509.01.** (A) The board of elections of each county shall 4401

provide absent voter's ballots for use at every primary and 4402  
general election, or special election to be held on the day 4403  
specified by division (E) of section 3501.01 of the Revised Code 4404  
for the holding of a primary election, designated by the general 4405  
assembly for the purpose of submitting constitutional amendments 4406  
proposed by the general assembly to the voters of the state. Those 4407  
ballots shall be the same size, shall be printed on the same kind 4408  
of paper, and shall be in the same form as has been approved for 4409  
use at the election for which those ballots are to be voted; 4410  
except that, in counties using marking devices, ballot cards may 4411  
be used for absent voter's ballots, and those absent voters shall 4412  
be instructed to record the vote in the manner provided on the 4413  
ballot cards. ~~In counties where punch card ballots are used, those~~ 4414  
~~absent voters shall be instructed to examine their marked ballot~~ 4415  
~~cards and to remove any chads that remain partially attached to~~ 4416  
~~them before returning them to election officials.~~ 4417

(B) The rotation of names of candidates and questions and 4418  
issues shall be substantially complied with on absent voter's 4419  
ballots, within the limitation of time allotted. Those ballots 4420  
shall be designated as "Absent Voter's Ballots." Except as 4421  
otherwise provided in division (D) of this section, those ballots 4422  
shall be printed and ready for use as follows: 4423

(1) For overseas voters and absent uniformed services voters 4424  
eligible to vote under the Uniformed and Overseas Citizens 4425  
Absentee Voting Act, Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 4426  
1973ff, et seq., as amended, ballots shall be printed and ready 4427  
for use on the forty-fifth day before the day of the election. 4428

(2) For all ~~other~~ voters, other than overseas voters and 4429  
absent uniformed services voters, who are applying to vote absent 4430  
voter's ballots other than in person, ballots shall be printed and 4431  
ready for use on the ~~thirty-fifth~~ twenty-first day before the day 4432  
of the election. 4433



(3) For all voters who are applying to vote absent voter's ballots in person, ballots shall be printed and ready for use beginning on the sixteenth day before the day of the election and shall continue to be available for use through six p.m. on the last Friday before the day of the election, except that ballots shall not be available for use on Sunday. On the days in which absent voter's ballots are available for use in person, those ballots shall be available from eight a.m. through six p.m. Monday through Friday, and from eight a.m. through twelve p.m. on Saturday.

(C) Absent voter's ballots provided for use at a general or primary election, or special election to be held on the day specified by division (E) of section 3501.01 of the Revised Code for the holding of a primary election, designated by the general assembly for the purpose of submitting constitutional amendments proposed by the general assembly to the voters of the state, shall include only those questions, issues, and candidacies that have been lawfully ordered submitted to the electors voting at that election.

(D) If the laws governing the holding of a special election on a day other than the day on which a primary or general election is held make it impossible for absent voter's ballots to be printed and ready for use by the deadlines established in division (B) of this section, absent voter's ballots for those special elections shall be ready for use as many days before the day of the election as reasonably possible under the laws governing the holding of that special election.

(E) A copy of the absent voter's ballots shall be forwarded by the director of the board in each county to the secretary of state at least twenty-five days before the election.

~~(F) As used in this section, "chad" and "punch card ballot" have the same meanings as in section 3506.16 of the Revised Code.~~

**Sec. 3509.03.** Except as provided in section 3509.031 or 4466  
division (B) of section 3509.08 of the Revised Code, any qualified 4467  
elector desiring to vote absent voter's ballots at an election 4468  
shall make written application for those ballots to the ~~director~~ 4469  
board of elections of the county in which the elector's voting 4470  
residence is located. The application need not be in any 4471  
particular form but shall contain all of the following: 4472

(A) The elector's name; 4473

(B) The elector's signature; 4474

(C) The address at which the elector is registered to vote; 4475

(D) The elector's date of birth; 4476

(E) One of the following: 4477

(1) The elector's driver's license number; 4478

(2) The ~~last four digits of the~~ elector's social security 4479  
number; 4480

(3) A copy of the elector's current and valid photo 4481  
identification, a copy of a military identification, or a copy of 4482  
a current utility bill, bank statement, government check, 4483  
paycheck, or other government document, other than ~~a notice of an~~ 4484  
~~election mailed by a board of elections under section 3501.19 of~~ 4485  
~~the Revised Code or~~ a notice of voter registration mailed by a 4486  
board of elections under section 3503.19 of the Revised Code, that 4487  
shows the name and address of the elector. 4488

(F) A statement identifying the election for which absent 4489  
voter's ballots are requested; 4490

(G) A statement that the person requesting the ballots is a 4491  
qualified elector; 4492

(H) If the request is for primary election ballots, the 4493  
elector's party affiliation; 4494

(I) If the elector desires ballots to be mailed to the 4495  
elector, the address to which those ballots shall be mailed. 4496

Each application for absent voter's ballots shall be 4497  
delivered to the ~~director~~ board not earlier than the first day of 4498  
January of the year of the elections for which the absent voter's 4499  
ballots are requested or not earlier than ninety days before the 4500  
day of the election at which the ballots are to be voted, 4501  
whichever is earlier, and not later than twelve noon of the third 4502  
day before the day of the election at which the ballots are to be 4503  
voted, or not later than the close of regular business hours on 4504  
the day before the day of the election at which the ballots are to 4505  
be voted if the application is delivered in person to the office 4506  
of the board. 4507

A board of elections shall not mail any unsolicited 4508  
applications for absent voter's ballots. A board shall only mail 4509  
an absent voter's ballot application to an elector who has 4510  
requested such an application from the board. A board of elections 4511  
that mails an absent voter's ballot application to an elector 4512  
under this section shall not prepay the return postage for that 4513  
application. 4514

**Sec. 3509.031.** (A) Any qualified elector who is a member of 4515  
the organized militia called to active duty within the state and 4516  
who will be unable to vote on election day on account of that 4517  
active duty may make written application for absent voter's 4518  
ballots to the ~~director~~ board of elections for the county in which 4519  
the elector's voting residence is located. The elector may 4520  
personally deliver the application to the ~~director~~ office of the 4521  
board or may mail it, send it by facsimile machine, or otherwise 4522  
send it to the ~~director~~ board. The application need not be in any 4523  
particular form but shall contain all of the following: 4524

(1) The elector's name; 4525

(2) The elector's signature;	4526
(3) The address at which the elector is registered to vote;	4527
(4) The elector's date of birth;	4528
(5) One of the following:	4529
(a) The elector's driver's license number;	4530
(b) The <del>last four digits of the</del> elector's social security number;	4531 4532
(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 <del>a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or</del> 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.	4533 4534 4535 4536 4537 4538 4539 4540
(6) A statement identifying the election for which absent voter's ballots are requested;	4541 4542
(7) A statement that the person requesting the ballots is a qualified elector;	4543 4544
(8) A statement that the elector is a member of the organized militia serving on active duty within the state;	4545 4546
(9) If the request is for primary election ballots, the elector's party affiliation;	4547 4548
(10) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed;	4549 4550
(11) If the elector desires ballots to be sent to the elector by facsimile machine, the telephone number to which they shall be so sent.	4551 4552 4553
(B) Application to have absent voter's ballots mailed or sent	4554

by facsimile machine to a qualified elector who is a member of the organized militia called to active duty within the state and who will be unable to vote on election day on account of that active duty may be made by the spouse of the militia member or 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 the militia member. The application shall be in writing upon a blank form furnished only by the ~~director~~ board of elections. The form of the application shall be prescribed by the secretary of state. The ~~director~~ board 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 in person at the office of the board or upon the written request of such a relative mailed 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 such person is a qualified elector in the county;

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

(4) The elector's date of birth;

(5) One of the following:

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

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

(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, 4585  
paycheck, or other government document, other than a ~~notice of an~~ 4586  
~~election mailed by a board of elections under section 3501.19 of~~ 4587  
~~the Revised Code~~ or a notice of voter registration mailed by a 4588  
board of elections under section 3503.19 of the Revised Code, that 4589  
shows the name and address of the elector. 4590

(6) A statement identifying the election for which absent 4591  
voter's ballots are requested; 4592

(7) A statement that the elector is a member of the organized 4593  
militia serving on active duty within the state; 4594

(8) If the request is for primary election ballots, the 4595  
elector's party affiliation; 4596

(9) A statement that the applicant bears a relationship to 4597  
the elector as specified in division (B) of this section; 4598

(10) The address to which ballots shall be mailed or 4599  
telephone number to which ballots shall be sent by facsimile 4600  
machine; 4601

(11) The signature and address of the person making the 4602  
application. 4603

(C) Applications to have absent voter's ballots mailed or 4604  
sent by facsimile machine shall not be valid if dated, postmarked, 4605  
or received by the ~~director~~ board prior to the ninetieth day 4606  
before the day of the election for which ballots are requested or 4607  
if delivered to the ~~director~~ board later than twelve noon of the 4608  
third day preceding the day of such election. If, after the 4609  
ninetieth day and before four p.m. of the day before the day of an 4610  
election, a valid application for absent voter's ballots is 4611  
delivered to the ~~director of elections~~ at the office of the board 4612  
by a militia member making application in the militia member's own 4613  
behalf, the ~~director~~ board shall forthwith deliver to the militia 4614  
member all absent voter's ballots then ready for use, together 4615

with an identification envelope. The militia member shall then 4616  
vote the absent voter's ballots in the manner provided in section 4617  
3509.05 of the Revised Code. 4618

(D) A board of elections shall not mail any unsolicited 4619  
applications for absent voter's ballots. A board shall only mail 4620  
an absent voter's ballot application to an elector who has 4621  
requested such an application from the board. A board of elections 4622  
that mails an absent voter's ballot application to an elector 4623  
under this section shall not prepay the return postage for that 4624  
application. 4625

**Sec. 3509.04.** (A) If ~~a director~~ of a board of elections 4626  
receives an application for absent voter's ballots that does not 4627  
contain all of the required information, the ~~director~~ board 4628  
promptly shall notify the applicant of the additional information 4629  
required to be provided by the applicant to complete that 4630  
application. 4631

(B) Upon receipt by ~~the director~~ a board of elections of an 4632  
application for absent voter's ballots that contains all of the 4633  
required information, as provided by sections 3509.03 and 3509.031 4634  
and division (G) of section 3503.16 of the Revised Code, the 4635  
~~director~~ board, if the ~~director~~ board finds that the applicant is 4636  
a qualified elector, shall deliver to the applicant in person or 4637  
mail directly to the applicant by special delivery mail, air mail, 4638  
or regular mail, postage prepaid, proper absent voter's ballots. 4639  
The ~~director~~ board shall deliver or mail with the ballots an 4640  
unsealed identification envelope upon the face of which shall be 4641  
printed a form substantially as follows: 4642

"Identification Envelope Statement of Voter 4643

I, .....(Name of voter), declare under 4644  
penalty of election falsification that the within ballot or 4645  
ballots contained no voting marks of any kind when I received 4646

them, and I caused the ballot or ballots to be marked, enclosed in 4647  
the identification envelope, and sealed in that envelope. 4648

My voting residence in Ohio is 4649  
..... 4650  
(Street and Number, if any, or Rural Route and Number) 4651

of ..... (City, Village, or Township) 4652  
Ohio, which is in Ward ..... Precinct ..... 4653  
in that city, village, or township. 4654

The primary election ballots, if any, within this envelope 4655  
are primary election ballots of the ..... Party. 4656

Ballots contained within this envelope are to be voted at the 4657  
..... (general, special, or primary) election to be held on 4658  
the ..... day of ....., .... 4659

My date of birth is ..... (Month and Day), 4660  
..... (Year). 4661

(Voter must provide one of the following:) 4662

My driver's license number is ..... (Driver's 4663  
license number). 4664

~~The last four digits of my~~ My Social Security Number are is 4665  
..... (~~Last four digits of~~ Social Security Number). 4666

..... In lieu of providing a driver's license number or ~~the~~ 4667  
~~last four digits of~~ my Social Security Number, I am enclosing a 4668  
copy of one of the following in the return envelope in which this 4669  
identification envelope will be mailed: a current and valid photo 4670  
identification, a military identification, or a current utility 4671  
bill, bank statement, government check, paycheck, or other 4672  
government document, other than ~~a notice of an election mailed by~~ 4673  
~~a board of elections under section 3501.19 of the Revised Code or~~ 4674  
a notice of voter registration mailed by a board of elections, 4675  
that shows my name and address. 4676



I hereby declare, under penalty of election falsification, 4677  
that the statements above are true, as I verily believe. 4678

..... 4679

(Signature of Voter) 4680

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 4681  
THE FIFTH DEGREE." 4682

The ~~director~~ board of elections shall mail with the ballots 4683  
and the unsealed identification envelope an unsealed return 4684  
envelope upon the face of which shall be printed the official 4685  
title and post-office address of the ~~director~~ board. In the upper 4686  
left corner on the face of the return envelope, several blank 4687  
lines shall be printed upon which the voter may write the voter's 4688  
name and return address. The return envelope shall be of such size 4689  
that the identification envelope can be conveniently placed within 4690  
it for returning the identification envelope to the ~~director~~ 4691  
board. 4692

**Sec. 3509.05.** (A) When an elector receives an absent voter's 4693  
ballot pursuant to the elector's application or request, the 4694  
elector shall, before placing any marks on the ballot, note 4695  
whether there are any voting marks on it. If there are any voting 4696  
marks, the ballot shall be returned immediately to the board of 4697  
elections; otherwise, the elector shall cause the ballot to be 4698  
marked, folded in a manner that the stub on it and the 4699  
indorsements and facsimile signatures of the members of the board 4700  
of elections on the back of it are visible, and placed and sealed 4701  
within the identification envelope received from the ~~director~~ 4702  
board of elections for that purpose. Then, the elector shall cause 4703  
the statement of voter on the outside of the identification 4704  
envelope to be completed and signed, under penalty of election 4705  
falsification. 4706

If the elector does not provide the elector's driver's 4707

license number or ~~the last four digits of~~ the elector's social 4708  
security number on the statement of voter on the identification 4709  
envelope, the elector also shall include in the return envelope 4710  
with the identification envelope a copy of the elector's current 4711  
valid photo identification, a copy of a military identification, 4712  
or a copy of a current utility bill, bank statement, government 4713  
check, paycheck, or other government document, other than a ~~notice~~ 4714  
~~of an election mailed by a board of elections under section~~ 4715  
~~3501.19 of the Revised Code or~~ a notice of voter registration 4716  
mailed by a board of elections under section 3503.19 of the 4717  
Revised Code, that shows the name and address of the elector. 4718

The elector shall mail the identification envelope to the 4719  
~~director~~ board of elections from ~~whom~~ which it was received in the 4720  
return envelope, postage prepaid, or the elector may personally 4721  
deliver it to the ~~director~~ office of the board, or the spouse of 4722  
the elector, the father, mother, father-in-law, mother-in-law, 4723  
grandfather, grandmother, brother, or sister of the whole or half 4724  
blood, or the son, daughter, adopting parent, adopted child, 4725  
stepparent, stepchild, uncle, aunt, nephew, or niece of the 4726  
elector may deliver it to the ~~director~~ board. The return envelope 4727  
shall be transmitted to the ~~director~~ board in no other manner, 4728  
except as provided in section 3509.08 of the Revised Code. 4729

When absent voter's ballots are delivered to an elector at 4730  
the office of the board, the elector may retire to a voting 4731  
compartment provided by the board and there mark the ballots. 4732  
Thereupon, the elector shall fold them, place them in the 4733  
identification envelope provided, seal the envelope, fill in and 4734  
sign the statement on the envelope under penalty of election 4735  
falsification, and deliver the envelope to the ~~director of the~~ 4736  
board. 4737

Except as otherwise provided in division (B) of this section, 4738  
all other envelopes containing marked absent voter's ballots shall 4739

be delivered to the ~~director~~ board not later than the close of the 4740  
polls on the day of an election. Absent voter's ballots delivered 4741  
to the ~~director~~ board later than the times specified shall not be 4742  
counted, but shall be kept by the board in the sealed 4743  
identification envelopes in which they are delivered to the 4744  
~~director~~ board, until the time provided by section 3505.31 of the 4745  
Revised Code for the destruction of all other ballots used at the 4746  
election for which ballots were provided, at which time they shall 4747  
be destroyed. 4748

(B)(1) Except as otherwise provided in division (B)(2) of 4749  
this section, any return envelope that is postmarked prior to the 4750  
day of the election shall be delivered to the ~~director~~ board prior 4751  
to the eleventh day after the election. Ballots delivered in 4752  
envelopes postmarked prior to the day of the election that are 4753  
received after the close of the polls on election day through the 4754  
tenth day thereafter shall be counted on the eleventh day at the 4755  
board of elections in the manner provided in divisions (C) and (D) 4756  
of section 3509.06 of the Revised Code. Any such ballots that are 4757  
received by the ~~director~~ board later than the tenth day following 4758  
the election shall not be counted, but shall be kept by the board 4759  
in the sealed identification envelopes as provided in division (A) 4760  
of this section. 4761

(2) Division (B)(1) of this section shall not apply to any 4762  
mail that is postmarked using a postage evidencing system, 4763  
including a postage meter, as defined in 39 C.F.R. 501.1. 4764

(C) Upon receipt of any return envelope prior to the eleventh 4765  
day after the day of any election, the board of elections shall 4766  
open it but shall not open the identification envelope contained 4767  
in it. If, upon so opening the return envelope, the board finds 4768  
ballots in it that are not enclosed in and properly sealed in the 4769  
identification envelope, the board shall not look at the markings 4770  
upon the ballots and shall promptly place them in the 4771

identification envelope and promptly seal it. If, upon so opening 4772  
the return envelope, the board finds that ballots are enclosed in 4773  
the identification envelope but that it is not properly sealed, 4774  
the board shall not look at the markings upon the ballots and 4775  
shall promptly seal the identification envelope. 4776

**Sec. 3509.06.** (A) The board of elections shall determine 4777  
whether absent voter's ballots shall be counted in each precinct, 4778  
at the office of the board, or at some other location designated 4779  
by the board, and shall proceed accordingly under division (B) or 4780  
(C) of this section. 4781

(B) When the board of elections determines that absent 4782  
voter's ballots shall be counted in each precinct, the ~~director~~ 4783  
board shall deliver to the ~~presiding judge~~ voting location manager 4784  
of each precinct on election day identification envelopes 4785  
purporting to contain absent voter's ballots of electors whose 4786  
voting residence appears from the statement of voter on the 4787  
outside of each of those envelopes, to be located in ~~such~~ 4788  
~~presiding judge's~~ that manager's precinct, and which were received 4789  
by the ~~director~~ board not later than the close of the polls on 4790  
election day. The ~~director~~ board shall deliver to ~~such presiding~~ 4791  
~~judge~~ the voting location manager a list containing the name and 4792  
voting residence of each person whose voting residence is in such 4793  
precinct to whom absent voter's ballots were mailed. 4794

(C) When the board of elections determines that absent 4795  
voter's ballots shall be counted at the office of the board of 4796  
elections or at another location designated by the board, special 4797  
election ~~judges~~ officials shall be appointed by the board for that 4798  
purpose having the same authority as is exercised by precinct 4799  
~~judges~~ election officials. The votes so cast shall be added to the 4800  
vote totals ~~by the board~~ for the precincts in which the applicable 4801  
absent voters reside, and the absent voter's ballots shall be 4802

preserved separately by the board, in the same manner and for the 4803  
same length of time as provided by section 3505.31 of the Revised 4804  
Code. 4805

(D) Each of the identification envelopes purporting to 4806  
contain absent voter's ballots delivered to the ~~presiding judge~~ 4807  
voting location manager of the precinct or the special ~~judge~~ 4808  
election official appointed by the board of elections shall be 4809  
handled as follows: The election officials shall compare the 4810  
signature of the elector on the outside of the identification 4811  
envelope with the signature of that elector on the elector's 4812  
registration form and verify that the absent voter's ballot is 4813  
eligible to be counted under section 3509.07 of the Revised Code. 4814  
Any of the precinct officials may challenge the right of the 4815  
elector named on the identification envelope to vote the absent 4816  
voter's ballots upon the ground that the signature on the envelope 4817  
is not the same as the signature on the registration form, that 4818  
the identification envelope statement of voter has not been 4819  
completed, or upon any other of the grounds upon which the right 4820  
of persons to vote may be lawfully challenged. If no such 4821  
challenge is made, or if such a challenge is made and not 4822  
sustained, the ~~presiding judge~~ voting location manager shall open 4823  
the envelope without defacing the statement of voter and without 4824  
mutilating the ballots in it, and shall remove the ballots 4825  
contained in it and proceed to count them. 4826

The name of each person voting who is entitled to vote only 4827  
an absent voter's presidential ballot shall be entered in a 4828  
pollbook or poll list or signature pollbook followed by the words 4829  
"Absentee Presidential Ballot." The name of each person voting an 4830  
absent voter's ballot, other than such persons entitled to vote 4831  
only a presidential ballot, shall be entered in the pollbook or 4832  
poll list or signature pollbook and the person's registration card 4833  
marked to indicate that the person has voted. 4834

The date of such election shall also be entered on the 4835  
elector's registration form. If any such challenge is made and 4836  
sustained, the identification envelope of such elector shall not 4837  
be opened, shall be endorsed "Not Counted" with the reasons the 4838  
ballots were not counted, and shall be delivered to the board. 4839

(E) Special election ~~judges~~ officials, employees or members 4840  
of the board of elections, or observers shall not disclose the 4841  
count or any portion of the count of absent voter's ballots prior 4842  
to the time of the closing of the polling places. No person shall 4843  
recklessly disclose the count or any portion of the count of 4844  
absent voter's ballots in such a manner as to jeopardize the 4845  
secrecy of any individual ballot. 4846

(F) Observers may be appointed under section 3505.21 of the 4847  
Revised Code to witness the examination and opening of 4848  
identification envelopes and the counting of absent voters' 4849  
ballots under this section. 4850

**Sec. 3509.07.** If election officials find that the statement 4851  
accompanying an absent voter's ballot or absent voter's 4852  
presidential ballot is insufficient, that the signatures do not 4853  
correspond with the person's registration signature, that the 4854  
applicant is not a qualified elector in the precinct, that the 4855  
ballot envelope contains more than one ballot of any one kind, or 4856  
any voted ballot that the elector is not entitled to vote, that 4857  
Stub A is ~~detached from~~ not included in the envelope with the 4858  
absent voter's ballot or absent voter's presidential ballot, or 4859  
that the elector has not included with the elector's ballot any 4860  
identification required under section 3509.05 or 3511.09 of the 4861  
Revised Code, the vote shall not be accepted or counted. The vote 4862  
of any absent voter may be challenged for cause in the same manner 4863  
as other votes are challenged, and the election officials shall 4864  
determine the legality of that ballot. Every ballot not counted 4865

shall be endorsed on its back "Not Counted" with the reasons the 4866  
ballot was not counted, and shall be enclosed and returned to or 4867  
retained by the board of elections along with the contested 4868  
ballots. 4869

**Sec. 3509.08.** (A) Any qualified elector, who, on account of 4870  
the elector's own personal illness, physical disability, or 4871  
infirmity, or on account of the elector's confinement in a jail or 4872  
workhouse under sentence for a misdemeanor or awaiting trial on a 4873  
felony or misdemeanor, will be unable to travel from the elector's 4874  
home or place of confinement to the voting booth in the elector's 4875  
precinct on the day of any general, special, or primary election 4876  
may make application in writing for an absent voter's ballot to 4877  
~~the director of~~ the board of elections of the elector's county. 4878  
The application shall include all of the information required 4879  
under section 3509.03 of the Revised Code and shall state the 4880  
nature of the elector's illness, physical disability, or 4881  
infirmity, or the fact that the elector is confined in a jail or 4882  
workhouse and the elector's resultant inability to travel to the 4883  
election booth in the elector's precinct on election day. The 4884  
application shall not be valid if it is delivered to the ~~director~~ 4885  
board before the ninetieth day or after twelve noon of the third 4886  
day before the day of the election at which the ballot is to be 4887  
voted. 4888

The absent voter's ballot may be mailed directly to the 4889  
applicant at the applicant's voting residence or place of 4890  
confinement as stated in the applicant's application, or the board 4891  
may designate two board employees belonging to the two major 4892  
political parties for the purpose of delivering the ballot to the 4893  
disabled or confined elector and returning it to the board, unless 4894  
the applicant is confined to a public or private institution 4895  
within the county, in which case the board shall designate two 4896  
board employees belonging to the two major political parties for 4897

the purpose of delivering the ballot to the disabled or confined 4898  
elector and returning it to the board. In all other instances, the 4899  
ballot shall be returned to the office of the board in the manner 4900  
prescribed in section 3509.05 of the Revised Code. 4901

Any disabled or confined elector who declares to the two 4902  
board employees belonging to the two major political parties that 4903  
the elector is unable to mark the elector's ballot by reason of 4904  
physical infirmity that is apparent to the employees to be 4905  
sufficient to incapacitate the voter from marking the elector's 4906  
ballot properly, may receive, upon request, the assistance of the 4907  
employees in marking the elector's ballot, and they shall 4908  
thereafter give no information in regard to this matter. Such 4909  
assistance shall not be rendered for any other cause. 4910

When two board employees belonging to the two major political 4911  
parties deliver a ballot to a disabled or confined elector, each 4912  
of the employees shall be present when the ballot is delivered, 4913  
when assistance is given, and when the ballot is returned to the 4914  
office of the board, and shall subscribe to the declaration on the 4915  
identification envelope. 4916

The secretary of state shall prescribe the form of 4917  
application for absent voter's ballots under this division. 4918

This chapter applies to disabled and confined absent voter's 4919  
ballots except as otherwise provided in this section. 4920

(B)(1) Any qualified elector who is unable to travel to the 4921  
voting booth in the elector's precinct on the day of any general, 4922  
special, or primary election may apply to ~~the director of the~~ 4923  
board of elections of the county where the elector is a qualified 4924  
elector to vote in the election by absent voter's ballot if either 4925  
of the following apply: 4926

(a) The elector is confined in a hospital as a result of an 4927  
accident or unforeseeable medical emergency occurring before the 4928



election; 4929

(b) The elector's minor child is confined in a hospital as a 4930  
result of an accident or unforeseeable medical emergency occurring 4931  
before the election. 4932

(2) The application authorized under division (B)(1) of this 4933  
section shall be made in writing, shall include all of the 4934  
information required under section 3509.03 of the Revised Code, 4935  
and shall be delivered to the ~~director~~ board not later than three 4936  
p.m. on the day of the election. The application shall indicate 4937  
the hospital where the applicant or the applicant's child is 4938  
confined, the date of the applicant's or the applicant's child's 4939  
admission to the hospital, and the offices for which the applicant 4940  
is qualified to vote. The applicant may also request that a member 4941  
of the applicant's family, as listed in section 3509.05 of the 4942  
Revised Code, deliver the absent voter's ballot to the applicant. 4943  
The ~~director~~ board, after establishing to the ~~director's~~ board's 4944  
satisfaction the validity of the circumstances claimed by the 4945  
applicant, shall supply an absent voter's ballot to be delivered 4946  
to the applicant. When the applicant or the applicant's child is 4947  
in a hospital in the county where the applicant is a qualified 4948  
elector and no request is made for a member of the family to 4949  
deliver the ballot, the ~~director~~ board shall arrange for the 4950  
delivery of an absent voter's ballot to the applicant, and for its 4951  
return to the office of the board, by two board employees 4952  
belonging to the two major political parties according to the 4953  
procedures prescribed in division (A) of this section. When the 4954  
applicant or the applicant's child is in a hospital outside the 4955  
county where the applicant is a qualified elector and no request 4956  
is made for a member of the family to deliver the ballot, the 4957  
~~director~~ board shall arrange for the delivery of an absent voter's 4958  
ballot to the applicant by mail, and the ballot shall be returned 4959  
to the office of the board in the manner prescribed in section 4960

3509.05 of the Revised Code. 4961

(3) Any qualified elector who is eligible to vote under 4962  
division (B) or (C) of section 3503.16 of the Revised Code but is 4963  
unable to do so because of the circumstances described in division 4964  
(B)(2) of this section may vote in accordance with division (B)(1) 4965  
of this section if that qualified elector states in the 4966  
application for absent voter's ballots that that qualified elector 4967  
moved or had a change of name under the circumstances described in 4968  
division (B) or (C) of section 3503.16 of the Revised Code and if 4969  
that qualified elector complies with divisions (G)(1) to (4) of 4970  
section 3503.16 of the Revised Code. 4971

(C) Any qualified elector described in division (A) or (B)(1) 4972  
of this section who needs no assistance to vote or to return 4973  
absent voter's ballots to the board of elections may apply for 4974  
absent voter's ballots under section 3509.03 of the Revised Code 4975  
instead of applying for them under this section. 4976

**Sec. 3509.09.** (A) The poll list or signature pollbook for 4977  
each precinct shall identify each registered elector in that 4978  
precinct who has requested an absent voter's ballot for that 4979  
election. 4980

(B)(1) If a registered elector appears to vote in that 4981  
precinct and that elector has requested an absent voter's ballot 4982  
for that election but the ~~director~~ board of elections has not 4983  
received a sealed identification envelope purporting to contain 4984  
that elector's voted absent voter's ballots for that election, the 4985  
elector shall be permitted to cast a provisional ballot under 4986  
section 3505.181 of the Revised Code in that precinct on the day 4987  
of that election. 4988

(2) If a registered elector appears to vote in that precinct 4989  
and that elector has requested an absent voter's ballot for that 4990  
election and the ~~director~~ board has received a sealed 4991

identification envelope purporting to contain that elector's voted 4992  
absent voter's ballots for that election, the elector shall be 4993  
permitted to cast a provisional ballot under section 3505.181 of 4994  
the Revised Code in that precinct on the day of that election. 4995

(C)(1) In counting absent voter's ballots under section 4996  
3509.06 of the Revised Code, the board of elections shall compare 4997  
the signature of each elector from whom the ~~director~~ board has 4998  
received a sealed identification envelope purporting to contain 4999  
that elector's voted absent voter's ballots for that election to 5000  
the signature on that elector's registration form. Except as 5001  
otherwise provided in division (C)(3) of this section, if the 5002  
board of elections determines that the absent voter's ballot in 5003  
the sealed identification envelope is valid, it shall be counted. 5004  
If the board of elections determines that the signature on the 5005  
sealed identification envelope purporting to contain the elector's 5006  
voted absent voter's ballot does not match the signature on the 5007  
elector's registration form, the ballot shall be set aside and the 5008  
board shall examine, during the time prior to the beginning of the 5009  
official canvass, the poll list or signature pollbook from the 5010  
precinct in which the elector is registered to vote to determine 5011  
if the elector also cast a provisional ballot under section 5012  
3505.181 of the Revised Code in that precinct on the day of the 5013  
election. 5014

(2) The board of elections shall count the provisional 5015  
ballot, instead of the absent voter's ballot, if both of the 5016  
following apply: 5017

(a) The board of elections determines that the signature of 5018  
the elector on the outside of the identification envelope in which 5019  
the absent voter's ballots are enclosed does not match the 5020  
signature of the elector on the elector's registration form; 5021

(b) The elector cast a provisional ballot in the precinct on 5022  
the day of the election. 5023

(3) If the board of elections does not receive the sealed 5024  
identification envelope purporting to contain the elector's voted 5025  
absent voter's ballot by the applicable deadline established under 5026  
section 3509.05 of the Revised Code, the provisional ballot cast 5027  
under section 3505.181 of the Revised Code in that precinct on the 5028  
day of the election shall be counted as valid, if that provisional 5029  
ballot is otherwise determined to be valid pursuant to section 5030  
3505.183 of the Revised Code. 5031

(D) If the board of elections counts a provisional ballot 5032  
under division (C)(2) or (3) of this section, the returned 5033  
identification envelope of that elector shall not be opened, and 5034  
the ballot within that envelope shall not be counted. The 5035  
identification envelope shall be endorsed "Not Counted" with the 5036  
reason the ballot was not counted. 5037

**Sec. 3511.02.** Notwithstanding any section of the Revised Code 5038  
to the contrary, whenever any person applies for registration as a 5039  
voter on a form adopted in accordance with federal regulations 5040  
relating to the "Uniformed and Overseas Citizens Absentee Voting 5041  
Act," 100 Stat. 924, 42 U.S.C.A. 1973ff (1986), this application 5042  
shall be sufficient for voter registration and as a request for an 5043  
absent voter's ballot. Uniformed services or overseas absent 5044  
voter's ballots may be obtained by any person meeting the 5045  
requirements of section 3511.01 of the Revised Code by applying 5046  
electronically to the secretary of state or to the board of 5047  
elections of the county in which the person's voting residence is 5048  
located in accordance with section 3511.021 of the Revised Code or 5049  
by applying to ~~the director of~~ the board of elections of the 5050  
county in which the person's voting residence is located, in one 5051  
of the following ways: 5052

(A) That person may make written application for those 5053  
ballots. The person may personally deliver the application to the 5054

~~director board~~ or may mail it, send it by facsimile machine, or 5055  
otherwise send it to the ~~director board~~. The application need not 5056  
be in any particular form but shall contain all of the following 5057  
information: 5058

(1) The elector's name; 5059

(2) The elector's signature; 5060

(3) The address at which the elector is registered to vote; 5061

(4) The elector's date of birth; 5062

(5) One of the following: 5063

(a) The elector's driver's license number; 5064

(b) The ~~last four digits of the~~ elector's social security 5065  
number; 5066

(c) A copy of the elector's current and valid photo 5067  
identification, a copy of a military identification, or a copy of 5068  
a current utility bill, bank statement, government check, 5069  
paycheck, or other government document, other than ~~a notice of an~~ 5070  
~~election mailed by a board of elections under section 3501.19 of~~ 5071  
~~the Revised Code or~~ a notice of voter registration mailed by a 5072  
board of elections under section 3503.19 of the Revised Code, that 5073  
shows the name and address of the elector. 5074

(6) A statement identifying the election for which absent 5075  
voter's ballots are requested; 5076

(7) A statement that the person requesting the ballots is a 5077  
qualified elector; 5078

(8) A statement that the elector is an absent uniformed 5079  
services voter or overseas voter as defined in 42 U.S.C. 1973ff-6; 5080

(9) A statement of the elector's length of residence in the 5081  
state immediately preceding the commencement of service, 5082  
immediately preceding the date of leaving to be with or near the 5083

service member, or immediately preceding leaving the United States, whichever is applicable;

(10) If the request is for primary election ballots, the elector's party affiliation;

(11) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed;

(12) If the elector desires ballots to be sent to the elector by facsimile machine, the telephone number to which they shall be so sent.

(B) A voter or any relative of a voter listed in division (C) of this section may use a single federal post card application to apply for uniformed services or overseas absent voter's ballots for use at the primary and general elections in a given year and any special election to be held on the day in that year specified by division (E) of section 3501.01 of the Revised Code for the holding of a primary election, designated by the general assembly for the purpose of submitting constitutional amendments proposed by the general assembly to the voters of the state. A single federal postcard application shall be processed by the board of elections pursuant to section 3511.04 of the Revised Code the same as if the voter had applied separately for uniformed services or overseas absent voter's ballots for each election.

(C) Application to have uniformed services or overseas absent voter's ballots mailed or sent by facsimile machine to such a person may be made by the spouse, 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~~ board of elections 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 5115  
secretary of state. The ~~director~~ board shall furnish that blank 5116  
form to any of the relatives specified in this division desiring 5117  
to make the application, only upon the request of such a relative 5118  
made in person at the office of the board or upon the written 5119  
request of such a relative mailed to the office of the board. The 5120  
application, subscribed and sworn to by the applicant, shall 5121  
contain all of the following: 5122

(1) The full name of the elector for whom ballots are 5123  
requested; 5124

(2) A statement that the elector is an absent uniformed 5125  
services voter or overseas voter as defined in 42 U.S.C. 1973ff-6; 5126

(3) The address at which the elector is registered to vote; 5127

(4) A statement identifying the elector's length of residence 5128  
in the state immediately preceding the commencement of service, 5129  
immediately preceding the date of leaving to be with or near a 5130  
service member, or immediately preceding leaving the United 5131  
States, as the case may be; 5132

(5) The elector's date of birth; 5133

(6) One of the following: 5134

(a) The elector's driver's license number; 5135

(b) The ~~last four digits of the~~ elector's social security 5136  
number; 5137

(c) A copy of the elector's current and valid photo 5138  
identification, a copy of a military identification, or a copy of 5139  
a current utility bill, bank statement, government check, 5140  
paycheck, or other government document, other than ~~a notice of an~~ 5141  
~~election mailed by a board of elections under section 3501.19 of~~ 5142  
~~the Revised Code or~~ a notice of voter registration mailed by a 5143  
board of elections under section 3503.19 of the Revised Code, that 5144

shows the name and address of the elector. 5145

(7) A statement identifying the election for which absent voter's ballots are requested; 5146  
5147

(8) A statement that the person requesting the ballots is a qualified elector; 5148  
5149

(9) If the request is for primary election ballots, the elector's party affiliation; 5150  
5151

(10) A statement that the applicant bears a relationship to the elector as specified in division (C) of this section; 5152  
5153

(11) The address to which ballots shall be mailed or the telephone number to which ballots shall be sent by facsimile machine; 5154  
5155  
5156

(12) The signature and address of the person making the application. 5157  
5158

Each application for uniformed services or overseas absent voter's ballots shall be delivered to the ~~director~~ board not earlier than the first day of January of the year of the elections for which the uniformed services or overseas absent voter's ballots are requested or not earlier than ninety days before the day of the election at which the ballots are to be voted, whichever is earlier, and not later than twelve noon of the third day preceding the day of the election, or not later than the close of regular business hours on the day before the day of the election at which those ballots are to be voted if the application is delivered in person to the office of the board. 5159  
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(D) If the voter for whom the application is made is entitled to vote for presidential and vice-presidential electors only, the applicant shall submit to the ~~director~~ board in addition to the requirements of divisions (A), (B), and (C) of this section, a statement to the effect that the voter is qualified to vote for 5170  
5171  
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presidential and vice-presidential electors and for no other 5175  
offices. 5176

**Sec. 3511.04.** (A) If ~~a director~~ of a board of elections 5177  
receives an application for uniformed services or overseas absent 5178  
voter's ballots that does not contain all of the required 5179  
information, the ~~director~~ board promptly shall notify the 5180  
applicant of the additional information required to be provided by 5181  
the applicant to complete that application. 5182

(B) Not later than the forty-fifth day before the day of each 5183  
general or primary election, and at the earliest possible time 5184  
before the day of a special election held on a day other than the 5185  
day on which a general or primary election is held, ~~the director~~ 5186  
~~of~~ the board of elections shall mail, send by facsimile machine, 5187  
or otherwise send uniformed services or overseas absent voter's 5188  
ballots then ready for use as provided for in section 3511.03 of 5189  
the Revised Code and for which the ~~director~~ board has received 5190  
valid applications prior to that time. Thereafter, and until 5191  
twelve noon of the third day preceding the day of election, the 5192  
~~director~~ board shall promptly, upon receipt of valid applications 5193  
for them, mail, send by facsimile machine, or otherwise send to 5194  
the proper persons all uniformed services or overseas absent 5195  
voter's ballots then ready for use. 5196

If, after the seventieth day before the day of a general or 5197  
primary election, any other question, issue, or candidacy is 5198  
lawfully ordered submitted to the electors voting at the general 5199  
or primary election, the board shall promptly provide a separate 5200  
official issue, special election, or other election ballot for 5201  
submitting the question, issue, or candidacy to those electors, 5202  
and ~~the director~~ shall promptly mail or send by facsimile machine 5203  
each such separate ballot to each person to whom the ~~director~~ 5204  
board has previously mailed or sent by facsimile machine other 5205

uniformed services or overseas absent voter's ballots. 5206

In mailing uniformed services or overseas absent voter's 5207  
ballots, the ~~director~~ board shall use the fastest mail service 5208  
available, but the ~~director~~ board shall not mail them by certified 5209  
mail. 5210

**Sec. 3511.05.** (A) The ~~director of the~~ board of elections 5211  
shall place uniformed services or overseas absent voter's ballots 5212  
sent by mail in an unsealed identification envelope, gummed ready 5213  
for sealing. The ~~director~~ board shall include with uniformed 5214  
services or overseas absent voter's ballots sent electronically, 5215  
including by facsimile machine, an instruction sheet for preparing 5216  
a gummed envelope in which the ballots shall be returned. The 5217  
envelope for returning ballots sent by either means shall have 5218  
printed or written on its face a form substantially as follows: 5219

"Identification Envelope Statement of Voter 5220

I, .....(Name of voter), declare under 5221  
penalty of election falsification that the within ballot or 5222  
ballots contained no voting marks of any kind when I received 5223  
them, and I caused the ballot or ballots to be marked, enclosed in 5224  
the identification envelope, and sealed in that envelope. 5225

My voting residence in Ohio is 5226

..... 5227

(Street and Number, if any, or Rural Route and Number) 5228

of ..... (City, Village, or Township) 5229

Ohio, which is in Ward ..... Precinct ..... 5230

in that city, village, or township. 5231

The primary election ballots, if any, within this envelope 5232  
are primary election ballots of the ..... Party. 5233

Ballots contained within this envelope are to be voted at the 5234

..... (general, special, or primary) election to be held on 5235

the ..... day of ....., .... 5236

My date of birth is ..... (Month and Day), 5237  
..... (Year). 5238

(Voter must provide one of the following:) 5239

My driver's license number is ..... (Driver's 5240  
license number). 5241

~~The last four digits of my~~ My Social Security Number ~~are~~ is 5242  
..... (~~Last four digits of~~ Social Security Number). 5243

..... In lieu of providing a driver's license number or ~~the~~ 5244  
~~last four digits of~~ my Social Security Number, I am enclosing a 5245  
copy of one of the following in the return envelope in which this 5246  
identification envelope will be mailed: a current and valid photo 5247  
identification, a military identification, or a current utility 5248  
bill, bank statement, government check, paycheck, or other 5249  
government document, other than ~~a notice of an election mailed by~~ 5250  
~~a board of elections under section 3501.19 of the Revised Code or~~ 5251  
a notice of voter registration mailed by a board of elections, 5252  
that shows my name and address. 5253

I hereby declare, under penalty of election falsification, 5254  
that the statements above are true, as I verily believe. 5255  
..... 5256  
(Signature of Voter) 5257

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 5258  
THE FIFTH DEGREE." 5259

(B) The ~~director~~ board shall also mail with the ballots and 5260  
the unsealed identification envelope sent by mail an unsealed 5261  
return envelope, gummed, ready for sealing, for use by the voter 5262  
in returning the voter's marked ballots to the ~~director~~ board. The 5263  
~~director~~ board shall send with the ballots and the instruction 5264  
sheet for preparing a gummed envelope sent electronically, 5265

including by facsimile machine, an instruction sheet for preparing 5266  
a second gummed envelope as described in this division, for use by 5267  
the voter in returning that voter's marked ballots to the ~~director~~ 5268  
board. The return envelope shall have two parallel lines, each one 5269  
quarter of an inch in width, printed across its face paralleling 5270  
the top, with an intervening space of one quarter of an inch 5271  
between such lines. The top line shall be one and one-quarter 5272  
inches from the top of the envelope. Between the parallel lines 5273  
shall be printed: "OFFICIAL ELECTION UNIFORMED SERVICES OR 5274  
OVERSEAS ABSENT VOTER'S BALLOTS -- VIA AIR MAIL." Three blank 5275  
lines shall be printed in the upper left corner on the face of the 5276  
envelope for the use by the voter in placing the voter's complete 5277  
military, naval, or mailing address on these lines, and beneath 5278  
these lines there shall be printed a box beside the words "check 5279  
if out-of-country." The voter shall check this box if the voter 5280  
will be outside the United States on the day of the election. The 5281  
official title and the post-office address of the ~~director~~ board 5282  
to ~~whom~~ which the envelope shall be returned shall be printed on 5283  
the face of such envelope in the lower right portion below the 5284  
bottom parallel line. 5285

(C) On the back of each identification envelope and each 5286  
return envelope shall be printed the following: 5287

"Instructions to voter: 5288

If the flap on this envelope is so firmly stuck to the back 5289  
of the envelope when received by you as to require forcible 5290  
opening in order to use it, open the envelope in the manner least 5291  
injurious to it, and, after marking your ballots and enclosing 5292  
same in the envelope for mailing them to ~~the director~~ of the board 5293  
of elections, reclose the envelope in the most practicable way, by 5294  
sealing or otherwise, and sign the blank form printed below. 5295

The flap on this envelope was firmly stuck to the back of the 5296  
envelope when received, and required forced opening before sealing 5297

and mailing. 5298

..... 5299

(Signature of voter)" 5300

(D) Division (C) of this section does not apply when absent 5301

voter's ballots are sent electronically, including by facsimile 5302

machine. 5303

**Sec. 3511.06.** The return envelope provided for in section 5304

3511.05 of the Revised Code shall be of such size that the 5305

identification envelope can be conveniently placed within it for 5306

returning the identification envelope to the ~~director~~ board of 5307

elections. The envelope in which the two envelopes and the 5308

uniformed services or overseas absent voter's ballots are mailed 5309

to the elector shall have two parallel lines, each one quarter of 5310

an inch in width, printed across its face, paralleling the top, 5311

with an intervening space of one-quarter of an inch between such 5312

lines. The top line shall be one and one-quarter inches from the 5313

top of the envelope. Between the parallel lines shall be printed: 5314

"official uniformed services or overseas absent voter's balloting 5315

material--via air mail." The appropriate return address of ~~the~~ 5316

~~director~~ of the board of elections shall be printed in the upper 5317

left corner on the face of such envelope. Several blank lines 5318

shall be printed on the face of such envelope in the lower right 5319

portion, below the bottom parallel line, for writing in the name 5320

and address of the elector to whom such envelope is mailed. 5321

**Sec. 3511.07.** When mailing unsealed identification envelopes 5322

and unsealed return envelopes to persons, the ~~director of the~~ 5323

board of elections shall insert a sheet of waxed paper or other 5324

appropriate insert between the gummed flap and the back of each of 5325

such envelopes to minimize the possibility that the flap may 5326

become firmly stuck to the back of the envelope by reason of 5327

moisture, humid atmosphere, or other conditions to which they may 5328

be subjected. If the flap on either of such envelopes should be so 5329  
firmly stuck to the back of the envelope when it is received by 5330  
the voter as to require forcible opening of the envelope in order 5331  
to use it, the voter shall open such envelope in the manner least 5332  
injurious to it, and, after marking ~~his~~ the voter's ballots and 5333  
enclosing them in the envelope for mailing to the ~~director~~ board, 5334  
~~he~~ the voter shall reclose such envelope in the most practicable 5335  
way, by sealing it or otherwise, and shall sign the blank form 5336  
printed on the back of such envelope. 5337

**Sec. 3511.08.** The ~~director of the~~ board of elections shall 5338  
keep a record of the name and address of each person to whom the 5339  
~~director~~ board mails or delivers uniformed services or overseas 5340  
absent voter's ballots, the kinds of ballots so mailed or 5341  
delivered, and the name and address of the person who made the 5342  
application for such ballots. After the ~~director~~ board has mailed 5343  
or delivered such ballots, the ~~director~~ board shall not mail or 5344  
deliver additional ballots of the same kind to such person 5345  
pursuant to a subsequent request unless such subsequent request 5346  
contains the statement that an earlier request had been sent to 5347  
the ~~director~~ board prior to the thirtieth day before the election 5348  
and that the uniformed services or overseas absent voter's ballots 5349  
so requested had not been received by such person prior to the 5350  
fifteenth day before the election, and provided that the ~~director~~ 5351  
board has not received an identification envelope purporting to 5352  
contain marked uniformed services or overseas absent voter's 5353  
ballots from such person. 5354

**Sec. 3511.09.** Upon receiving uniformed services or overseas 5355  
absent voter's ballots, the elector shall cause the questions on 5356  
the face of the identification envelope to be answered, and, by 5357  
writing the elector's usual signature in the proper place on the 5358  
identification envelope, the elector shall declare under penalty 5359

of election falsification that the answers to those questions are 5360  
true and correct to the best of the elector's knowledge and 5361  
belief. Then, the elector shall note whether there are any voting 5362  
marks on the ballot. If there are any voting marks, the ballot 5363  
shall be returned immediately to the board of elections; 5364  
otherwise, the elector shall cause the ballot to be marked, folded 5365  
separately so as to conceal the markings on it, deposited in the 5366  
identification envelope, and securely sealed in the identification 5367  
envelope. The elector then shall cause the identification envelope 5368  
to be placed within the return envelope, sealed in the return 5369  
envelope, and mailed to ~~the director of~~ the board of elections to 5370  
~~whom~~ which it is addressed, postage prepaid. If the elector does 5371  
not provide the elector's driver's license number or ~~the last four~~ 5372  
~~digits of~~ the elector's social security number on the statement of 5373  
voter on the identification envelope, the elector also shall 5374  
include in the return envelope with the identification envelope a 5375  
copy of the elector's current valid photo identification, a copy 5376  
of a military identification, or a copy of a current utility bill, 5377  
bank statement, government check, paycheck, or other government 5378  
document, other than ~~a notice of an election mailed by a board of~~ 5379  
~~elections under section 3501.19 of the Revised Code or~~ a notice of 5380  
voter registration mailed by a board of elections under section 5381  
3503.19 of the Revised Code, that shows the name and address of 5382  
the elector. Each elector who will be outside the United States on 5383  
the day of the election shall check the box on the return envelope 5384  
indicating this fact and shall mail the return envelope to the 5385  
~~director~~ board prior to the close of the polls on election day. 5386

Every uniformed services or overseas absent voter's ballot 5387  
identification envelope shall be accompanied by the following 5388  
statement in boldface capital letters: WHOEVER COMMITS ELECTION 5389  
FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE. 5390

**Sec. 3511.10.** If, on or after the ~~thirty-fifth~~ sixteenth day 5391

~~and before the day of a general or primary election through six~~ 5392  
~~p.m. on the last Friday before the close of the polls on the day~~ 5393  
of a ~~general or primary~~ that election, a valid application for 5394  
uniformed services or overseas absent voter's ballots is delivered 5395  
to ~~the director of the~~ office of the board of elections ~~at the~~ 5396  
~~office of the board~~ by a person making the application on the 5397  
person's own behalf, the ~~director~~ board shall forthwith deliver to 5398  
the person all uniformed services or overseas absent voter's 5399  
ballots then ready for use, together with an identification 5400  
envelope. The person shall then immediately retire to a voting 5401  
booth in the office of the board, and mark the ballots. The person 5402  
shall then fold each ballot separately so as to conceal the 5403  
person's markings thereon, and deposit all of the ballots in the 5404  
identification envelope and securely seal it. Thereupon the person 5405  
shall fill in answers to the questions on the face of the 5406  
identification envelope, and by writing the person's usual 5407  
signature in the proper place thereon, the person shall declare 5408  
under penalty of election falsification that the answers to those 5409  
questions are true and correct to the best of that person's 5410  
knowledge and belief. The person shall then deliver the 5411  
identification envelope to the ~~director~~ board. If thereafter, and 5412  
before the third day preceding such election, the board provides 5413  
additional separate official issue or special election ballots, as 5414  
provided for in section 3511.04 of the Revised Code, the ~~director~~ 5415  
board shall promptly, and not later than twelve noon of the third 5416  
day preceding the day of election, mail such additional ballots to 5417  
such person at the address specified by that person for that 5418  
purpose. 5419

In the event any person serving in the armed forces of the 5420  
United States is discharged after the closing date of 5421  
registration, and that person or that person's spouse, or both, 5422  
meets all the other qualifications set forth in section 3511.01 of 5423  
the Revised Code, the person or spouse shall be permitted to vote 5424



prior to the date of the election in the office of the board in 5425  
the person's or spouse's county, as set forth in this section. 5426

**Sec. 3511.11.** (A) Upon receipt of any return envelope bearing 5427  
the designation "Official Election Uniformed Services or Overseas 5428  
Absent Voter's Ballot" prior to the eleventh day after the day of 5429  
any election, ~~the director of~~ the board of elections shall open it 5430  
but shall not open the identification envelope contained in it. 5431  
If, upon so opening the return envelope, the ~~director~~ board finds 5432  
ballots in it that are not enclosed in and properly sealed in the 5433  
identification envelope, the ~~director~~ board shall not look at the 5434  
markings upon the ballots and shall promptly place them in the 5435  
identification envelope and promptly seal it. If, upon so opening 5436  
the return envelope, the ~~director~~ board finds that ballots are 5437  
enclosed in the identification envelope but that it is not 5438  
properly sealed, the ~~director~~ board shall not look at the markings 5439  
upon the ballots and shall promptly seal the identification 5440  
envelope. 5441

(B) Uniformed services or overseas absent voter's ballots 5442  
delivered to the ~~director~~ board not later than the close of the 5443  
polls on election day shall be counted in the manner provided in 5444  
section 3509.06 of the Revised Code. 5445

(C) A return envelope that indicates that the voter will be 5446  
outside of the United States on the day of an election is not 5447  
required to be postmarked in order for a uniformed services or 5448  
overseas absent voter's ballot contained in it to be valid. Except 5449  
as otherwise provided in this division, whether or not the return 5450  
envelope containing the ballot is postmarked or contains an 5451  
illegible postmark, a uniformed services or overseas absent 5452  
voter's ballot that is received after the close of the polls on 5453  
election day through the tenth day after the election day and that 5454  
is delivered in a return envelope that indicates that the voter 5455

will be outside the United States on the day of the election shall 5456  
be counted on the eleventh day after the election day at the 5457  
office of the board of elections in the manner provided in 5458  
divisions (C) and (D) of section 3509.06 of the Revised Code. 5459  
However, if a return envelope containing a uniformed services or 5460  
overseas absent voter's ballot is so received and so indicates, 5461  
but it is postmarked, or the identification envelope in it is 5462  
signed, after the close of the polls on election day, the 5463  
uniformed services or overseas absent voter's ballot shall not be 5464  
counted. 5465

(D)(1) Except as otherwise provided in division (D)(2) of 5466  
this section, any return envelope containing a uniformed services 5467  
or overseas absent voter's ballot that is postmarked within the 5468  
United States prior to the day of the election shall be delivered 5469  
to the ~~director~~ board prior to the eleventh day after the 5470  
election. Uniformed services or overseas absent voter's ballots 5471  
delivered in envelopes postmarked prior to the day of the election 5472  
that are received after the close of the polls on election day 5473  
through the tenth day thereafter shall be counted on the eleventh 5474  
day at the board of elections in the manner provided in divisions 5475  
(C) and (D) of section 3509.06 of the Revised Code. Any such 5476  
ballots that are received by the ~~director~~ board later than the 5477  
tenth day following the election shall not be counted, but shall 5478  
be kept by the board in the sealed identification envelopes as 5479  
provided in division (A) of this section. 5480

(2) Division (D)(1) of this section shall not apply to any 5481  
mail that is postmarked using a postage evidencing system, 5482  
including a postage meter, as defined in 39 C.F.R. 501.1. 5483

(E) The following types of uniformed services or overseas 5484  
absent voter's ballots shall not be counted: 5485

(1) Uniformed services or overseas absent voter's ballots 5486  
contained in return envelopes that bear the designation "Official 5487

Election Uniformed Services or Overseas Absent Voter's Ballots," 5488  
that are received by the ~~director~~ board after the close of the 5489  
polls on the day of the election, and that either are postmarked, 5490  
or contain an identification envelope that is signed, on or after 5491  
election day; 5492

(2) Uniformed services or overseas absent voter's ballots 5493  
contained in return envelopes that bear that designation, that do 5494  
not indicate they are from voters who will be outside the United 5495  
States on the day of the election, and that are received after the 5496  
tenth day following the election; 5497

(3) Uniformed services or overseas absent voter's ballots 5498  
contained in return envelopes that bear that designation, that are 5499  
received by the ~~director~~ board within ten days after the day of 5500  
the election, and that were postmarked before the day of the 5501  
election using a postage evidencing system, including a postage 5502  
meter, as defined in 39 C.F.R. 501.1. 5503

The uncounted ballots shall be preserved in their 5504  
identification envelopes unopened until the time provided by 5505  
section 3505.31 of the Revised Code for the destruction of all 5506  
other ballots used at the election for which ballots were 5507  
provided, at which time they shall be destroyed. 5508

**Sec. 3511.13.** (A) The poll list or signature pollbook for 5509  
each precinct shall identify each registered elector in that 5510  
precinct who has requested a uniformed services or overseas absent 5511  
voter's ballot for that election. 5512

(B)(1) If a registered elector appears to vote in that 5513  
precinct and that elector has requested a uniformed services or 5514  
overseas absent voter's ballot for that election but the ~~director~~ 5515  
board of elections has not received a sealed identification 5516  
envelope purporting to contain that elector's voted uniformed 5517  
services or overseas absent voter's ballots for that election, the 5518

elector shall be permitted to cast a provisional ballot under 5519  
section 3505.181 of the Revised Code in that precinct on the day 5520  
of that election. 5521

(2) If a registered elector appears to vote in that precinct 5522  
and that elector has requested a uniformed services or overseas 5523  
absent voter's ballot for that election and the ~~director~~ board has 5524  
received a sealed identification envelope purporting to contain 5525  
that elector's voted uniformed services or overseas absent voter's 5526  
ballots for that election, the elector shall be permitted to cast 5527  
a provisional ballot under section 3505.181 of the Revised Code in 5528  
that precinct on the day of that election. 5529

(C)(1) In counting uniformed services or overseas absent 5530  
voter's ballots under section 3511.11 of the Revised Code, the 5531  
board of elections shall compare the signature of each elector 5532  
from whom the ~~director~~ board has received a sealed identification 5533  
envelope purporting to contain that elector's voted uniformed 5534  
services or overseas absent voter's ballots for that election to 5535  
the signature on the elector's registration form. Except as 5536  
otherwise provided in division (C)(3) of this section, if the 5537  
board of elections determines that the uniformed services or 5538  
overseas absent voter's ballot in the sealed identification 5539  
envelope is valid, it shall be counted. If the board of elections 5540  
determines that the signature on the sealed identification 5541  
envelope purporting to contain the elector's voted uniformed 5542  
services or overseas absent voter's ballot does not match the 5543  
signature on the elector's registration form, the ballot shall be 5544  
set aside and the board shall examine, during the time prior to 5545  
the beginning of the official canvass, the poll list or signature 5546  
pollbook from the precinct in which the elector is registered to 5547  
vote to determine if the elector also cast a provisional ballot 5548  
under section 3505.181 of the Revised Code in that precinct on the 5549  
day of the election. 5550

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

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

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

(3) If the board of elections does not receive the sealed identification envelope purporting to contain the elector's voted uniformed services or overseas absent voter's ballot by the applicable deadline established under section 3511.11 of the Revised Code, the provisional ballot cast under section 3505.181 of the Revised Code in that precinct on the day of the election shall be counted as valid, if that provisional ballot is otherwise determined to be valid pursuant to section 3505.183 of the Revised Code.

(D) If the board of elections counts a provisional ballot under division (C)(2) or (3) of this section, the returned identification envelope of that elector shall not be opened, and the ballot within that envelope shall not be counted. The identification envelope shall be endorsed "Not Counted" with the reason the ballot was not counted.

**Sec. 3511.14.** A board of elections shall accept and process federal write-in ballots for all federal, state, and local elections conducted in any year as required under "The Uniformed

and Overseas Citizens Absentee Voting Act," Pub. L. No. 99-410, 5582  
100 Stat. 924, 42 U.S.C. 1973ff, et seq., as amended. 5583

**Sec. 3513.02.** If, in any odd-numbered year, no ~~valid~~ 5584  
~~declaration of candidacy is filed~~ candidate is certified to appear 5585  
on the ballot for nomination as a candidate of a political party 5586  
for election to any of the offices to be voted for at the general 5587  
election to be held in such year, or if the number of persons 5588  
~~filing such declarations of candidacy~~ certified as candidates to 5589  
appear on the ballot for ~~nominations~~ nomination as candidates of 5590  
one political party for election to such offices does not exceed, 5591  
as to any such office, the number of candidates which such 5592  
political party is entitled to nominate as its candidates for 5593  
election to such office, then no primary election shall be held 5594  
for the purpose of nominating party candidates of such party for 5595  
election to offices to be voted for at such general election and 5596  
no primary ballots shall be provided for such party. If, however, 5597  
the only office for which there are more ~~valid declarations of~~ 5598  
~~candidacy filed~~ candidates certified to appear on the ballot than 5599  
the number to be nominated by a political party, is the office of 5600  
councilperson in a ward, a primary election shall be held for such 5601  
party only in the ward or wards in which there is a contest, and 5602  
only the names of the candidates for the office of councilperson 5603  
in such ward shall appear on the primary ballot of such political 5604  
party. 5605

The election officials whose duty it would have been to 5606  
provide for and conduct the holding of such primary election, 5607  
declare the results thereof, and issue certificates of nomination 5608  
to the persons entitled thereto if such primary election had been 5609  
held shall declare each of such persons to be nominated as of the 5610  
date of the ninetieth day before the primary election, issue 5611  
appropriate certificates of nomination to each of them, and 5612  
certify their names to the proper election officials, in order 5613

that their names may be printed on the official ballots provided 5614  
for use in the succeeding general election in the same manner as 5615  
though such primary election had been held and such persons had 5616  
been nominated at such election. 5617

**Sec. 3513.131.** In the event two or more persons with 5618  
identical surnames run for the same office in a primary election 5619  
on the same ballot, the names of the candidates shall be 5620  
differentiated on the ballot by varying combinations of first and 5621  
middle names and initials. Within twenty-four hours after the 5622  
final date for filing declarations of candidacy or petitions for 5623  
candidacy, the director of the board of elections for local, 5624  
municipal, county, general, or special elections, or the director 5625  
of the board of elections of the most populous county for 5626  
district, general, or special elections, or the secretary of state 5627  
for state-wide general and special elections shall notify the 5628  
persons with identical given names and surnames that the names of 5629  
such persons will be differentiated on the ballot. If one of the 5630  
candidates is an incumbent who is a candidate to succeed ~~himself~~ 5631  
self for the office ~~he~~ the incumbent occupies, ~~he~~ the incumbent 5632  
shall have first choice of the name by which ~~he~~ the incumbent is 5633  
designated on the ballot. If an incumbent does not make a choice 5634  
within two days after notification or if none of the candidates is 5635  
an incumbent, the board of elections within three days after 5636  
notification shall designate the names by which the candidates are 5637  
identified on the ballot. In case of a district candidate the 5638  
board of elections in the most populous county shall make the 5639  
determination. In case of state-wide candidates, or in the case 5640  
any board of elections fails to make a designation within three 5641  
days after notification, the secretary of state shall immediately 5642  
make the determination. 5643

"Notification" as required by this section shall be by the 5644  
director of the board of elections or secretary of state by 5645

~~special delivery or telegram~~ certified mail at the candidate's 5646  
address listed in ~~his~~ the candidate's declaration or petition of 5647  
candidacy. 5648

**Sec. 3513.19.** (A) It is the duty of any ~~judge of elections~~ 5649  
precinct election official, whenever any ~~judge of elections~~ such 5650  
official doubts that a person attempting to vote at a primary 5651  
election is legally entitled to vote at that election, to 5652  
challenge the right of that person to vote. The right of a person 5653  
to vote at a primary election may be challenged upon the following 5654  
grounds: 5655

(1) That the person whose right to vote is challenged is not 5656  
a legally qualified elector; 5657

(2) That the person has received or has been promised some 5658  
valuable reward or consideration for the person's vote; 5659

(3) That the person is not affiliated with or is not a member 5660  
of the political party whose ballot the person desires to vote. 5661  
Such party affiliation shall be determined by examining the 5662  
elector's voting record for the current year and the immediately 5663  
preceding two calendar years as shown on the voter's registration 5664  
card, using the standards of affiliation specified in the seventh 5665  
paragraph of section 3513.05 of the Revised Code. Division (A)(3) 5666  
of this section and the seventh paragraph of section 3513.05 of 5667  
the Revised Code do not prohibit a person who holds an elective 5668  
office for which candidates are nominated at a party primary 5669  
election from doing any of the following: 5670

(a) If the person voted as a member of a different political 5671  
party at any primary election within the current year and the 5672  
immediately preceding two calendar years, being a candidate for 5673  
nomination at a party primary held during the times specified in 5674  
division (C)(2) of section 3513.191 of the Revised Code provided 5675  
that the person complies with the requirements of that section; 5676



(b) Circulating the person's own petition of candidacy for party nomination in the primary election. 5677  
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(B) When the right of a person to vote is challenged upon the ground set forth in division (A)(3) of this section, membership in or political affiliation with a political party shall be determined by the person's statement, made under penalty of election falsification, that the person desires to be affiliated with and supports the principles of the political party whose primary ballot the person desires to vote. 5679  
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**Sec. 3513.21.** At the close of the polls in a primary election, the ~~judges of precinct~~ election officials shall proceed without delay to canvass the vote, sign and seal it, and make returns thereof to the board of elections forthwith on the forms to be provided by the board. The provisions of Title XXXV of the Revised Code relating to the accounting for and return of all ballots at general elections apply to primary ballots. 5686  
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If there is any disagreement as to how a ballot should be counted it shall be submitted to all of the ~~judges precinct~~ election officials. If three of the ~~judges precinct~~ election officials do not agree as to how any part of the ballot shall be counted, that part of such ballot which three of the ~~judges~~ officials do agree shall be counted and a notation made upon the ballot indicating what part has not been counted, and shall be placed in an envelope provided for that purpose, marked "Disputed Ballots" and returned to the board. 5693  
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The board shall, on the day when the vote is canvassed, open such sealed envelopes, determine what ballots and for whom they should be counted, and proceed to count and tally the votes on such ballots. 5702  
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**Sec. 3513.30.** (A)(1) If only one valid declaration of 5706

candidacy is filed for nomination as a candidate of a political party for an office and that candidate dies prior to the tenth day before the primary election, both of the following may occur:

(a) The political party whose candidate died may fill the vacancy so created as provided in division (A)(2) of this section.

(b) Any major political party other than the one whose candidate died may select a candidate as provided in division (A)(2) of this section under either of the following circumstances:

(i) No person has filed a valid declaration of candidacy for nomination as that party's candidate at the primary election.

(ii) Only one person has filed a valid declaration of candidacy for nomination as that party's candidate at the primary election, that person has withdrawn, died, or been disqualified under section 3513.052 of the Revised Code, and the vacancy so created has not been filled.

(2) A vacancy may be filled under division (A)(1)(a) and a selection may be made under division (A)(1)(b) of this section by the appropriate committee of the political party in the same manner as provided in divisions (A) to (E) of section 3513.31 of the Revised Code for the filling of similar vacancies created by withdrawals or disqualifications under section 3513.052 of the Revised Code after the primary election, except that the certification required under that section may not be filed with the secretary of state, or with a board of the most populous county of a district, or with the board of a county in which the major portion of the population of a subdivision is located, later than four p.m. of the tenth day before the day of such primary election, or with any other board later than four p.m. of the fifth day before the day of such primary election.

(3) If only one valid declaration of candidacy is filed for

nomination as a candidate of a political party for an office and 5738  
that candidate dies on or after the tenth day before the day of 5739  
the primary election, that candidate is considered to have 5740  
received the nomination of that candidate's political party at 5741  
that primary election, and, for purposes of filling the vacancy so 5742  
created, that candidate's death shall be treated as if that 5743  
candidate died on the day after the day of the primary election. 5744

(B) Any person filing a declaration of candidacy may withdraw 5745  
as such candidate at any time prior to the primary election. The 5746  
withdrawal shall be effected and the statement of withdrawal shall 5747  
be filed in accordance with the procedures prescribed in division 5748  
(D) of this section for the withdrawal of persons nominated in a 5749  
primary election or by nominating petition. 5750

(C) A person who is named the first choice for president of 5751  
the United States by a candidate for delegate or alternate to a 5752  
national convention of a political party may withdraw consent for 5753  
the selection of the person as such first choice no later than 5754  
four p.m. of the fortieth day before the day of the presidential 5755  
primary election. Withdrawal of consent shall be for the entire 5756  
slate of candidates for delegates and alternates who named such 5757  
person as their presidential first choice and shall constitute 5758  
withdrawal from the primary election by such delegates and 5759  
alternates. The withdrawal shall be made in writing and delivered 5760  
to the secretary of state. If the withdrawal is delivered to the 5761  
secretary of state on or before the seventieth day before the day 5762  
of the primary election, the boards of elections shall remove both 5763  
the name of the withdrawn first choice and the names of such 5764  
withdrawn candidates from the ballots according to the directions 5765  
of the secretary of state. If the withdrawal is delivered to the 5766  
secretary of state after the seventieth day before the day of the 5767  
primary election, the board of elections shall not remove the name 5768  
of the withdrawn first choice and the names of the withdrawn 5769

candidates from the ballots. The board of elections shall post a notice at each polling location on the day of the primary election, and shall enclose with each absent voter's ballot given or mailed after the candidate withdraws, a notice that votes for the withdrawn first choice or the withdrawn candidates will be void and will not be counted. If such names are not removed from all ballots before the day of the election, the votes for the withdrawn first choice or the withdrawn candidates are void and shall not be counted.

(D) Any person nominated in a primary election or by nominating petition as a candidate for election at the next general election may withdraw as such candidate at any time prior to the general election. Such withdrawal may be effected by the filing of a written statement by such candidate announcing the candidate's withdrawal and requesting that the candidate's name not be printed on the ballots. If such candidate's declaration of candidacy or nominating petition was filed with the secretary of state, the candidate's statement of withdrawal shall be addressed to and filed with the secretary of state. If such candidate's declaration of candidacy or nominating petition was filed with a board of elections, the candidate's statement of withdrawal shall be addressed to and filed with such board.

(E) When a person withdraws under division (B) or (D) of this section on or before the seventieth day before the day of the ~~primary~~ election at which the person's candidacy is to appear on the ballot, the board of elections shall remove the name of the withdrawn candidate from the ballots according to the directions of the secretary of state. When a person withdraws under division (B) or (D) of this section after the seventieth day before the day of the ~~primary~~ election at which the person's candidacy is to appear on the ballot, the board of elections shall not remove the name of the withdrawn candidate from the ballots. The board of

elections shall post a notice at each polling place on the day of 5802  
the ~~primary~~ election, and shall enclose with each absent voter's 5803  
ballot given or mailed after the candidate withdraws, a notice 5804  
that votes for the withdrawn candidate will be void and will not 5805  
be counted. If the name is not removed from all ballots before the 5806  
day of the election, the votes for the withdrawn candidate are 5807  
void and shall not be counted. 5808

**Sec. 3513.31.** (A) If a person nominated in a primary election 5809  
as a candidate for election at the next general election, whose 5810  
candidacy is to be submitted to the electors of the entire state, 5811  
withdraws as that candidate or is disqualified as that candidate 5812  
under section 3513.052 of the Revised Code, the vacancy in the 5813  
party nomination so created may be filled by the state central 5814  
committee of the major political party that made the nomination at 5815  
the primary election, if the committee's chairperson and secretary 5816  
certify the name of the person selected to fill the vacancy by the 5817  
time specified in this division, at a meeting called for that 5818  
purpose. The meeting shall be called by the chairperson of that 5819  
committee, who shall give each member of the committee at least 5820  
two days' notice of the time, place, and purpose of the meeting. 5821  
If a majority of the members of the committee are present at the 5822  
meeting, a majority of those present may select a person to fill 5823  
the vacancy. The chairperson and secretary of the meeting shall 5824  
certify in writing and under oath to the secretary of state, not 5825  
later than the eighty-sixth day before the day of the general 5826  
election, the name of the person selected to fill the vacancy. The 5827  
certification must be accompanied by the written acceptance of the 5828  
nomination by the person whose name is certified. A vacancy that 5829  
may be filled by an intermediate or minor political party shall be 5830  
filled in accordance with the party's rules by authorized 5831  
officials of the party. Certification must be made as in the 5832  
manner provided for a major political party. 5833

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(B) If a person nominated in a primary election as a party candidate for election at the next general election, whose candidacy is to be submitted to the electors of a district comprised of more than one county but less than all of the counties of the state, withdraws as that candidate or is disqualified as that candidate under section 3513.052 of the Revised Code, the vacancy in the party nomination so created may be filled by a district committee of the major political party that made the nomination at the primary election, if the committee's chairperson and secretary certify the name of the person selected to fill the vacancy by the time specified in this division, at a meeting called for that purpose. The district committee shall consist of the chairperson and secretary of the county central committee of such political party in each county in the district. The district committee shall be called by the chairperson of the county central committee of such political party of the most populous county in the district, who shall give each member of the district committee at least two days' notice of the time, place, and purpose of the meeting. If a majority of the members of the district committee are present at the district committee meeting, a majority of those present may select a person to fill the vacancy. The chairperson and secretary of the meeting shall certify in writing and under oath to the board of elections of the most populous county in the district, not later than four p.m. of the eighty-sixth day before the day of the general election, the name of the person selected to fill the vacancy. The certification must be accompanied by the written acceptance of the nomination by the person whose name is certified. A vacancy that may be filled by an intermediate or minor political party shall be filled in accordance with the party's rules by authorized officials of the party. Certification must be made as in the manner provided for a major political party.

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(C) If a person nominated in a primary election as a party candidate for election at the next general election, whose candidacy is to be submitted to the electors of a county, withdraws as that candidate or is disqualified as that candidate under section 3513.052 of the Revised Code, the vacancy in the party nomination so created may be filled by the county central committee of the major political party that made the nomination at the primary election, or by the county executive committee if so authorized, if the committee's chairperson and secretary certify the name of the person selected to fill the vacancy by the time specified in this division, at a meeting called for that purpose. The meeting shall be called by the chairperson of that committee, who shall give each member of the committee at least two days' notice of the time, place, and purpose of the meeting. If a majority of the members of the committee are present at the meeting, a majority of those present may select a person to fill the vacancy. The chairperson and secretary of the meeting shall certify in writing and under oath to the board of that county, not later than four p.m. of the eighty-sixth day before the day of the general election, the name of the person selected to fill the vacancy. The certification must be accompanied by the written acceptance of the nomination by the person whose name is certified. A vacancy that may be filled by an intermediate or minor political party shall be filled in accordance with the party's rules by authorized officials of the party. Certification must be made as in the manner provided for a major political party.

(D) If a person nominated in a primary election as a party candidate for election at the next general election, whose candidacy is to be submitted to the electors of a district within a county, withdraws as that candidate or is disqualified as that candidate under section 3513.052 of the Revised Code, the vacancy in the party nomination so created may be filled by a district

committee consisting of those members of the county central 5900  
committee or, if so authorized, those members of the county 5901  
executive committee in that county of the major political party 5902  
that made the nomination at the primary election who represent the 5903  
precincts or the wards and townships within the district, if the 5904  
committee's chairperson and secretary certify the name of the 5905  
person selected to fill the vacancy by the time specified in this 5906  
division, at a meeting called for that purpose. The district 5907  
committee meeting shall be called by the chairperson of the county 5908  
central committee or executive committee, as appropriate, who 5909  
shall give each member of the district committee at least two 5910  
days' notice of the time, place, and purpose of the meeting. If a 5911  
majority of the members of the district committee are present at 5912  
the district committee meeting, a majority of those present may 5913  
select a person to fill the vacancy. The chairperson and secretary 5914  
of the district committee meeting shall certify in writing and 5915  
under oath to the board of the county, not later than four p.m. of 5916  
the eighty-sixth day before the day of the general election, the 5917  
name of the person selected to fill the vacancy. The certification 5918  
must be accompanied by the written acceptance of the nomination by 5919  
the person whose name is certified. A vacancy that may be filled 5920  
by an intermediate or minor political party shall be filled in 5921  
accordance with the party's rules by authorized officials of the 5922  
party. Certification must be made as in the manner provided for a 5923  
major political party. 5924

(E) If a person nominated in a primary election as a party 5925  
candidate for election at the next general election, whose 5926  
candidacy is to be submitted to the electors of a subdivision 5927  
within a county, withdraws as that candidate or is disqualified as 5928  
that candidate under section 3513.052 of the Revised Code, the 5929  
vacancy in the party nomination so created may be filled by a 5930  
subdivision committee consisting of those members of the county 5931  
central committee or, if so authorized, those members of the 5932



county executive committee in that county of the major political 5933  
party that made the nomination at that primary election who 5934  
represent the precincts or the wards and townships within that 5935  
subdivision, if the committee's chairperson and secretary certify 5936  
the name of the person selected to fill the vacancy by the time 5937  
specified in this division, at a meeting called for that purpose. 5938

The subdivision committee meeting shall be called by the 5939  
chairperson of the county central committee or executive 5940  
committee, as appropriate, who shall give each member of the 5941  
subdivision committee at least two days' notice of the time, 5942  
place, and purpose of the meeting. If a majority of the members of 5943  
the subdivision committee are present at the subdivision committee 5944  
meeting, a majority of those present may select a person to fill 5945  
the vacancy. The chairperson and secretary of the subdivision 5946  
committee meeting shall certify in writing and under oath to the 5947  
board of the county, not later than four p.m. of the eighty-sixth 5948  
day before the day of the general election, the name of the person 5949  
selected to fill the vacancy. The certification must be 5950  
accompanied by the written acceptance of the nomination by the 5951  
person whose name is certified. A vacancy that may be filled by an 5952  
intermediate or minor political party shall be filled in 5953  
accordance with the party's rules by authorized officials of the 5954  
party. Certification must be made in the manner provided for a 5955  
major political party. 5956

(F) If a person nominated by petition as an independent or 5957  
nonpartisan candidate for election at the next general election 5958  
withdraws as that candidate or is disqualified as that candidate 5959  
under section 3513.052 of the Revised Code, the vacancy so created 5960  
may be filled by a majority of the committee of five, as 5961  
designated on the candidate's nominating petition, if a member of 5962  
that committee certifies in writing and under oath to the election 5963  
officials with whom the candidate filed the candidate's nominating 5964

petition, not later than the eighty-sixth day before the day of 5965  
the general election, the name of the person selected to fill the 5966  
vacancy. The certification shall be accompanied by the written 5967  
acceptance of the nomination by the person whose name is certified 5968  
and shall be made in the manner provided for a major political 5969  
party. 5970

(G) If a person nominated in a primary election as a party 5971  
candidate for election at the next general election dies, the 5972  
vacancy so created may be filled by the same committee in the same 5973  
manner as provided in this section for the filling of similar 5974  
vacancies created by withdrawals or disqualifications under 5975  
section 3513.052 of the Revised Code, except that the 5976  
certification, when filling a vacancy created by death, may not be 5977  
filed with the secretary of state, or with a board of the most 5978  
populous county of a district, or with the board of a county in 5979  
which the major portion of the population of a subdivision is 5980  
located, later than four p.m. of the tenth day before the day of 5981  
such general election, or with any other board later than four 5982  
p.m. of the fifth day before the day of such general election. 5983

(H) If a person nominated by petition as an independent or 5984  
nonpartisan candidate for election at the next general election 5985  
dies prior to the tenth day before the day of that general 5986  
election, the vacancy so created may be filled by a majority of 5987  
the committee of five designated in the nominating petition to 5988  
represent the candidate named in it. To fill the vacancy a member 5989  
of the committee shall, not later than four p.m. of the fifth day 5990  
before the day of the general election, file with the election 5991  
officials with whom the petition nominating the person was filed, 5992  
a certificate signed and sworn to under oath by a majority of the 5993  
members, designating the person they select to fill the vacancy. 5994  
The certification must be accompanied by the written acceptance of 5995  
the nomination by the person whose name is so certified. 5996

(I) If a person holding an elective office dies ~~or~~, resigns, ~~retires, is removed, or otherwise vacates that office~~ subsequent 5997  
to the one hundred fifteenth day before the day of a primary 5998  
election and prior to the eighty-sixth day before the day of the 5999  
next general election, and if, under the laws of this state, a 6000  
person may be elected at that general election to fill the 6001  
unexpired term ~~of the person who has died or resigned~~, the 6002  
appropriate committee of each political party, acting as in the 6003  
case of a vacancy in a party nomination, as provided in divisions 6004  
(A) to (D) of this section, may select a person as the party 6005  
candidate for election for such unexpired term at that general 6006  
election, and certify the person's name to the appropriate 6007  
election official not later than four p.m. on the eighty-sixth day 6008  
before the day of that general election, or on the tenth day 6009  
following the day on which the vacancy occurs, whichever is later. 6010  
When the vacancy occurs on or subsequent to the eighty-sixth day 6011  
and prior to the fifty-sixth day before the general election, the 6012  
appropriate committee may select a person as the party candidate 6013  
and certify the person's name, as provided in the preceding 6014  
sentence, not later than four p.m. on the fiftieth day before the 6015  
general election. Thereupon the name shall be printed as the party 6016  
candidate under proper titles and in the proper place on the 6017  
proper ballots for use at the election. If a person has been 6018  
nominated in a primary election, the authorized committee of that 6019  
political party shall not select and certify a person as the party 6020  
candidate. 6021  
6022

(J) Each person desiring to become an independent candidate 6023  
to fill the unexpired term shall file a statement of candidacy and 6024  
nominating petition, as provided in section 3513.261 of the 6025  
Revised Code, with the appropriate election official not later 6026  
than four p.m. on the tenth day following the day on which the 6027  
vacancy occurs, provided that when the vacancy occurs fewer than 6028  
six days before the fifty-sixth day before the general election, 6029

the deadline for filing shall be four p.m. on the fiftieth day 6030  
before the general election. The nominating petition shall contain 6031  
at least seven hundred fifty signatures and no more than one 6032  
thousand five hundred signatures of qualified electors of the 6033  
district, political subdivision, or portion of a political 6034  
subdivision in which the office is to be voted upon, or the amount 6035  
provided for in section 3513.257 of the Revised Code, whichever is 6036  
less. 6037

(K) When a person nominated as a candidate by a political 6038  
party in a primary election or by nominating petition for an 6039  
elective office for which candidates are nominated at a party 6040  
primary election withdraws, dies, or is disqualified under section 6041  
3513.052 of the Revised Code prior to the general election, the 6042  
appropriate committee of any other major political party or 6043  
committee of five that has not nominated a candidate for that 6044  
office, or whose nominee as a candidate for that office has 6045  
withdrawn, died, or been disqualified without the vacancy so 6046  
created having been filled, may, acting as in the case of a 6047  
vacancy in a party nomination or nomination by petition as 6048  
provided in divisions (A) to (F) of this section, whichever is 6049  
appropriate, select a person as a candidate of that party or of 6050  
that committee of five for election to the office. 6051

**Sec. 3515.04.** At the time and place fixed for making a 6052  
recount, the board of elections, in the presence of all observers 6053  
who may be in attendance, shall open the sealed containers 6054  
containing the ballots to be recounted, and shall recount them. ~~If~~ 6055  
~~a county used punch card ballots and if a chad is attached to a~~ 6056  
~~punch card ballot by three or four corners, the voter shall be~~ 6057  
~~deemed by the board not to have recorded a candidate, question, or~~ 6058  
~~issue choice at the particular position on the ballot, and a vote~~ 6059  
~~shall not be counted at that particular position on the ballot in~~ 6060  
~~the recount.~~ Ballots shall be handled only by the members of the 6061

board or by the director or other employees of the board. 6062  
Observers shall be permitted to see the ballots, but they shall 6063  
not be permitted to touch them, and the board shall not permit the 6064  
counting or tabulation of votes shown on the ballots for any 6065  
nomination, or for election to any office or position, or upon any 6066  
question or issue, other than the votes shown on such ballots for 6067  
the nomination, election, question, or issue concerning which a 6068  
recount of ballots was applied for. 6069

At any time before the ballots from all of the precincts 6070  
listed in an application for the recount or involved in a recount 6071  
pursuant to section 3515.011 of the Revised Code have been 6072  
recounted, the applicant or declared losing candidate or nominee 6073  
or each of the declared losing candidates or nominees entitled to 6074  
file a request prior to the commencement of a recount, as provided 6075  
in section 3515.03 of the Revised Code, may file with the board a 6076  
written request to stop the recount and not recount the ballots 6077  
from the precincts so listed that have not been recounted prior to 6078  
the time of the request. If, upon the request, the board finds 6079  
that results of the votes in the precincts recounted, if 6080  
substituted for the results of the votes in those precincts as 6081  
shown in the abstract of the votes in those precincts, would not 6082  
cause the applicant, if a person for whom votes were cast for 6083  
nomination or election, to be declared nominated or elected or if 6084  
an election upon a question or issue would not cause a result 6085  
contrary to the result as declared prior to such recount, it shall 6086  
grant the request and shall not recount the ballots of the 6087  
precincts listed in the application for recount that have not been 6088  
recounted prior to that time. If the board finds otherwise, it 6089  
shall deny the request and shall continue to recount ballots until 6090  
the ballots from all of the precincts listed in the application 6091  
for recount have been recounted; provided that, if the request is 6092  
denied, it may be renewed from time to time. Upon any such 6093  
renewal, the board shall consider and act upon the request in the 6094

same manner as provided in this section in connection with an 6095  
original request. 6096

~~As used in this section, "chad" and "punch card ballot" have 6097  
the same meanings as in section 3506.16 of the Revised Code. 6098~~

**Sec. 3517.01.** (A)(1) A political party within the meaning of 6099  
Title XXXV of the Revised Code is any group of voters that, at the 6100  
most recent regular state election, polled for its candidate for 6101  
governor in the state or nominees for presidential electors at 6102  
least five per cent of the entire vote cast for that office or 6103  
that ~~filed with the secretary of state~~ did either of the 6104  
following, subsequent to any election in which it received less 6105  
than five per cent of that vote, ~~a:~~ 6106

(a) Filed with the secretary of state a petition signed by 6107  
qualified electors equal in number to at least one-half of one per 6108  
cent of the total vote for governor or nominees for presidential 6109  
electors at the most recent election, declaring their intention of 6110  
organizing a political party, the name of which shall be stated in 6111  
the declaration, and of participating in the succeeding primary 6112  
election, held in even-numbered years, that occurs more than one 6113  
hundred ~~twenty~~ days after the date of filing; or 6114  
6115

(b) Filed with the secretary of state a petition signed by 6116  
qualified electors equal in number to at least one-half of one per 6117  
cent of the total vote for governor at the most recent election, 6118  
declaring their intention of organizing a political party, the 6119  
name of which shall be stated in the declaration, and of 6120  
certifying candidates only for the offices of president and 6121  
vice-president at the succeeding general election, held in an 6122  
even-numbered year, that occurs more than eighty days after the 6123  
date of filing. ~~No~~ 6124

No such group of electors shall assume a name or designation 6125

that is similar, in the opinion of the secretary of state, to that of an existing political party as to confuse or mislead the voters at an election. If any political party fails to cast five per cent of the total vote cast at an election for the office of governor or president, it shall cease to be a political party.

(2) A campaign committee shall be legally liable for any debts, contracts, or expenditures incurred or executed in its name.

(B) Notwithstanding the definitions found in section 3501.01 of the Revised Code, as used in this section and sections 3517.08 to 3517.14, 3517.99, and 3517.992 of the Revised Code:

(1) "Campaign committee" means a candidate or a combination of two or more persons authorized by a candidate under section 3517.081 of the Revised Code to receive contributions and make expenditures.

(2) "Campaign treasurer" means an individual appointed by a candidate under section 3517.081 of the Revised Code.

(3) "Candidate" has the same meaning as in division (H) of section 3501.01 of the Revised Code and also includes any person who, at any time before or after an election, receives contributions or makes expenditures or other use of contributions, has given consent for another to receive contributions or make expenditures or other use of contributions, or appoints a campaign treasurer, for the purpose of bringing about the person's nomination or election to public office. When two persons jointly seek the offices of governor and lieutenant governor, "candidate" means the pair of candidates jointly. "Candidate" does not include candidates for election to the offices of member of a county or state central committee, presidential elector, and delegate to a national convention or conference of a political party.

(4) "Continuing association" means an association, other than

a campaign committee, political party, legislative campaign fund, 6157  
political contributing entity, or labor organization, that is 6158  
intended to be a permanent organization that has a primary purpose 6159  
other than supporting or opposing specific candidates, political 6160  
parties, or ballot issues, and that functions on a regular basis 6161  
throughout the year. "Continuing association" includes 6162  
organizations that are determined to be not organized for profit 6163  
under subsection 501 and that are described in subsection 6164  
501(c)(3), 501(c)(4), or 501(c)(6) of the Internal Revenue Code. 6165

(5) "Contribution" means a loan, gift, deposit, forgiveness 6166  
of indebtedness, donation, advance, payment, or transfer of funds 6167  
or anything of value, including a transfer of funds from an inter 6168  
vivos or testamentary trust or decedent's estate, and the payment 6169  
by any person other than the person to whom the services are 6170  
rendered for the personal services of another person, which 6171  
contribution is made, received, or used for the purpose of 6172  
influencing the results of an election. Any loan, gift, deposit, 6173  
forgiveness of indebtedness, donation, advance, payment, or 6174  
transfer of funds or of anything of value, including a transfer of 6175  
funds from an inter vivos or testamentary trust or decedent's 6176  
estate, and the payment by any campaign committee, political 6177  
action committee, legislative campaign fund, political party, 6178  
political contributing entity, or person other than the person to 6179  
whom the services are rendered for the personal services of 6180  
another person, that is made, received, or used by a state or 6181  
county political party, other than moneys a state or county 6182  
political party receives from the Ohio political party fund 6183  
pursuant to section 3517.17 of the Revised Code and the moneys a 6184  
state or county political party may receive under sections 6185  
3517.101, 3517.1012, and 3517.1013 of the Revised Code, shall be 6186  
considered to be a "contribution" for the purpose of section 6187  
3517.10 of the Revised Code and shall be included on a statement 6188  
of contributions filed under that section. 6189



"Contribution" does not include any of the following:	6190
(a) Services provided without compensation by individuals	6191
volunteering a portion or all of their time on behalf of a person;	6192
(b) Ordinary home hospitality;	6193
(c) The personal expenses of a volunteer paid for by that	6194
volunteer campaign worker;	6195
(d) Any gift given to a state or county political party	6196
pursuant to section 3517.101 of the Revised Code. As used in	6197
division (B)(5)(d) of this section, "political party" means only a	6198
major political party;	6199
(e) Any contribution as defined in section 3517.1011 of the	6200
Revised Code that is made, received, or used to pay the direct	6201
costs of producing or airing an electioneering communication;	6202
(f) Any gift given to a state or county political party for	6203
the party's restricted fund under division (A)(2) of section	6204
3517.1012 of the Revised Code;	6205
(g) Any gift given to a state political party for deposit in	6206
a Levin account pursuant to section 3517.1013 of the Revised Code.	6207
As used in this division, "Levin account" has the same meaning as	6208
in that section.	6209
(h) Any donation given to a transition fund under section	6210
3517.1014 of the Revised Code.	6211
(6) "Expenditure" means the disbursement or use of a	6212
contribution for the purpose of influencing the results of an	6213
election or of making a charitable donation under division (G) of	6214
section 3517.08 of the Revised Code. Any disbursement or use of a	6215
contribution by a state or county political party is an	6216
expenditure and shall be considered either to be made for the	6217
purpose of influencing the results of an election or to be made as	6218
a charitable donation under division (G) of section 3517.08 of the	6219

Revised Code and shall be reported on a statement of expenditures 6220  
filed under section 3517.10 of the Revised Code. During the thirty 6221  
days preceding a primary or general election, any disbursement to 6222  
pay the direct costs of producing or airing a broadcast, cable, or 6223  
satellite communication that refers to a clearly identified 6224  
candidate shall be considered to be made for the purpose of 6225  
influencing the results of that election and shall be reported as 6226  
an expenditure or as an independent expenditure under section 6227  
3517.10 or 3517.105 of the Revised Code, as applicable, except 6228  
that the information required to be reported regarding 6229  
contributors for those expenditures or independent expenditures 6230  
shall be the same as the information required to be reported under 6231  
divisions (D)(1) and (2) of section 3517.1011 of the Revised Code. 6232

As used in this division, "broadcast, cable, or satellite 6233  
communication" and "refers to a clearly identified candidate" have 6234  
the same meanings as in section 3517.1011 of the Revised Code. 6235

(7) "Personal expenses" includes, but is not limited to, 6236  
ordinary expenses for accommodations, clothing, food, personal 6237  
motor vehicle or airplane, and home telephone. 6238

(8) "Political action committee" means a combination of two 6239  
or more persons, the primary or major purpose of which is to 6240  
support or oppose any candidate, political party, or issue, or to 6241  
influence the result of any election through express advocacy, and 6242  
that is not a political party, a campaign committee, a political 6243  
contributing entity, or a legislative campaign fund. "Political 6244  
action committee" does not include either of the following: 6245

(a) A continuing association that makes disbursements for the 6246  
direct costs of producing or airing electioneering communications 6247  
and that does not engage in express advocacy; 6248

(b) A political club that is formed primarily for social 6249  
purposes and that consists of one hundred members or less, has 6250

officers and periodic meetings, has less than two thousand five 6251  
hundred dollars in its treasury at all times, and makes an 6252  
aggregate total contribution of one thousand dollars or less per 6253  
calendar year. 6254

(9) "Public office" means any state, county, municipal, 6255  
township, or district office, except an office of a political 6256  
party, that is filled by an election and the offices of United 6257  
States senator and representative. 6258

(10) "Anything of value" has the same meaning as in section 6259  
1.03 of the Revised Code. 6260

(11) "Beneficiary of a campaign fund" means a candidate, a 6261  
public official or employee for whose benefit a campaign fund 6262  
exists, and any other person who has ever been a candidate or 6263  
public official or employee and for whose benefit a campaign fund 6264  
exists. 6265

(12) "Campaign fund" means money or other property, including 6266  
contributions. 6267

(13) "Public official or employee" has the same meaning as in 6268  
section 102.01 of the Revised Code. 6269

(14) "Caucus" means all of the members of the house of 6270  
representatives or all of the members of the senate of the general 6271  
assembly who are members of the same political party. 6272

(15) "Legislative campaign fund" means a fund that is 6273  
established as an auxiliary of a state political party and 6274  
associated with one of the houses of the general assembly. 6275

(16) "In-kind contribution" means anything of value other 6276  
than money that is used to influence the results of an election or 6277  
is transferred to or used in support of or in opposition to a 6278  
candidate, campaign committee, legislative campaign fund, 6279  
political party, political action committee, or political 6280

contributing entity and that is made with the consent of, in 6281  
coordination, cooperation, or consultation with, or at the request 6282  
or suggestion of the benefited candidate, committee, fund, party, 6283  
or entity. The financing of the dissemination, distribution, or 6284  
 republication, in whole or part, of any broadcast or of any 6285  
written, graphic, or other form of campaign materials prepared by 6286  
the candidate, the candidate's campaign committee, or their 6287  
authorized agents is an in-kind contribution to the candidate and 6288  
an expenditure by the candidate. 6289

(17) "Independent expenditure" means an expenditure by a 6290  
person advocating the election or defeat of an identified 6291  
candidate or candidates, that is not made with the consent of, in 6292  
coordination, cooperation, or consultation with, or at the request 6293  
or suggestion of any candidate or candidates or of the campaign 6294  
committee or agent of the candidate or candidates. As used in 6295  
division (B)(17) of this section: 6296

(a) "Person" means an individual, partnership, unincorporated 6297  
business organization or association, political action committee, 6298  
political contributing entity, separate segregated fund, 6299  
association, or other organization or group of persons, but not a 6300  
labor organization or a corporation unless the labor organization 6301  
or corporation is a political contributing entity. 6302

(b) "Advocating" means any communication containing a message 6303  
advocating election or defeat. 6304

(c) "Identified candidate" means that the name of the 6305  
candidate appears, a photograph or drawing of the candidate 6306  
appears, or the identity of the candidate is otherwise apparent by 6307  
unambiguous reference. 6308

(d) "Made in coordination, cooperation, or consultation with, 6309  
or at the request or suggestion of, any candidate or the campaign 6310  
committee or agent of the candidate" means made pursuant to any 6311

arrangement, coordination, or direction by the candidate, the 6312  
candidate's campaign committee, or the candidate's agent prior to 6313  
the publication, distribution, display, or broadcast of the 6314  
communication. An expenditure is presumed to be so made when it is 6315  
any of the following: 6316

(i) Based on information about the candidate's plans, 6317  
projects, or needs provided to the person making the expenditure 6318  
by the candidate, or by the candidate's campaign committee or 6319  
agent, with a view toward having an expenditure made; 6320

(ii) Made by or through any person who is, or has been, 6321  
authorized to raise or expend funds, who is, or has been, an 6322  
officer of the candidate's campaign committee, or who is, or has 6323  
been, receiving any form of compensation or reimbursement from the 6324  
candidate or the candidate's campaign committee or agent; 6325

(iii) Except as otherwise provided in division (D) of section 6326  
3517.105 of the Revised Code, made by a political party in support 6327  
of a candidate, unless the expenditure is made by a political 6328  
party to conduct voter registration or voter education efforts. 6329

(e) "Agent" means any person who has actual oral or written 6330  
authority, either express or implied, to make or to authorize the 6331  
making of expenditures on behalf of a candidate, or means any 6332  
person who has been placed in a position with the candidate's 6333  
campaign committee or organization such that it would reasonably 6334  
appear that in the ordinary course of campaign-related activities 6335  
the person may authorize expenditures. 6336

(18) "Labor organization" means a labor union; an employee 6337  
organization; a federation of labor unions, groups, locals, or 6338  
other employee organizations; an auxiliary of a labor union, 6339  
employee organization, or federation of labor unions, groups, 6340  
locals, or other employee organizations; or any other bona fide 6341  
organization in which employees participate and that exists for 6342

the purpose, in whole or in part, of dealing with employers 6343  
concerning grievances, labor disputes, wages, hours, and other 6344  
terms and conditions of employment. 6345

(19) "Separate segregated fund" means a separate segregated 6346  
fund established pursuant to the Federal Election Campaign Act. 6347

(20) "Federal Election Campaign Act" means the "Federal 6348  
Election Campaign Act of 1971," 86 Stat. 11, 2 U.S.C.A. 431, et 6349  
seq., as amended. 6350

(21) "Restricted fund" means the fund a state or county 6351  
political party must establish under division (A)(1) of section 6352  
3517.1012 of the Revised Code. 6353

(22) "Electioneering communication" has the same meaning as 6354  
in section 3517.1011 of the Revised Code. 6355

(23) "Express advocacy" means a communication that contains 6356  
express words advocating the nomination, election, or defeat of a 6357  
candidate or that contains express words advocating the adoption 6358  
or defeat of a question or issue, as determined by a final 6359  
judgment of a court of competent jurisdiction. 6360

(24) "Political committee" has the same meaning as in section 6361  
3517.1011 of the Revised Code. 6362

(25) "Political contributing entity" means any entity, 6363  
including a corporation or labor organization, that may lawfully 6364  
make contributions and expenditures and that is not an individual 6365  
or a political action committee, continuing association, campaign 6366  
committee, political party, legislative campaign fund, designated 6367  
state campaign committee, or state candidate fund. For purposes of 6368  
this division, "lawfully" means not prohibited by any section of 6369  
the Revised Code, or authorized by a final judgment of a court of 6370  
competent jurisdiction. 6371

**Sec. 3517.012. (A)** When a petition meeting the requirements 6372

of division (A)(1)(a) of section 3517.01 of the Revised Code 6373  
declaring the intention to organize a political party is filed 6374  
with the secretary of state, the new party comes into legal 6375  
existence on the date of filing and is entitled to hold a primary 6376  
election as set out in section 3513.01 of the Revised Code, at the 6377  
primary election, held in even-numbered years that occurs more 6378  
than one hundred ~~twenty~~ days after the date of filing. 6379

(B) When a petition meeting the requirements of division 6380  
(A)(1)(b) of section 3517.01 of the Revised Code declaring the 6381  
intention to organize a political party is filed with the 6382  
secretary of state, the new party comes into legal existence on 6383  
the date of filing and is entitled to certify the names of 6384  
candidates for president and vice-president for the general 6385  
election ballot, as specified in division (B)(3) of section 6386  
3505.10 of the Revised Code, at the general election, held in the 6387  
year in which a presidential primary election is conducted, that 6388  
occurs more than eighty days after the date of filing. 6389

**Sec. 3519.01.** (A) Only one proposal of law or constitutional 6390  
amendment to be proposed by initiative petition shall be contained 6391  
in an initiative petition to enable the voters to vote on that 6392  
proposal separately. A petition shall include the text of any 6393  
existing statute or constitutional provision that would be amended 6394  
or repealed if the proposed law or constitutional amendment is 6395  
adopted. 6396

Whoever seeks to propose a law or constitutional amendment by 6397  
initiative petition shall, by a written petition signed by one 6398  
thousand qualified electors, submit the proposed law or 6399  
constitutional amendment and a summary of it to the attorney 6400  
general for examination. Within ten days after the receipt of the 6401  
written petition and the summary of it, the attorney general shall 6402  
conduct an examination of the summary. If, in the opinion of the 6403

attorney general, the summary is a fair and truthful statement of 6404  
the proposed law or constitutional amendment, the attorney general 6405  
shall so certify and then forward the submitted petition to the 6406  
Ohio ballot board for its approval under division (A) of section 6407  
3505.062 of the Revised Code. If the Ohio ballot board returns the 6408  
submitted petition to the attorney general with its certification 6409  
as described in that division, the attorney general shall then 6410  
file with the secretary of state a verified copy of the proposed 6411  
law or constitutional amendment together with its summary and the 6412  
attorney general's certification. 6413

Whenever the Ohio ballot board divides an initiative petition 6414  
into individual petitions containing only one proposed law or 6415  
constitutional amendment under division (A) of section 3505.062 of 6416  
the Revised Code resulting in the need for the petitioners to 6417  
resubmit to the attorney general appropriate summaries for each of 6418  
the individual petitions arising from the board's division of the 6419  
initiative petition, the attorney general shall review the 6420  
resubmitted summaries, within ten days after their receipt, to 6421  
determine if they are a fair and truthful statement of the 6422  
respective proposed laws or constitutional amendments and, if so, 6423  
certify them. These resubmissions shall contain no new 6424  
explanations or arguments. Then, the attorney general shall file 6425  
with the secretary of state a verified copy of each of the 6426  
proposed laws or constitutional amendments together with their 6427  
respective summaries and the attorney general's certification of 6428  
each. 6429

(B)(1) Whoever seeks to file a referendum petition against 6430  
any law, section, or item in any law shall, by a written petition 6431  
signed by one thousand qualified electors, submit the measure to 6432  
be referred and a summary of it to the secretary of state and, on 6433  
the same day or within one business day before or after that day, 6434  
submit a copy of the petition, measure, and summary to the 6435



attorney general. 6436

(2) Not later than ten business days after receiving the 6437  
petition, measure, and summary, the secretary of state shall do 6438  
both of the following: 6439

(a) Have the validity of the signatures on the petition 6440  
verified; 6441

(b) After comparing the text of the measure to be referred 6442  
with the copy of the enrolled act on file in the secretary of 6443  
state's office containing the law, section, or item of law, 6444  
determine whether the text is correct and, if it is, so certify. 6445

(3) Not later than ten business days after receiving a copy 6446  
of the petition, measure, and summary, the attorney general shall 6447  
examine the summary and, if in the attorney general's opinion, the 6448  
summary is a fair and truthful statement of the measure to be 6449  
referred, so certify. 6450

(C) Any person who is aggrieved by a certification decision 6451  
under division (A) or (B) of this section may challenge the 6452  
certification or failure to certify of the attorney general in the 6453  
supreme court, which shall have exclusive, original jurisdiction 6454  
in all challenges of those certification decisions. 6455

~~Sec. 3519.16. The circulator of any part petition, the 6456  
committee interested in the petition, or any elector may file with 6457  
the board of elections a protest against the board's findings made 6458  
pursuant to section 3519.15 of the Revised Code. Protests shall be 6459  
in writing and shall specify reasons for the protest. Protests for 6460  
all initiative and referendum petitions other than those to be 6461  
voted on by electors throughout the entire state shall be filed 6462  
not later than four p.m. of the seventy fourth day before the day 6463  
of the election. Once a protest is filed, the board shall proceed 6464  
to establish the sufficiency or insufficiency of the signatures 6465~~

~~and of the verification of those signatures in an action before  
the court of common pleas in the county. The action shall be  
brought within three days after the protest is filed, and it shall  
be heard forthwith by a judge of that court, whose decision shall  
be certified to the board. The signatures that are adjudged  
sufficient or the part petitions that are adjudged properly  
verified shall be included with the others by the board, and those  
found insufficient and all those part petitions that are adjudged  
not properly verified shall not be included. Pursuant to Section  
1g of Article II, Ohio Constitution, the supreme court of Ohio  
shall have original, exclusive jurisdiction in all challenges to  
initiative and referendum petitions.~~

The properly verified part-petitions, together with the  
report of the board, shall be returned to the secretary of state  
~~not less than sixty days before the election, provided that, in  
the case of an initiated law to be presented to the general  
assembly, the boards shall promptly check and return the petitions  
together with their report.~~ The secretary of state shall notify,  
by certified mail, the chairperson each member of the committee in  
charge of the circulation as to the sufficiency or insufficiency  
of the petition and the extent of the insufficiency.

If the petition is found insufficient because of an  
insufficient number of valid signatures, the committee shall be  
allowed ten additional days after the ~~notification by first member~~  
of the committee receives notice of the petition's insufficiency  
by certified mail from the secretary of state for the filing of  
additional signatures to the petition. No additional signatures  
shall be collected by the circulator of a referendum petition  
during the period beginning ninety days after the governor filed  
the bill that is the subject of the referendum with the secretary  
of state and ending on the date that the secretary of state  
notifies the circulators that the petition has an insufficient

number of valid signatures. The part-petitions of the 6498  
supplementary petition that appear to the secretary of state to be 6499  
properly verified, upon their receipt by the secretary of state, 6500  
shall forthwith be forwarded to the boards of the several counties 6501  
together with the part-petitions of the original petition that 6502  
have been properly verified. They shall be immediately examined 6503  
and passed upon as to the validity and sufficiency of the 6504  
signatures on them by each of the boards and returned within five 6505  
days to the secretary of state with the report of each board. No 6506  
signature on a supplementary part-petition that is the same as a 6507  
signature on an original part-petition shall be counted. The 6508  
number of signatures in both the original and supplementary 6509  
petitions, properly verified, shall be used by the secretary of 6510  
state in determining the total number of signatures to the 6511  
petition that the secretary of state shall record and announce. If 6512  
they are sufficient, the amendment, proposed law, or law shall be 6513  
placed on the ballot as required by law. If the petition is found 6514  
insufficient, the secretary of state shall notify the committee in 6515  
charge of the circulation of the petition. 6516

**Sec. 3599.07.** No ~~judge of elections~~ precinct election 6517  
official, observer, or police officer admitted into the polling 6518  
rooms at the election, at any time while the polls are open, shall 6519  
have in the individual's possession, distribute, or give out any 6520  
ballot or ticket to any person on any pretense during the 6521  
receiving, counting, or certifying of the votes, or have any 6522  
ballot or ticket in the individual's possession or control, except 6523  
in the proper discharge of the individual's official duty in 6524  
receiving, counting, or canvassing the votes. This section does 6525  
not prevent the lawful exercise by a ~~judge of elections~~ precinct 6526  
election official or observer of the individual right to vote at 6527  
such election. 6528

**Sec. 3599.17.** (A) No elections official serving as a registrar or ~~judge of elections~~ precinct election official shall do any of the following:

(1) Fail to appear before the board of elections, or its representative, after notice has been served personally upon the official or left at the official's usual place of residence, for examination as to the official's qualifications;

(2) Fail to appear at the polling place to which the official is assigned at the hour and during the hours set for the registration or election;

(3) Fail to take the oath prescribed by section 3501.31 of the Revised Code, unless excused by such board;

(4) Refuse or sanction the refusal of another registrar or ~~judge of elections~~ precinct election official to administer an oath required by law;

(5) Fail to send notice to the board of the appointment of a ~~judge~~ precinct election official to fill a vacancy;

(6) Act as registrar or ~~judge~~ precinct election official without having been appointed and having received a certificate of appointment, except a ~~judge~~ precinct election official appointed to fill a vacancy caused by absence or removal;

(7) Fail in any other way to perform any duty imposed by law.

(B) Whoever violates division (A) of this section is guilty of a misdemeanor of the first degree.

**Sec. 3599.19.** (A) No ~~judge of elections~~ precinct election official shall knowingly do any of the following:

(1) Unlawfully open or permit to be opened the sealed package containing registration lists, ballots, blanks, pollbooks, and other papers and material to be used in an election;

- (2) Unlawfully misplace, carry away, negligently lose or permit to be taken from the ~~judge~~ precinct election official, fail to deliver, or destroy any such packages, papers, or material;
- (3) Receive or sanction the reception of a ballot from a person not a qualified elector or from a person who refused to answer a question in accordance with the election law;
- (4) Refuse to receive or sanction the rejection of a ballot from a person, knowing that person to be a qualified elector;
- (5) Permit a fraudulent ballot to be placed in the ballot box;
- (6) Place or permit to be placed in any ballot box any ballot known by the ~~judge~~ precinct election official to be improperly or falsely marked;
- (7) Count or permit to be counted any illegal or fraudulent ballot;
- (8) Mislead an elector who is physically unable to prepare the elector's ballot, mark a ballot for such elector otherwise than as directed by that elector, or disclose to any person, except when legally required to do so, how such elector voted;
- (9) Alter or mark or permit any alteration or marking on any ballot when counting the ballots;
- (10) Unlawfully count or tally or sanction the wrongful counting or tallying of votes;
- (11) After the counting of votes commences, as required by law, postpone or sanction the postponement of the counting of votes, adjourn at any time or to any place, or remove the ballot box from the place of voting, or from the custody or presence of all the ~~judges of such elections~~ precinct election officials;
- (12) Permit any ballot to remain or to be in the ballot box at the opening of the polls, or to be put in the box during the

counting of the ballots, or to be left in the box without being 6588  
counted; 6589

(13) Admit or sanction the admission to the polling room at 6590  
an election during the receiving, counting, and certifying of 6591  
votes of any person not qualified by law to be so admitted; 6592

(14) Refuse to admit or sanction the refusal to admit any 6593  
person, upon lawful request for admission, who is legally 6594  
qualified to be present; 6595

(15) Permit or sanction the counting of the ballots contrary 6596  
to the manner prescribed by law; 6597

(16) Neglect or unlawfully execute any duty enjoined upon the 6598  
~~judge~~ precinct election official by law. 6599

(B) Whoever violates division (A) of this section is guilty 6600  
of a misdemeanor of the first degree. 6601

**Sec. 3599.31.** No officer of the law shall fail to obey 6602  
forthwith an order of the ~~presiding judge~~ voting location manager 6603  
and aid in enforcing a lawful order of the ~~presiding judges~~ voting 6604  
location manager at an election, against persons unlawfully 6605  
congregating or loitering within one hundred feet of a polling 6606  
place, hindering or delaying an elector from reaching or leaving 6607  
the polling place, soliciting or attempting, within one hundred 6608  
feet of the polling place, to influence an elector in casting the 6609  
elector's vote, or interfering with the registration of voters or 6610  
casting and counting of the ballots. 6611

Whoever violates this section is guilty of a misdemeanor of 6612  
the first degree. 6613

**Sec. 4301.32.** The privilege of local option as to the sale of 6614  
intoxicating liquors is hereby conferred upon the electors of an 6615  
election precinct named by the petition authorized by section 6616

4301.33 of the Revised Code. 6617

Upon the request of an elector, a board of elections of a 6618  
county that encompasses an election precinct shall furnish to the 6619  
elector a copy of the instructions prepared by the secretary of 6620  
state under division ~~(P)~~(A)(15) of section 3501.05 of the Revised 6621  
Code and, within fifteen days after the request, with a 6622  
certificate indicating the number of valid signatures that will be 6623  
required upon a petition to hold a special election in that 6624  
precinct on a question specified in section 4301.35 or 4301.351 of 6625  
the Revised Code. 6626

**Sec. 4301.334.** (A) The privilege of local option conferred by 6627  
section 4301.324 of the Revised Code may be exercised if, not 6628  
later than four p.m. of the ninetieth day before the day of a 6629  
general or primary election, a petition and other information 6630  
required by division (B) of this section are presented to the 6631  
board of elections of the county in which the community facility 6632  
named in the petition is located. The petition shall be signed by 6633  
electors of the municipal corporation or unincorporated area of 6634  
the township in which the community facility is located equal in 6635  
number to at least ten per cent of the total number of votes cast 6636  
in the municipal corporation or unincorporated area of the 6637  
township in which the community facility is located for the office 6638  
of governor at the most recent general election for that office 6639  
and shall contain both of the following: 6640

(1) A notice that the petition is for the submission of the 6641  
question set forth in section 4301.356 of the Revised Code and a 6642  
statement indicating whether the hours of Sunday sales sought in 6643  
the local option election are between ten a.m. and midnight or 6644  
between eleven a.m. and midnight; 6645

(2) The name and address of the community facility for which 6646  
the local option election is sought and, if the community facility 6647

is a community entertainment district, the boundaries of the 6648  
district. 6649

(B) Upon the request of a petitioner, a board of elections of 6650  
a county shall furnish to the petitioner a copy of the 6651  
instructions prepared by the secretary of state under division 6652  
~~(P)~~(A)(15) of section 3501.05 of the Revised Code and, within 6653  
fifteen days after the request, a certificate indicating the 6654  
number of valid signatures that will be required on a petition to 6655  
hold an election in the municipal corporation or unincorporated 6656  
area of the township in which the community facility is located on 6657  
the question specified in section 4301.356 of the Revised Code. 6658

The petitioner shall, not less than thirty days before the 6659  
petition-filing deadline for an election on the question specified 6660  
in section 4301.356 of the Revised Code, specify to the division 6661  
of liquor control the name and address of the community facility 6662  
for which the election is sought and, if the community facility is 6663  
a community entertainment district, the boundaries of the 6664  
district, the municipal corporation or unincorporated area of a 6665  
township in which the election is sought, and the filing deadline. 6666  
The division shall, within a reasonable period of time and not 6667  
later than ten days before the filing deadline, supply the 6668  
petitioner with the name and address of any permit holder for or 6669  
within the community facility. 6670

The petitioner shall file the name and address of any permit 6671  
holder who would be affected by the election at the time the 6672  
petitioner files the petition with the board of elections. Within 6673  
five days after receiving the petition, the board shall give 6674  
notice by certified mail to any permit holder within the community 6675  
facility that it has received the petition. Failure of the 6676  
petitioner to supply the name and address of any permit holder for 6677  
or within the community facility as furnished to the petitioner by 6678  
the division invalidates the petition. 6679



(C) Not later than the 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 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 place for hearing the protest and shall mail notice of the time and place to the person who filed the petition and to the person who filed the protest. At the time and place fixed, the board shall hear the protest and determine the validity of the petition.

**Sec. 4303.29.** (A) No permit, other than an H permit, shall be issued to a firm or partnership unless all the members of the firm or partnership are citizens of the United States. No permit, other than an H permit, shall be issued to an individual who is not a citizen of the United States. No permit, other than an E or H permit, shall be issued to any corporation organized under the laws of any country, territory, or state other than this state

until it has furnished the division of liquor control with 6711  
evidence that it has complied with the laws of this state relating 6712  
to the transaction of business in this state. 6713

The division may refuse to issue any permit to or refuse to 6714  
renew any permit of any person convicted of any felony that is 6715  
reasonably related to the person's fitness to operate a liquor 6716  
permit business in this state. No holder of a permit shall sell, 6717  
assign, transfer, or pledge the permit without the written consent 6718  
of the division. 6719

(B)(1) No D-3 permit shall be issued to any club unless the 6720  
club has been continuously engaged in the activity specified in 6721  
section 4303.15 of the Revised Code, as a qualification for that 6722  
class of permit, for two years at the time the permit is issued. 6723

(2)(a) Subject to division (B)(2)(b) of this section, upon 6724  
application by properly qualified persons, one C-1 and C-2 permit 6725  
shall be issued for each one thousand population or part of that 6726  
population, and one D-1 and D-2 permit shall be issued for each 6727  
two thousand population or part of that population, in each 6728  
municipal corporation and in the unincorporated area of each 6729  
township. 6730

Subject to division (B)(2)(b) of this section, not more than 6731  
one D-3, D-4, or D-5 permit shall be issued for each two thousand 6732  
population or part of that population in any municipal corporation 6733  
and in the unincorporated area of any township, except that, in 6734  
any city of a population of fifty-five thousand or more, one D-3 6735  
permit may be issued for each fifteen hundred population or part 6736  
of that population. 6737

(b)(i) Division (B)(2)(a) of this section does not prohibit 6738  
the transfer of location or the transfer of ownership and location 6739  
of a C-1, C-2, D-1, D-2, D-3, or D-5 permit from a municipal 6740  
corporation or the unincorporated area of a township in which the 6741

number of permits of that class exceeds the number of such permits 6742  
authorized to be issued under division (B)(2)(a) of this section 6743  
to an economic development project located in another municipal 6744  
corporation or the unincorporated area of another township in 6745  
which no additional permits of that class may be issued to the 6746  
applicant under division (B)(2)(a) of this section, but the 6747  
transfer of location or transfer of ownership and location of the 6748  
permit may occur only if the applicant notifies the municipal 6749  
corporation or township to which the location of the permit will 6750  
be transferred regarding the transfer and that municipal 6751  
corporation or township acknowledges in writing to the division of 6752  
liquor control, at the time the application for the transfer of 6753  
location or transfer of ownership and location of the permit is 6754  
filed, that the transfer will be to an economic development 6755  
project. This acknowledgment by the municipal corporation or 6756  
township does not prohibit it from requesting a hearing under 6757  
section 4303.26 of the Revised Code. The applicant is eligible to 6758  
apply for and receive the transfer of location of the permit under 6759  
division (B)(2)(b) of this section if all permits of that class 6760  
that may be issued under division (B)(2)(a) of this section in the 6761  
applicable municipal corporation or unincorporated area of the 6762  
township have already been issued or if the number of applications 6763  
filed for permits of that class in that municipal corporation or 6764  
the unincorporated area of that township exceed the number of 6765  
permits of that class that may be issued there under division 6766  
(B)(2)(a) of this section. 6767

A permit transferred under division (B)(2)(b) of this section 6768  
may be subsequently transferred to a different owner at the same 6769  
location, or to the same owner or a different owner at a different 6770  
location in the same municipal corporation or in the 6771  
unincorporated area of the same township, as long as the same or 6772  
new location meets the economic development project criteria set 6773  
forth in this section. 6774

(ii) Factors that shall be used to determine the designation of an economic development project include, but are not limited to, architectural certification of the plans and the cost of the project, the number of jobs that will be created by the project, projected earnings of the project, projected tax revenues for the political subdivisions in which the project will be located, and the amount of financial investment in the project. The superintendent of liquor control shall determine whether the existing or proposed business that is seeking a permit described in division (B)(2)(b) of this section qualifies as an economic development project and, if the superintendent determines that it so qualifies, shall designate the business as an economic development project.

(3) Nothing in this section shall be construed to restrict the issuance of a permit to a municipal corporation for use at a municipally owned airport at which commercial airline companies operate regularly scheduled flights on which space is available to the public. A municipal corporation applying for a permit for such a municipally owned airport is exempt, in regard to that application, from the population restrictions contained in this section and from population quota restrictions contained in any rule of the liquor control commission. A municipal corporation applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a municipally owned airport is subject to section 4303.31 of the Revised Code.

(4) Nothing in this section shall be construed to prohibit the issuance of a D permit to the board of trustees of a soldiers' memorial for a premises located at a soldiers' memorial established pursuant to Chapter 345. of the Revised Code. An application for a D permit by the board for those premises is exempt from the population restrictions contained in this section and from the population quota restrictions contained in any rule

of the liquor control commission. The location of a D permit 6807  
issued to the board for those premises shall not be transferred. A 6808  
board of trustees of a soldiers' memorial applying for a D-1, D-2, 6809  
D-3, D-4, or D-5 permit for the soldiers' memorial is subject to 6810  
section 4303.31 of the Revised Code. 6811

(5) Nothing in this section shall be construed to restrict 6812  
the issuance of a permit for a premises located at a golf course 6813  
owned by a municipal corporation, township, or county, owned by a 6814  
park district created under Chapter 1545. of the Revised Code, or 6815  
owned by the state. The location of such a permit issued on or 6816  
after September 26, 1984, for a premises located at such a golf 6817  
course shall not be transferred. Any application for such a permit 6818  
is exempt from the population quota restrictions contained in this 6819  
section and from the population quota restrictions contained in 6820  
any rule of the liquor control commission. A municipal 6821  
corporation, township, county, park district, or state agency 6822  
applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a golf 6823  
course is subject to section 4303.31 of the Revised Code. 6824

(6) As used in division (B)(6) of this section, "fair" has 6825  
the same meaning as in section 991.01 of the Revised Code; "state 6826  
fairgrounds" means the property that is held by the state for the 6827  
purpose of conducting fairs, expositions, and exhibits and that is 6828  
maintained and managed by the Ohio expositions commission under 6829  
section 991.03 of the Revised Code; "capitol square" has the same 6830  
meaning as in section 105.41 of the Revised Code; and "Ohio 6831  
judicial center" means the site of the Ohio supreme court and its 6832  
grounds. 6833

Nothing in this section shall be construed to restrict the 6834  
issuance of one or more D permits to one or more applicants for 6835  
all or a part of the state fairgrounds, capitol square, or the 6836  
Ohio judicial center. An application for a D permit for the state 6837  
fairgrounds, capitol square, or the Ohio judicial center is exempt 6838

from the population quota restrictions contained in this section 6839  
and from the population quota restrictions contained in any rule 6840  
of the liquor control commission. The location of a D permit 6841  
issued for the state fairgrounds, capitol square, or the Ohio 6842  
judicial center shall not be transferred. An applicant for a D-1, 6843  
D-2, D-3, or D-5 permit for the state fairgrounds is not subject 6844  
to section 4303.31 of the Revised Code. 6845

Pursuant to section 1711.09 of the Revised Code, the holder 6846  
of a D permit issued for the state fairgrounds shall not deal in 6847  
spirituous liquor at the state fairgrounds during, or for one week 6848  
before or for three days after, any fair held at the state 6849  
fairgrounds. 6850

(7) Nothing in this section shall be construed to prohibit 6851  
the issuance of a D permit for a premises located at a zoological 6852  
park at which sales have been approved in an election held under 6853  
former section 4301.356 of the Revised Code. An application for a 6854  
D permit for such a premises is exempt from the population 6855  
restrictions contained in this section, from the population quota 6856  
restrictions contained in any rule of the liquor control 6857  
commission, and from section 4303.31 of the Revised Code. The 6858  
location of a D permit issued for a premises at such a zoological 6859  
park shall not be transferred, and no quota or other restrictions 6860  
shall be placed on the number of D permits that may be issued for 6861  
a premises at such a zoological park. 6862

(C)(1) No D-3, D-4, D-5, or D-5a permit shall be issued in 6863  
any election precinct in any municipal corporation or in any 6864  
election precinct in the unincorporated area of any township, in 6865  
which at the November, 1933, election a majority of the electors 6866  
voting thereon in the municipal corporation or in the 6867  
unincorporated area of the township voted against the repeal of 6868  
Section 9 of Article XV, Ohio Constitution, unless the sale of 6869  
spirituous liquor by the glass is authorized by a majority vote of 6870

the electors voting on the question in the precinct at an election 6871  
held pursuant to this section or by a majority vote of the 6872  
electors of the precinct voting on question (C) at a special local 6873  
option election held in the precinct pursuant to section 4301.35 6874  
of the Revised Code. Upon the request of an elector, the board of 6875  
elections of the county that encompasses the precinct shall 6876  
furnish the elector with a copy of the instructions prepared by 6877  
the secretary of state under division ~~(P)~~(A)(15) of section 6878  
3501.05 of the Revised Code and, within fifteen days after the 6879  
request, a certificate of the number of signatures required for a 6880  
valid petition under this section. 6881

Upon the petition of thirty-five per cent of the total number 6882  
of voters voting in any such precinct for the office of governor 6883  
at the preceding general election, filed with the board of 6884  
elections of the county in which such precinct is located not 6885  
later than ninety days before a general election, the board shall 6886  
prepare ballots and hold an election at such general election upon 6887  
the question of allowing spirituous liquor to be sold by the glass 6888  
in such precinct. The ballots shall be approved in form by the 6889  
secretary of state. The results of the election shall be certified 6890  
by the board to the secretary of state, who shall certify the 6891  
results to the division. 6892

(2) No holder of a class D-3 permit issued for a boat or 6893  
vessel shall sell spirituous liquor in any precinct, in which the 6894  
election provided for in this section may be held, unless the sale 6895  
of spirituous liquor by the drink has been authorized by vote of 6896  
the electors as provided in this section or in section 4301.35 of 6897  
the Revised Code. 6898

(D) Any holder of a C or D permit whose permit premises were 6899  
purchased in 1986 or 1987 by the state or any state agency for 6900  
highway purposes shall be issued the same permit at another 6901  
location notwithstanding any quota restrictions contained in this 6902

chapter or in any rule of the liquor control commission. 6903

**Sec. 4305.14.** (A) The following questions regarding the sale 6904  
of beer by holders of C or D permits may be presented to the 6905  
qualified electors of an election precinct: 6906

(1) "Shall the sale of beer as defined in section 4305.08 of 6907  
the Revised Code under permits which authorize sale for 6908  
off-premises consumption only be permitted within this precinct?" 6909

(2) "Shall the sale of beer as defined in section 4305.08 of 6910  
the Revised Code under permits which authorize sale for 6911  
on-premises consumption only, and under permits which authorize 6912  
sale for both on-premises and off-premises consumption, be 6913  
permitted in this precinct?" 6914

The exact wording of the question as submitted and form of 6915  
ballot as printed shall be determined by the board of elections in 6916  
the county wherein the election is held, subject to approval of 6917  
the secretary of state. 6918

Upon the request of an elector, a board of elections of a 6919  
county that encompasses an election precinct shall furnish to the 6920  
elector a copy of the instructions prepared by the secretary of 6921  
state under division ~~(P)~~(A)(15) of section 3501.05 of the Revised 6922  
Code and, within fifteen days after the request, with a 6923  
certificate indicating the number of valid signatures that will be 6924  
required on a petition to hold a special election in that precinct 6925  
on either or both of the questions specified in this section. 6926

The board shall provide to a petitioner, at the time the 6927  
petitioner takes out a petition, the names of the streets and, if 6928  
appropriate, the address numbers of residences and business 6929  
establishments within the precinct in which the election is 6930  
sought, and a form prescribed by the secretary of state for 6931  
notifying affected permit holders of the circulation of a petition 6932



for an election for the submission of one or more of the questions 6933  
specified in division (A) of this section. The petitioner shall, 6934  
not less than fifty-five days before the petition-filing deadline 6935  
for an election provided for in this section, file with the 6936  
division of liquor control the information regarding names of 6937  
streets and, if appropriate, address numbers of residences and 6938  
business establishments provided by the board of elections, and 6939  
specify to the division the precinct that is concerned or that 6940  
would be affected by the results of the election and the filing 6941  
deadline. The division shall, within a reasonable period of time 6942  
and not later than twenty-five days before the filing deadline, 6943  
supply the petitioner with a list of the names and addresses of 6944  
permit holders who would be affected by the election. The list 6945  
shall contain a heading with the following words: "liquor permit 6946  
holders who would be affected by the question(s) set forth on a 6947  
petition for a local option election." 6948

Within five days after receiving from the division the list 6949  
of liquor permit holders who would be affected by the question or 6950  
questions set forth on a petition for local option election, the 6951  
petitioner shall, using the form provided by the board of 6952  
elections, notify by certified mail each permit holder whose name 6953  
appears on that list. The form for notifying affected permit 6954  
holders shall require the petitioner to state the petitioner's 6955  
name and street address and shall contain a statement that a 6956  
petition is being circulated for an election for the submission of 6957  
the question or questions specified in division (B) of this 6958  
section. The form shall require the petitioner to state the 6959  
question or questions to be submitted as they appear on the 6960  
petition. 6961

The petitioner shall attach a copy of the list provided by 6962  
the division to each petition paper. A part petition paper 6963  
circulated at any time without the list of affected permit holders 6964

attached to it is invalid. 6965

At the time of filing the petition with the board of 6966  
elections, the petitioner shall provide to the board of elections 6967  
the list supplied by the division and an affidavit certifying that 6968  
the petitioner notified all affected permit holders on the list in 6969  
the manner and within the time required in this section and that, 6970  
at the time each signer of the petition signed the petition, the 6971  
petition paper contained a copy of the list of affected permit 6972  
holders. 6973

Within five days after receiving a petition calling for an 6974  
election for the submission of the question or questions set forth 6975  
in this section, the board of elections shall give notice by 6976  
certified mail that it has received the petition to all liquor 6977  
permit holders whose names appear on the list of affected permit 6978  
holders filed by the petitioner. Failure of the petitioner to 6979  
supply the affidavit required by this section and a complete and 6980  
accurate list of liquor permit holders invalidates the entire 6981  
petition. The board of elections shall provide to a permit holder 6982  
who would be affected by a proposed local option election, on the 6983  
permit holder's request, the names of the streets, and, if 6984  
appropriate, the address numbers of residences and business 6985  
establishments within the precinct in which the election is sought 6986  
and that would be affected by the results of the election. The 6987  
board may charge a reasonable fee for this information when 6988  
provided to the petitioner and the permit holder. 6989

Upon presentation not later than four p.m. of the ninetieth 6990  
day before the day of a general or primary election, of a petition 6991  
to the board of elections of the county wherein such election is 6992  
sought to be held, requesting the holding of such election on 6993  
either or both of the questions specified in this section, signed 6994  
by qualified electors of the precinct concerned equal in number to 6995  
thirty-five per cent of the total number of votes cast in the 6996

precinct concerned for the office of governor at the preceding 6997  
general election for that office, such board shall submit the 6998  
question or questions specified in the petition to the electors of 6999  
the precinct concerned, on the day of the next general or primary 7000  
election, whichever occurs first. 7001

(B) The board shall proceed as follows: 7002

(1) Such board shall, upon the filing of a petition under 7003  
this section, but not later than the seventy-eighth day before the 7004  
day of the election for which the question or questions on the 7005  
petition would qualify for submission to the electors of the 7006  
precinct, examine and determine the sufficiency of the signatures 7007  
and review, examine, and determine the validity of such petition 7008  
and, in case of overlapping precinct petitions presented within 7009  
that period, determine which of the petitions shall govern the 7010  
further proceedings of the board. In the case where the board 7011  
determines that two or more overlapping petitions are valid, the 7012  
earlier petition shall govern. The board shall certify the 7013  
sufficiency of signatures contained in the petition as of the time 7014  
of filing and the validity of the petition as of the time of 7015  
certification as described in division (C)(1) of this section if 7016  
the board finds the petition to be both sufficient and valid. 7017

(2) If the petition contains sufficient signatures and is 7018  
valid, and, in case of overlapping precinct petitions, after the 7019  
board has determined the governing petition, the board shall order 7020  
the holding of a special election in the precinct for the 7021  
submission of the question or questions specified in the petition, 7022  
on the day of the next general or primary election, whichever 7023  
occurs first. 7024

(3) All petitions filed with a board of elections under this 7025  
section shall be open to public inspection under rules adopted by 7026  
the board. 7027

(C) Protest against a local option petition may be filed by 7028  
any qualified elector eligible to vote on the question or 7029  
questions specified in the petition or by a permit holder in the 7030  
precinct as described in the petition, not later than four p.m. of 7031  
the seventy-fourth day before the day of such general or primary 7032  
election for which the petition qualified. Such protest shall be 7033  
in writing and shall be filed with the election officials with 7034  
whom the petition was filed. Upon filing of such protest the 7035  
election officials with whom it is filed shall promptly fix the 7036  
time for hearing it, and shall forthwith mail notice of the filing 7037  
of the protest and the time for hearing it to the person who filed 7038  
the petition which is protested and to the person who filed the 7039  
protest. At the time and place fixed, the election officials shall 7040  
hear the protest and determine the validity of the petition. 7041

(D) If a majority of the electors voting on the question in 7042  
the precinct vote "yes" on question (1) or (2) as set forth in 7043  
division (A) of this section, the sale of beer as specified in 7044  
that question shall be permitted in the precinct and no subsequent 7045  
election shall be held in the precinct under this section on the 7046  
same question for a period of at least four years from the date of 7047  
the most recent election. 7048

If a majority of the electors voting on the question in the 7049  
precinct vote "no" on question (1) or (2) as set forth in division 7050  
(A) of this section, no C or D permit holder shall sell beer as 7051  
specified in that question within the precinct during the period 7052  
the election is in effect and no subsequent election shall be held 7053  
in the precinct under this section on the same question for a 7054  
period of at least four years from the date of the most recent 7055  
election. 7056

**Section 2.** That existing sections 111.27, 309.09, 3501.01, 7057  
3501.02, 3501.05, 3501.051, 3501.11, 3501.13, 3501.17, 3501.22, 7058  
3501.26, 3501.27, 3501.28, 3501.29, 3501.30, 3501.31, 3501.32, 7059

3501.33, 3501.35, 3501.37, 3501.38, 3503.02, 3503.06, 3503.10, 7060  
3503.14, 3503.15, 3503.16, 3503.18, 3503.19, 3503.21, 3503.26, 7061  
3503.28, 3505.11, 3505.17, 3505.18, 3505.181, 3505.182, 3505.183, 7062  
3505.20, 3505.21, 3505.23, 3505.24, 3505.26, 3505.28, 3505.29, 7063  
3505.30, 3505.31, 3506.05, 3506.12, 3506.15, 3509.01, 3509.03, 7064  
3509.031, 3509.04, 3509.05, 3509.06, 3509.07, 3509.08, 3509.09, 7065  
3511.02, 3511.04, 3511.05, 3511.06, 3511.07, 3511.08, 3511.09, 7066  
3511.10, 3511.11, 3511.13, 3511.14, 3513.02, 3513.131, 3513.19, 7067  
3513.21, 3513.30, 3513.31, 3515.04, 3517.01, 3517.012, 3519.01, 7068  
3519.16, 3599.07, 3599.17, 3599.19, 3599.31, 4301.32, 4301.334, 7069  
4303.29, and 4305.14 and sections 3503.29, 3506.16, 3513.301, and 7070  
3513.312 of the Revised Code are hereby repealed. 7071