

**As Reported by the Senate Government Oversight and Reform
Committee**

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

Sub. S. B. No. 148

Senator Wagoner

Cosponsor: Senator Hite

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A B I L L

To amend sections 2101.44, 3501.01, 3501.02, 3501.05, 1
3501.051, 3501.053, 3501.11, 3501.13, 3501.17, 2
3501.18, 3501.20, 3501.22, 3501.26, 3501.27, 3
3501.28, 3501.29, 3501.30, 3501.301, 3501.31, 4
3501.32, 3501.33, 3501.35, 3501.37, 3501.38, 5
3503.02, 3503.06, 3503.10, 3503.14, 3503.15, 6
3503.16, 3503.18, 3503.19, 3503.21, 3503.24, 7
3503.26, 3503.28, 3504.02, 3504.04, 3504.05, 8
3505.07, 3505.08, 3505.11, 3505.13, 3505.16, 9
3505.17, 3505.18, 3505.181, 3505.182, 3505.183, 10
3505.20, 3505.21, 3505.23, 3505.24, 3505.26, 11
3505.28, 3505.29, 3505.30, 3505.31, 3506.05, 12
3506.12, 3506.15, 3509.01, 3509.03, 3509.031, 13
3509.04, 3509.05, 3509.06, 3509.07, 3509.08, 14
3509.09, 3511.02, 3511.04, 3511.05, 3511.06, 15
3511.07, 3511.08, 3511.09, 3511.10, 3511.11, 16
3511.13, 3511.14, 3513.02, 3513.131, 3513.18, 17
3513.19, 3513.21, 3513.30, 3513.31, 3515.04, 18
3517.01, 3517.012, 3517.992, 3519.01, 3519.16, 19
3599.07, 3599.17, 3599.19, 3599.31, 4301.32, 20
4301.334, 4303.29, and 4305.14, to enact new 21
section 3504.01 and sections 3501.111, 3501.302, 22

3501.40, 3503.05, 3503.20, 3503.22, 3505.05, 23
3506.021, 3509.051, and 3517.211, and to repeal 24
sections 3503.29, 3504.01, and 3506.16 of the 25
Revised Code to revise the Election Law. 26

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

Section 1. That sections 2101.44, 3501.01, 3501.02, 3501.05, 27
3501.051, 3501.053, 3501.11, 3501.13, 3501.17, 3501.18, 3501.20, 28
3501.22, 3501.26, 3501.27, 3501.28, 3501.29, 3501.30, 3501.301, 29
3501.31, 3501.32, 3501.33, 3501.35, 3501.37, 3501.38, 3503.02, 30
3503.06, 3503.10, 3503.14, 3503.15, 3503.16, 3503.18, 3503.19, 31
3503.21, 3503.24, 3503.26, 3503.28, 3504.02, 3504.04, 3504.05, 32
3505.07, 3505.08, 3505.11, 3505.13, 3505.16, 3505.17, 3505.18, 33
3505.181, 3505.182, 3505.183, 3505.20, 3505.21, 3505.23, 3505.24, 34
3505.26, 3505.28, 3505.29, 3505.30, 3505.31, 3506.05, 3506.12, 35
3506.15, 3509.01, 3509.03, 3509.031, 3509.04, 3509.05, 3509.06, 36
3509.07, 3509.08, 3509.09, 3511.02, 3511.04, 3511.05, 3511.06, 37
3511.07, 3511.08, 3511.09, 3511.10, 3511.11, 3511.13, 3511.14, 38
3513.02, 3513.131, 3513.18, 3513.19, 3513.21, 3513.30, 3513.31, 39
3515.04, 3517.01, 3517.012, 3517.992, 3519.01, 3519.16, 3599.07, 40
3599.17, 3599.19, 3599.31, 4301.32, 4301.334, 4303.29, and 4305.14 41
be amended and new section 3504.01 and sections 3501.111, 42
3501.302, 3501.40, 3503.05, 3503.20, 3503.22, 3505.05, 3506.021, 43
3509.051, and 3517.211 of the Revised Code be enacted to read as 44
follows: 45

Sec. 2101.44. The election upon the question of combining the 46
probate court and the court of common pleas shall be conducted as 47
provided for the election of county officers. 48

The board of ~~election~~ elections shall provide separate 49
ballots, ~~ballot boxes~~, tally sheets, blanks, stationery, and all 50
such other supplies as may be necessary in the conduct of such 51

election. 52

Ballots shall be printed with an affirmative and negative 53
statement thereon, as follows: 54

	The probate court and the court of common pleas shall be combined.
	The probate court and the court of common pleas shall not be combined.

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Returns of said election shall be made and canvassed at the 59
same time and in the same manner as an election for county 60
officers. The board shall certify the result of said election to 61
the secretary of state, to the probate judge of said county, and 62
to the judge of the court of common pleas, and such result shall 63
be spread upon the journal of the probate court and of the court 64
of common pleas. 65

If a majority of the votes cast at such an election are in 66
favor of combining said courts, such courts shall stand combined 67
upon determination of the fact that a majority of the persons 68
voting upon the question of the combination of such courts voted 69
in favor of such combination. 70

Sec. 3501.01. As used in the sections of the Revised Code 71
relating to elections and political communications: 72

(A) "General election" means the election held on the first 73
Tuesday after the first Monday in each November. 74

(B) "Regular municipal election" means the election held on 75
the first Tuesday after the first Monday in November in each 76
odd-numbered year. 77

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

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

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

(2) "Presidential primary election" means a primary election as defined by division (E)(1) of this section at which an election is held for the purpose of choosing delegates and alternates to the national conventions of the major political parties pursuant to section 3513.12 of the Revised Code. Unless otherwise specified, presidential primary elections are included in references to primary elections. In years in which a presidential primary election is held, all primary elections shall be held on the first Tuesday after the first Monday in March except as otherwise authorized by a municipal or county charter.

(F) "Political party" means any group of voters meeting the

requirements set forth in section 3517.01 of the Revised Code for 110
the formation and existence of a political party. 111

(1) "Major political party" means any political party 112
organized under the laws of this state whose candidate for 113
governor or nominees for presidential electors received no less 114
than twenty per cent of the total vote cast for such office at the 115
most recent regular state election. 116

(2) "Intermediate political party" means any political party 117
organized under the laws of this state whose candidate for 118
governor or nominees for presidential electors received less than 119
twenty per cent but not less than ten per cent of the total vote 120
cast for such office at the most recent regular state election. 121

(3) "Minor political party" means any political party 122
organized under the laws of this state whose candidate for 123
governor or nominees for presidential electors received less than 124
ten per cent but not less than five per cent of the total vote 125
cast for such office at the most recent regular state election or 126
~~which that~~ has filed a petition meeting the requirements of 127
division (A)(1)(a) or (b) of section 3517.01 of the Revised Code 128
with the secretary of state, subsequent to any election in which 129
it received less than five per cent of such vote, ~~a petition~~ 130
~~signed by qualified electors equal in number to at least one per~~ 131
~~cent of the total vote cast for such office in the last preceding~~ 132
~~regular state election,~~ except that a newly formed political party 133
shall be known as a minor political party until the time of the 134
first election for governor or president which occurs not less 135
than twelve months subsequent to the formation of such party, 136
after which election the status of such party shall be determined 137
by the vote for the office of governor or president. 138

(G) "Dominant party in a precinct" or "dominant political 139
party in a precinct" means that political party whose candidate 140
for election to the office of governor at the most recent regular 141

state election at which a governor was elected received more votes 142
than any other person received for election to that office in such 143
precinct at such election. 144

(H) "Candidate" means any qualified person certified in 145
accordance with the provisions of the Revised Code for placement 146
on the official ballot of a primary, general, or special election 147
to be held in this state, or any qualified person who claims to be 148
a write-in candidate, or who knowingly assents to being 149
represented as a write-in candidate by another at either a 150
primary, general, or special election to be held in this state. 151

(I) "Independent candidate" means any candidate who claims 152
not to be affiliated with a political party, and whose name has 153
been certified on the office-type ballot at a general or special 154
election through the filing of a statement of candidacy and 155
nominating petition, as prescribed in section 3513.257 of the 156
Revised Code. 157

(J) "Nonpartisan candidate" means any candidate whose name is 158
required, pursuant to section 3505.04 of the Revised Code, to be 159
listed on the nonpartisan ballot, including all candidates for 160
judicial office, for member of any board of education, for 161
municipal or township offices in which primary elections are not 162
held for nominating candidates by political parties, and for 163
offices of municipal corporations having charters that provide for 164
separate ballots for elections for these offices. 165

(K) "Party candidate" means any candidate who claims to be a 166
member of a political party, whose name has been certified on the 167
office-type ballot at a general or special election through the 168
filing of a declaration of candidacy and petition of candidate, 169
and who has won the primary election of the candidate's party for 170
the public office the candidate seeks or is selected by party 171
committee in accordance with section 3513.31 of the Revised Code. 172

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

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

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

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

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

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

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

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

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

(U) "Election officer" or "election official" means any of the following:

(1) Secretary of state;

(2) Employees of the secretary of state serving the division	203
of elections in the capacity of attorney, administrative officer,	204
administrative assistant, elections administrator, office manager,	205
or clerical supervisor;	206
(3) Director of a board of elections;	207
(4) Deputy director of a board of elections;	208
(5) Member of a board of elections;	209
(6) Employees of a board of elections;	210
(7) Precinct polling place judges <u>election officials</u> ;	211
(8) Employees appointed by the boards of elections on a	212
temporary or part-time basis.	213
(V) "Acknowledgment notice" means a notice sent by a board of	214
elections, on a form prescribed by the secretary of state,	215
informing a voter registration applicant or an applicant who	216
wishes to change the applicant's residence or name of the status	217
of the application; the information necessary to complete or	218
update the application, if any; and if the application is	219
complete, the precinct in which the applicant is to vote.	220
(W) "Confirmation notice" means a notice sent by a board of	221
elections, on a form prescribed by the secretary of state, to a	222
registered elector to confirm the registered elector's current	223
address.	224
(X) "Designated agency" means an office or agency in the	225
state that provides public assistance or that provides	226
state-funded programs primarily engaged in providing services to	227
persons with disabilities and that is required by the National	228
Voter Registration Act of 1993 to implement a program designed and	229
administered by the secretary of state for registering voters, or	230
any other public or government office or agency that implements a	231
program designed and administered by the secretary of state for	232

registering voters, including the department of job and family 233
services, the program administered under section 3701.132 of the 234
Revised Code by the department of health, the department of mental 235
health, the department of developmental disabilities, the 236
rehabilitation services commission, and any other agency the 237
secretary of state designates. "Designated agency" does not 238
include public high schools and vocational schools, public 239
libraries, or the office of a county treasurer. 240

(Y) "National Voter Registration Act of 1993" means the 241
"National Voter Registration Act of 1993," 107 Stat. 77, 42 242
U.S.C.A. 1973gg. 243

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act 244
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 245

(AA) "Photo identification" means a document that meets each 246
of the following requirements: 247

(1) It shows the name of the individual to whom it was 248
issued, which shall conform to the name in the poll list or 249
signature pollbook. 250

(2) It shows the current address of the individual to whom it 251
was issued, which shall conform to the address in the poll list or 252
signature pollbook, except for a driver's license or a state 253
identification card issued under section 4507.50 of the Revised 254
Code, which may show either the current or former address of the 255
individual to whom it was issued, regardless of whether that 256
address conforms to the address in the poll list or signature 257
pollbook. 258

(3) It shows a photograph of the individual to whom it was 259
issued. 260

(4) It ~~includes~~ shall have on it an expiration date that has 261
not passed. 262

(5) It was issued by the government of the United States or 263
this state. 264

Sec. 3501.02. General elections in the state and its 265
political subdivisions shall be held as follows: 266

(A) For the election of electors of president and 267
vice-president of the United States, in the year of 1932 and every 268
four years thereafter; 269

(B) For the election of a member of the senate of the United 270
States, in the years 1932 and 1934, and every six years after each 271
of such years; except as otherwise provided for filling vacancies; 272

(C) For the election of representatives in the congress of 273
the United States and of elective state and county officers 274
including elected members of the state board of education, in the 275
even-numbered years; except as otherwise provided for filling 276
vacancies; 277

(D) For municipal and township officers, members of boards of 278
education, judges and clerks of municipal courts, in the 279
odd-numbered years; 280

(E)(1) Proposed constitutional amendments or proposed 281
measures submitted ~~by the general assembly or~~ by initiative or 282
referendum petitions to the voters of the state at large may be 283
submitted to the general election in any year occurring at least 284
~~sixty days, in case of a referendum, and ninety one hundred~~ 285
~~twenty-five days, in the case of an initiated measure,~~ subsequent 286
to the filing of the petitions therefor. ~~Proposed~~ 287

(2) Proposed constitutional amendments submitted by the 288
general assembly to the voters of the state at large may be 289
submitted at a special election or general election in any year 290
occurring at least ninety days after the resolution is filed with 291
the secretary of state. The proposed constitutional amendment may 292

be submitted to the voters at a special election occurring on the 293
day in any year specified by division (E) of section 3501.01 of 294
the Revised Code for the holding of a primary election, ~~when~~ if a 295
special election on that date is designated by the general 296
assembly in the resolution adopting the proposed constitutional 297
amendment. 298

No special election shall be held on a day other than the day 299
of a general election, unless a law or charter provides otherwise, 300
regarding the submission of a question or issue to the voters of a 301
county, township, city, village, or school district. 302

(F)(1) Notwithstanding any provision of the Revised Code to 303
the contrary, any question or issue, except a candidacy, to be 304
voted upon at an election shall be certified, for placement upon 305
the ballot, to the board of elections not later than four p.m. of 306
the ninetieth day before the day of the election. 307

(2) Any question or issue that is certified for placement on 308
a ballot on or after ~~the effective date of this amendment~~ July 2, 309
2010, shall be certified not later than the ninetieth day before 310
the day of the applicable election, notwithstanding any deadlines 311
appearing in any section of the Revised Code governing the 312
placement of that question or issue on the ballot. 313

Sec. 3501.05. (A) The secretary of state shall do all of the 314
following: 315

~~(A)~~(1) Appoint all members of boards of elections; 316

~~(B)~~(2) Issue instructions by directives and advisories in 317
accordance with section 3501.053 of the Revised Code to members of 318
the boards as to the proper methods of conducting elections. 319

~~(C)~~(3) Prepare rules and instructions for the conduct of 320
elections; 321

~~(D)~~(4) Publish and furnish to the boards from time to time a 322

sufficient number of indexed copies of all election laws then in force;	323 324
(E) <u>(5)</u> Edit and issue all pamphlets concerning proposed laws or amendments required by law to be submitted to the voters;	325 326
(F) <u>(6)</u> Prescribe the form of registration cards, blanks, and records;	327 328
(G) <u>(7)</u> 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;	329 330 331 332
(H) <u>(8)</u> 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;	333 334 335
(I) <u>(9)</u> 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;	336 337 338 339 340
(J) <u>(10)</u> 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;	341 342 343 344
(K) <u>(11)</u> Receive all initiative and referendum petitions on state questions and issues and determine and certify to the sufficiency of those petitions;	345 346 347
(L) <u>(12)</u> Require such reports from the several boards as are provided by law, or as the secretary of state considers necessary;	348 349
(M) <u>(13)</u> Compel the observance by election officers in the several counties of the requirements of the election laws;	350 351
(N) <u>(1)</u> <u>(14)(a)</u> Except as otherwise provided in division	352

~~(N)(2)(A)(14)(b)~~ of this section, investigate the administration 353
of election laws, frauds, and irregularities in elections in any 354
county, and report violations of election laws to the attorney 355
general or prosecuting attorney, or both, for prosecution; 356

~~(2)(b)~~ On and after August 24, 1995, report a failure to 357
comply with or a violation of a provision in sections 3517.08 to 358
3517.13, 3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, or 359
3599.031 of the Revised Code, whenever the secretary of state has 360
or should have knowledge of a failure to comply with or a 361
violation of a provision in one of those sections, by filing a 362
complaint with the Ohio elections commission under section 363
3517.153 of the Revised Code; 364

~~(O)(15)~~ Make an annual report to the governor containing the 365
results of elections, the cost of elections in the various 366
counties, a tabulation of the votes in the several political 367
subdivisions, and other information and recommendations relative 368
to elections the secretary of state considers desirable; 369

~~(P)(16)~~ Prescribe and distribute to boards of elections a 370
list of instructions indicating all legal steps necessary to 371
petition successfully for local option elections under sections 372
4301.32 to 4301.41, 4303.29, 4305.14, and 4305.15 of the Revised 373
Code; 374

~~(Q)(17)~~ Adopt rules pursuant to Chapter 119. of the Revised 375
Code for the removal ~~by boards of elections~~ of ineligible voters 376
from the statewide voter registration database and, if applicable, 377
from the poll list or signature pollbook used in each precinct, 378
which rules shall provide for all of the following: 379

~~(1)(a)~~ A process for the removal of voters who have changed 380
residence, which shall be uniform, nondiscriminatory, and in 381
compliance with the Voting Rights Act of 1965 and the National 382
Voter Registration Act of 1993, including a program that uses the 383

national change of address service provided by the United States 384
postal system through its licensees; 385

~~(2)~~(b) A process for the removal of ineligible voters under 386
section 3503.21 of the Revised Code; 387

~~(3)~~(c) A uniform system for marking or removing the name of a 388
voter who is ineligible to vote from the statewide voter 389
registration database and, if applicable, from the poll list or 390
signature pollbook used in each precinct and noting the reason for 391
that mark or removal. 392

~~(R)~~(18) Prescribe a general program for registering voters or 393
updating voter registration information, such as name and 394
residence changes, by boards of elections, designated agencies, 395
offices of deputy registrars of motor vehicles, public high 396
schools and vocational schools, public libraries, and offices of 397
county treasurers consistent with the requirements of section 398
3503.09 of the Revised Code; 399

~~(S)~~(19) Prescribe a program of distribution of voter 400
registration forms through boards of elections, designated 401
agencies, offices of the registrar and deputy registrars of motor 402
vehicles, public high schools and vocational schools, public 403
libraries, and offices of county treasurers; 404

~~(T)~~(20) To the extent feasible, provide copies, at no cost 405
and upon request, of the voter registration form in post offices 406
in this state; 407

~~(U)~~(21) Adopt rules pursuant to section 111.15 of the Revised 408
Code for the purpose of implementing the program for registering 409
voters through boards of elections, designated agencies, and the 410
offices of the registrar and deputy registrars of motor vehicles 411
consistent with this chapter; 412

~~(V)~~(22) Establish the full-time position of Americans with 413
Disabilities Act coordinator within the office of the secretary of 414

state to do all of the following: 415

~~(1)~~(a) Assist the secretary of state with ensuring that there 416
is equal access to polling places for persons with disabilities; 417

~~(2)~~(b) Assist the secretary of state with ensuring that each 418
voter may cast the voter's ballot in a manner that provides the 419
same opportunity for access and participation, including privacy 420
and independence, as for other voters; 421

~~(3)~~(c) Advise the secretary of state in the development of 422
standards for the certification of voting machines, marking 423
devices, and automatic tabulating equipment. 424

~~(W)~~(23) Establish and maintain a computerized statewide 425
database of all legally registered voters under section 3503.15 of 426
the Revised Code that complies with the requirements of the "Help 427
America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666, 428
and provide training in the operation of that system; 429

~~(X)~~(24) Ensure that all directives, advisories, other 430
instructions, or decisions issued or made during or as a result of 431
any conference or teleconference call with a board of elections to 432
discuss the proper methods and procedures for conducting 433
elections, to answer questions regarding elections, or to discuss 434
the interpretation of directives, advisories, or other 435
instructions issued by the secretary of state are posted on a web 436
site of the office of the secretary of state as soon as is 437
practicable after the completion of the conference or 438
teleconference call, but not later than the close of business on 439
the same day as the conference or teleconference call takes place. 440

~~(Y)~~(25) Publish a report on a web site of the office of the 441
secretary of state not later than one month after the completion 442
of the canvass of the election returns for each primary and 443
general election, identifying, by county, the number of absent 444
voter's ballots cast and the number of those ballots that were 445

counted, and the number of provisional ballots cast and the number 446
of those ballots that were counted, for that election. The 447
secretary of state shall maintain the information on the web site 448
in an archive format for each subsequent election. 449

~~(Z)~~(26) Conduct voter education outlining voter 450
identification, absent voters ballot, provisional ballot, and 451
other voting requirements; 452

~~(AA)~~(27) Establish a procedure by which a registered elector 453
may make available to a board of elections a more recent signature 454
to be used in the poll list or signature pollbook produced by the 455
board of elections of the county in which the elector resides; 456

~~(BB)~~(28) Disseminate information, which may include all or 457
part of the official explanations and arguments, by means of 458
direct mail or other written publication, broadcast, or other 459
means or combination of means, as directed by the Ohio ballot 460
board under division (F) of section 3505.062 of the Revised Code, 461
in order to inform the voters as fully as possible concerning each 462
proposed constitutional amendment, proposed law, or referendum; 463

~~(CC)~~(29) Be the single state office responsible for the 464
implementation of the "Uniformed and Overseas Citizens Absentee 465
Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 1973ff, 466
et seq., as amended, in this state. The secretary of state may 467
delegate to the boards of elections responsibilities for the 468
implementation of that act, including responsibilities arising 469
from amendments to that act made by the "Military and Overseas 470
Voter Empowerment Act," Subtitle H of the National Defense 471
Authorization Act for Fiscal Year 2010, Pub. L. No. 111-84, 123 472
Stat. 3190. 473

~~(DD)~~(30) Compile, from the boards of elections, the voting 474
history of each registered elector who cast a ballot in an 475
election, for inclusion in the statewide voter registration 476

database. The secretary of state shall determine, by rule, the 477
length of an elector's voting history that shall be included in 478
the database; 479

(31) Adopt rules, under Chapter 119. of the Revised Code, to 480
establish procedures and standards for determining when a board of 481
elections shall be placed under the official oversight of the 482
secretary of state, placing a board of elections under the 483
official oversight of the secretary of state, a board that is 484
under official oversight to transition out of official oversight, 485
and the secretary of state to supervise a board of elections that 486
is under official oversight of the secretary of state. 487

(32) Perform other duties required by law. 488

(B) Whenever a primary election is held under section 3513.32 489
of the Revised Code or a special election is held under section 490
3521.03 of the Revised Code to fill a vacancy in the office of 491
representative to congress, the secretary of state shall establish 492
a deadline, notwithstanding any other deadline required under the 493
Revised Code, by which any or all of the following shall occur: 494
the filing of a declaration of candidacy and petitions or a 495
statement of candidacy and nominating petition together with the 496
applicable filing fee; the filing of protests against the 497
candidacy of any person filing a declaration of candidacy or 498
nominating petition; the filing of a declaration of intent to be a 499
write-in candidate; the filing of campaign finance reports; the 500
preparation of, and the making of corrections or challenges to, 501
precinct voter registration lists; the receipt of applications for 502
absent voter's ballots or ~~armed service~~ uniformed services or 503
overseas absent voter's ballots; the supplying of election 504
materials to precincts by boards of elections; the holding of 505
hearings by boards of elections to consider challenges to the 506
right of a person to appear on a voter registration list; and the 507
scheduling of programs to instruct or reinstruct election 508

officers. 509

(C) In the performance of the secretary of state's duties as 510
the chief election officer, the secretary of state may administer 511
oaths, issue subpoenas, summon witnesses, compel the production of 512
books, papers, records, and other evidence, and fix the time and 513
place for hearing any matters relating to the administration and 514
enforcement of the election laws. 515

(D) In any controversy involving or arising out of the 516
adoption of registration or the appropriation of funds for 517
registration, the secretary of state may, through the attorney 518
general, bring an action in the name of the state in the court of 519
common pleas of the county where the cause of action arose or in 520
an adjoining county, to adjudicate the question. 521

In any action involving the laws in Title XXXV of the Revised 522
Code wherein the interpretation of those laws is in issue in such 523
a manner that the result of the action will affect the lawful 524
duties of the secretary of state or of any board of elections, the 525
secretary of state may, on the secretary of state's motion, be 526
made a party. 527

The secretary of state may apply to any court that is hearing 528
a case in which the secretary of state is a party, for a change of 529
venue as a substantive right, and the change of venue shall be 530
allowed, and the case removed to the court of common pleas of an 531
adjoining county named in the application or, if there are cases 532
pending in more than one jurisdiction that involve the same or 533
similar issues, the court of common pleas of Franklin county. 534

(E) Public high schools and vocational schools, public 535
libraries, and the office of a county treasurer shall implement 536
voter registration programs as directed by the secretary of state 537
pursuant to this section. 538

Sec. 3501.051. (A) Notwithstanding any other section of the 539
Revised Code, the secretary of state may authorize, in one or more 540
precincts in one or more counties, a program allowing individuals 541
under the age of eighteen to enter the polling place and vote in a 542
simulated election held at the same time as a general election. 543
Any individual working in or supervising at a simulated election 544
may enter the polling place and remain within it during the entire 545
period the polls are open. 546

(B) A program established under division (A) of this section 547
shall require all of the following: 548

(1) That the duties imposed on ~~judges of precinct~~ election 549
officials and peace officers under section 3501.33 of the Revised 550
Code be performed by those ~~judges~~ officials and officers in regard 551
to simulated elections and all activities related to simulated 552
elections; 553

(2) That volunteers provide the personnel necessary to 554
conduct the simulated election, except that employees of the 555
secretary of state, employees or members of boards of elections, 556
and precinct election officials may aid in operating the program 557
to the extent permitted by the secretary of state; 558

(3) That individuals under the age of fourteen be accompanied 559
to the simulated election by an individual eighteen years of age 560
or over; 561

(4) Any other requirements the secretary of state considers 562
necessary for the orderly administration of the election process. 563

Sec. 3501.053. (A) The secretary of state may issue 564
instructions as to the proper method of conducting elections to 565
members of the boards of elections by permanent or temporary 566
directives. 567

(1) The secretary of state shall establish a process to allow 568

public review and public comment of proposed directives. Prior to 569
issuing any permanent directive, the secretary of state shall 570
provide reasonable notice of the issuance of the directive and 571
allow a reasonable amount of time for public review and public 572
comment of the proposed directive under this division. 573

No permanent directive shall be issued during the period 574
beginning ninety days prior to the day of an election and ending 575
on the fortieth day following the day of that election. 576

(2) Temporary directives shall only be issued, and shall only 577
have effect, during the period beginning ~~ninety~~ thirty days prior 578
to the day of an election and ending on the ~~fortieth~~ thirtieth day 579
following the day of that election. Temporary directives shall not 580
be subject to public review and public comment under division 581
(A)(1) of this section. 582

A temporary directive shall not become a permanent directive 583
unless the temporary directive is proposed as a permanent 584
directive and subject to public review and public comment under 585
division (A)(1) of this section. 586

If the situation prompting the establishment of a temporary 587
directive appears likely to recur, the secretary of state shall 588
establish a permanent directive addressing the situation. 589

(B) In addition to any other publication of directives and 590
advisories issued by the secretary of state, the secretary of 591
state shall publish those directives and advisories on a web site 592
of the office of the secretary of state as soon as is practicable 593
after they are issued, but not later than the close of business on 594
the same day as a directive or advisory is issued. The secretary 595
of state shall not remove from the web site any directives and 596
advisories so posted. The secretary of state shall provide on that 597
web site access to all directives and advisories currently in 598
effect and maintain an archive of all directives and advisories 599

previously published on that web site. 600

Sec. 3501.11. Each board of elections shall exercise by a 601
majority vote all powers granted to the board by Title XXXV of the 602
Revised Code, shall perform all the duties imposed by law, and 603
shall do all of the following: 604

(A) Establish, define, provide, rearrange, and combine 605
election precincts; 606

(B) Fix and provide the places for registration and for 607
holding primaries and elections; 608

(C) Provide for the purchase, preservation, and maintenance 609
of booths, ballot boxes, books, maps, flags, blanks, cards of 610
instructions, and other forms, papers, and equipment used in 611
registration, nominations, and elections; 612

(D) Appoint and remove its director, deputy director, and 613
employees and all registrars, ~~judges~~ precinct election officials, 614
and other officers of elections, fill vacancies, and designate the 615
ward or district and precinct in which each shall serve; 616

(E) Make and issue rules and instructions, not inconsistent 617
with law or the rules, directives, or advisories issued by the 618
secretary of state, as it considers necessary for the guidance of 619
election officers and voters; 620

(F) Advertise and contract for the printing of all ballots 621
and other supplies used in registrations and elections; 622

(G) Provide for the issuance of all notices, advertisements, 623
and publications concerning elections, except as otherwise 624
provided in division (G) of section 3501.17 and divisions (F) and 625
(G) of section 3505.062 of the Revised Code; 626

(H) Provide for the delivery of ballots, pollbooks, and other 627
required papers and material to the polling places; 628

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

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

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

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

(M) Issue certificates of election on forms to be prescribed by the secretary of state;

(N) Make an annual report to the secretary of state, on the form prescribed by the secretary of state, containing a statement of the number of voters registered, elections held, votes cast, appropriations received, expenditures made, and other data required by the secretary of state;

(O) Prepare and submit to the proper appropriating officer a budget estimating the cost of elections for the ensuing fiscal

year;	660
(P) Perform other duties as prescribed by law or the rules, directives, or advisories of the secretary of state;	661 662
(Q) Investigate and determine the residence qualifications of electors;	663 664
(R) Administer oaths in matters pertaining to the administration of the election laws;	665 666
(S) Prepare and submit to the secretary of state, whenever the secretary of state requires, a report containing the names and residence addresses of all incumbent county, municipal, township, and board of education officials serving in their respective counties;	667 668 669 670 671
(T) Establish and maintain a voter registration database of all qualified electors in the county who offer to register;	672 673
(U) Maintain voter registration records, make reports concerning voter registration as required by the secretary of state, and remove ineligible electors from voter registration lists in accordance with law and directives of the secretary of state;	674 675 676 677 678
(V) Give approval to ballot language for any local question or issue and transmit the language to the secretary of state for the secretary of state's final approval;	679 680 681
(W) Prepare and cause the following notice to be displayed in a prominent location in every polling place:	682 683
"NOTICE	684
Ohio law prohibits any person from voting or attempting to vote more than once at the same election.	685 686
Violators are guilty of a felony of the fourth degree and shall be imprisoned and additionally may be fined in accordance with law."	687 688 689

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

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

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

(AA) Perform any duties with respect to voter registration and voting by uniformed services and overseas voters that are delegated to the board by law or by the rules, directives, or advisories of the secretary of state.

(BB) Maintain a list of registered electors in the county who cast a ballot at each election, which list shall be provided to the secretary of state following each election.

Sec. 3501.111. A board of elections may contract with another board of elections in this state, with a county automatic data processing board, or with an educational service center for the

provision of election services, including any duties imposed upon 721
the board of elections under section 3501.11 of the Revised Code. 722
Any contract entered into pursuant to this section shall be 723
approved by the boards of county commissioners of the affected 724
counties. 725

Sec. 3501.13. (A) The director of the board of elections 726
shall keep a full and true record of the proceedings of the board 727
and of all moneys received and expended; file and preserve in the 728
board's office all orders and records pertaining to the 729
administration of registrations, primaries, and elections; receive 730
and have the custody of all books, papers, and property belonging 731
to the board; and perform other duties in connection with the 732
office of director and the proper conduct of elections as the 733
board determines. 734

(B) Before entering upon the duties of the office, the 735
director shall subscribe to an oath that the director will support 736
the Constitution of the United States and the Ohio Constitution, 737
perform all the duties of the office to the best of the director's 738
ability, enforce the election laws, and preserve all records, 739
documents, and other property pertaining to the conduct of 740
elections placed in the director's custody. 741

(C) The director may administer oaths to persons required by 742
law to file certificates or other papers with the board, to ~~judges~~ 743
~~of elections~~ precinct election officials, to witnesses who are 744
called to testify before the board, and to voters filling out 745
blanks at the board's offices. Except as otherwise provided by 746
state or federal law, the records of the board and papers and 747
books filed in its office are public records and open to 748
inspection under such reasonable regulations as shall be 749
established by the board. The social security number of any 750
elector or of any applicant for voter registration is not a public 751

record. The board shall redact any such number from any record 752
that it makes open to public inspection or copying under this 753
section. 754

The following notice shall be posted in a prominent place at 755
each board office: 756

"Except as otherwise provided by state or federal law, 757
records filed in this office of the board of elections are open to 758
public inspection during normal office hours, pursuant to the 759
following reasonable regulations: (the board shall here list its 760
regulations). Whoever prohibits any person from inspecting the 761
public records of this board is subject to the penalties of 762
section 3599.161 of the Revised Code." 763

(D) Upon receipt of a written declaration of intent to retire 764
as provided for in section 145.38 of the Revised Code, the 765
director shall provide a copy to each member of the board of 766
elections. 767

Sec. 3501.17. (A) The expenses of the board of elections 768
shall be paid from the county treasury, in pursuance of 769
appropriations by the board of county commissioners, in the same 770
manner as other county expenses are paid. If the board of county 771
commissioners fails to appropriate an amount sufficient to provide 772
for the necessary and proper expenses of the board of elections 773
pertaining to the conduct of elections, the board of elections may 774
apply to the court of common pleas within the county, which shall 775
fix the amount necessary to be appropriated and the amount shall 776
be appropriated. Payments shall be made upon vouchers of the board 777
of elections certified to by its chairperson or acting chairperson 778
and the director or deputy director, upon warrants of the county 779
auditor. 780

The board of elections shall not incur any obligation 781
involving the expenditure of money unless there are moneys 782

sufficient in the funds appropriated therefor to meet the 783
obligation. If the board of elections requests a transfer of funds 784
from one of its appropriation items to another, the board of 785
county commissioners shall adopt a resolution providing for the 786
transfer except as otherwise provided in section 5705.40 of the 787
Revised Code. The expenses of the board of elections shall be 788
apportioned among the county and the various subdivisions as 789
provided in this section, and the amount chargeable to each 790
subdivision shall be paid as provided in division (J) of this 791
section or withheld by the auditor from the moneys payable thereto 792
at the time of the next tax settlement. At the time of submitting 793
budget estimates in each year, the board of elections shall submit 794
to the taxing authority of each subdivision, upon the request of 795
the subdivision, an estimate of the amount to be paid or withheld 796
from the subdivision during the current or next fiscal year. 797

(B) Except as otherwise provided in division (F) of this 798
section, the compensation of the members of the board of elections 799
and of the director, deputy director, and regular employees in the 800
board's offices, other than compensation for overtime worked; the 801
expenditures for the rental, furnishing, and equipping of the 802
office of the board and for the necessary office supplies for the 803
use of the board; the expenditures for the acquisition, repair, 804
care, and custody of the polling places, booths, guardrails, and 805
other equipment for polling places; the cost of tally sheets, 806
maps, flags, ballot boxes, and all other permanent records and 807
equipment; the cost of all elections held in and for the state and 808
county; and all other expenses of the board which are not 809
chargeable to a political subdivision in accordance with this 810
section shall be paid in the same manner as other county expenses 811
are paid. 812

(C) The compensation of ~~judges of elections~~ precinct election 813
officials and intermittent employees in the board's offices; the 814

cost of renting, moving, heating, and lighting polling places and 815
of placing and removing ballot boxes and other fixtures and 816
equipment thereof, including voting machines, marking devices, and 817
automatic tabulating equipment; the cost of printing and 818
delivering ballots, cards of instructions, registration lists 819
required under section 3503.23 of the Revised Code, and other 820
election supplies, including the supplies required to comply with 821
division (H) of section 3506.01 of the Revised Code; the cost of 822
contractors engaged by the board to prepare, program, test, and 823
operate voting machines, marking devices, and automatic tabulating 824
equipment; and all other expenses of conducting primaries and 825
elections in the odd-numbered years shall be charged to the 826
subdivisions in and for which such primaries or elections are 827
held. The charge for each primary or general election in 828
odd-numbered years for each subdivision shall be determined in the 829
following manner: first, the total cost of all chargeable items 830
used in conducting such elections shall be ascertained; second, 831
the total charge shall be divided by the number of precincts 832
participating in such election, in order to fix the cost per 833
precinct; third, the cost per precinct shall be prorated by the 834
board of elections to the subdivisions conducting elections for 835
the nomination or election of offices in such precinct; fourth, 836
the total cost for each subdivision shall be determined by adding 837
the charges prorated to it in each precinct within the 838
subdivision. 839

(D) The entire cost of special elections held on a day other 840
than the day of a primary or general election, both in 841
odd-numbered or in even-numbered years, shall be charged to the 842
subdivision. Where a special election is held on the same day as a 843
primary or general election in an even-numbered year, the 844
subdivision submitting the special election shall be charged only 845
for the cost of ballots and advertising. Where a special election 846
is held on the same day as a primary or general election in an 847

odd-numbered year, the subdivision submitting the special election 848
shall be charged for the cost of ballots and advertising for such 849
special election, in addition to the charges prorated to such 850
subdivision for the election or nomination of candidates in each 851
precinct within the subdivision, as set forth in the preceding 852
paragraph. 853

(E) Where a special election is held on the day specified by 854
division (E) of section 3501.01 of the Revised Code for the 855
holding of a primary election, for the purpose of submitting to 856
the voters of the state constitutional amendments proposed by the 857
general assembly, and a subdivision conducts a special election on 858
the same day, the entire cost of the special election shall be 859
divided proportionally between the state and the subdivision based 860
upon a ratio determined by the number of issues placed on the 861
ballot by each, except as otherwise provided in division (G) of 862
this section. Such proportional division of cost shall be made 863
only to the extent funds are available for such purpose from 864
amounts appropriated by the general assembly to the secretary of 865
state. If a primary election is also being conducted in the 866
subdivision, the costs shall be apportioned as otherwise provided 867
in this section. 868

(F) When a precinct is open during a general, primary, or 869
special election solely for the purpose of submitting to the 870
voters a statewide ballot issue, the state shall bear the entire 871
cost of the election in that precinct and shall reimburse the 872
county for all expenses incurred in opening the precinct. 873

(G)(1) The state shall bear the entire cost of advertising in 874
newspapers statewide ballot issues, explanations of those issues, 875
and arguments for or against those issues, as required by Section 876
1g of Article II and Section 1 of Article XVI, Ohio Constitution, 877
and any other section of law. Appropriations made to the 878
controlling board shall be used to reimburse the secretary of 879

state for all expenses the secretary of state incurs for such 880
advertising under division (G) of section 3505.062 of the Revised 881
Code. 882

(2) There is hereby created in the state treasury the 883
statewide ballot advertising fund. The fund shall receive 884
transfers approved by the controlling board, and shall be used by 885
the secretary of state to pay the costs of advertising state 886
ballot issues as required under division (G)(1) of this section. 887
Any such transfers may be requested from and approved by the 888
controlling board prior to placing the advertising, in order to 889
facilitate timely provision of the required advertising. 890

(H) The cost of renting, heating, and lighting registration 891
places; the cost of the necessary books, forms, and supplies for 892
the conduct of registration; and the cost of printing and posting 893
precinct registration lists shall be charged to the subdivision in 894
which such registration is held. 895

(I) At the request of a majority of the members of the board 896
of elections, the board of county commissioners may, by 897
resolution, establish an elections revenue fund. Except as 898
otherwise provided in this division, the purpose of the fund shall 899
be to accumulate revenue withheld by or paid to the county under 900
this section for the payment of any expense related to the duties 901
of the board of elections specified in section 3501.11 of the 902
Revised Code, upon approval of a majority of the members of the 903
board of elections. The fund shall not accumulate any revenue 904
withheld by or paid to the county under this section for the 905
compensation of the members of the board of elections or of the 906
director, deputy director, or other regular employees in the 907
board's offices, other than compensation for overtime worked. 908

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 909
Revised Code, the board of county commissioners may, by 910
resolution, transfer money to the elections revenue fund from any 911

other fund of the political subdivision from which such payments 912
lawfully may be made. Following an affirmative vote of a majority 913
of the members of the board of elections, the board of county 914
commissioners may, by resolution, rescind an elections revenue 915
fund established under this division. If an elections revenue fund 916
is rescinded, money that has accumulated in the fund shall be 917
transferred to the county general fund. 918

(J)(1) Not less than fifteen business days before the 919
deadline for submitting a question or issue for placement on the 920
ballot at a special election, the board of elections shall prepare 921
and file with the board of county commissioners and the office of 922
the secretary of state the estimated cost, based on the factors 923
enumerated in this section, for preparing for and conducting an 924
election on one question or issue, one nomination for office, or 925
one election to office in each precinct in the county at that 926
special election and shall divide that cost by the number of 927
registered voters in the county. 928

(2) The board of elections shall provide to a political 929
subdivision seeking to submit a question or issue, a nomination 930
for office, or an election to office for placement on the ballot 931
at a special election with the estimated cost for preparing for 932
and conducting that election, which shall be calculated either by 933
multiplying the number of registered voters in the political 934
subdivision with the cost calculated under division (J)(1) of this 935
section or by multiplying the cost per precinct with the number or 936
precincts in the political subdivision. A political subdivision 937
submitting a question or issue, a nomination for office, or an 938
election to office for placement on the ballot at that special 939
election shall pay to the county elections revenue fund seventy 940
per cent of the estimated cost of the election not less than ten 941
business days after the deadline for submitting a question or 942
issue for placement on the ballot for that special election. 943

(3) Not later than sixty days after the date of a special election, the board of elections shall provide to each political subdivision the true and accurate cost for the question or issue, nomination for office, or election to office that the subdivision submitted to the voters on the special election ballots. If the board of elections determines that a subdivision paid less for the cost of preparing and conducting a special election under division (J)(2) of this section than the actual cost calculated under this division, the subdivision shall remit to the county elections revenue fund the difference between the payment made under division (J)(2) of this section and the final cost calculated under this division within thirty days after being notified of the final cost. If the board of elections determines that a subdivision paid more for the cost of preparing and conducting a special election under division (J)(2) of this section than the actual cost calculated under this division, the board of elections promptly shall notify the board of county commissioners of that difference. The board of county commissioners shall remit from the county elections revenue fund to the political subdivision the difference between the payment made under division (J)(2) of this section and the final cost calculated under this division within thirty days after receiving that notification.

(K) As used in this section:

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

(2) "Statewide ballot issue" means any ballot issue, whether proposed by the general assembly or by initiative or referendum,

that is submitted to the voters throughout the state. 976

Sec. 3501.18. (A) The board of elections may divide a 977
political subdivision within its jurisdiction into precincts, 978
establish, define, divide, rearrange, and combine the several 979
election precincts within its jurisdiction, and change the 980
location of the polling place for each precinct when it is 981
necessary to maintain the requirements as to the number of voters 982
in a precinct and to provide for the convenience of the voters and 983
the proper conduct of elections. No change in the number of 984
precincts or in precinct boundaries shall be made during the 985
twenty-five days immediately preceding a primary or general 986
election or between the first day of January and the day on which 987
the members of county central committees are elected in the years 988
in which those committees are elected. Except as otherwise 989
provided in section 3501.20 of the Revised Code and in division 990
(C) of this section, each precinct shall contain a number of 991
electors, not to exceed one thousand four hundred and, if the 992
precinct is located in a municipal corporation, not less than five 993
hundred, that the board of elections determines to be a reasonable 994
number after taking into consideration the type and amount of 995
available equipment, prior voter turnout, the size and location of 996
each selected polling place, available parking, availability of an 997
adequate number of poll workers, and handicap accessibility and 998
other accessibility to the polling place. 999

If the board changes the boundaries of a precinct after the 1000
filing of a local option election petition pursuant to sections 1001
4301.32 to 4301.41, 4303.29, or 4305.14 of the Revised Code that 1002
calls for a local option election to be held in that precinct, the 1003
local option election shall be held in the area that constituted 1004
the precinct at the time the local option petition was filed, 1005
regardless of the change in the boundaries. 1006

If the board changes the boundaries of a precinct in order to meet the requirements of division (B)(1) of this section in a manner that causes a member of a county central committee to no longer qualify as a representative of an election precinct in the county, of a ward of a city in the county, or of a township in the county, the member shall continue to represent the precinct, ward, or township for the remainder of the member's term, regardless of the change in boundaries.

In an emergency, the board may provide more than one polling place in a precinct. In order to provide for the convenience of the voters, the board may locate polling places for voting or registration outside the boundaries of precincts, provided that the nearest public school or public building shall be used if the board determines it to be available and suitable for use as a polling place. Except in an emergency, no change in the number or location of the polling places in a precinct shall be made during the twenty-five days immediately preceding a primary or general election.

Electors who have failed to respond within thirty days to any confirmation notice shall not be counted in determining the size of any precinct under this section.

(B)(1) Except as otherwise provided in division (B)(2) of this section, a board of elections shall determine all precinct boundaries using geographical units used by the United States department of commerce, bureau of the census, in reporting the decennial census of Ohio.

(2) The board of elections may apply to the secretary of state for a waiver from the requirement of division (B)(1) of this section when it is not feasible to comply with that requirement because of unusual physical boundaries or residential development practices that would cause unusual hardship for voters. The board shall identify the affected precincts and census units, explain

the reason for the waiver request, and include a map illustrating 1039
where the census units will be split because of the requested 1040
waiver. If the secretary of state approves the waiver and so 1041
notifies the board of elections in writing, the board may change a 1042
precinct boundary as necessary under this section, notwithstanding 1043
the requirement in division (B)(1) of this section. 1044

(C) The board of elections may apply to the secretary of 1045
state for a waiver from the requirement of division (A) of this 1046
section regarding the number of electors in a precinct when the 1047
use of geographical units used by the United States department of 1048
commerce, bureau of the census, will cause a precinct to contain 1049
more than one thousand four hundred electors. The board shall 1050
identify the affected precincts and census units, explain the 1051
reason for the waiver request, and include a map illustrating 1052
where census units will be split because of the requested waiver. 1053
If the secretary of state approves the waiver and so notifies the 1054
board of elections in writing, the board may change a precinct 1055
boundary as necessary to meet the requirements of division (B)(1) 1056
of this section. 1057

(D) A board of elections does not violate division (A) of 1058
this section if its minimum precinct size varies from the minimum 1059
precinct size established in that division by five per cent or 1060
less. 1061

(E) The board of elections may apply to the secretary of 1062
state for a waiver from the minimum precinct size requirements of 1063
division (A) of this section. The board shall identify the 1064
affected precincts and explain the reason for the waiver request. 1065
If the secretary of state approves the waiver and so notifies the 1066
board of elections in writing, the board may change a precinct 1067
boundary in the manner specified in the waiver request. 1068

Sec. 3501.20. The Notwithstanding the minimum precinct size 1069

established under section 3501.18 of the Revised Code, the lands 1070
used for a state or national home for disabled soldiers shall 1071
constitute a separate election precinct, and, if necessary, may be 1072
divided and rearranged within such limits as other precincts are 1073
arranged and divided. 1074

Sec. 3501.22. (A) ~~On~~ (1) Except as otherwise provided in 1075
division (A)(2) of this section, on or before the fifteenth day of 1076
September in each year, the board of elections by a majority vote 1077
shall, after careful examination and investigation as to their 1078
qualifications, appoint for each election precinct four residents 1079
of the county in which the precinct is located, as ~~judges precinct~~ election 1080
officials. Except as otherwise provided in division (C) 1081
of this section, all ~~judges of precinct~~ election officials shall 1082
be qualified electors. The ~~judges precinct election officials~~ 1083
shall constitute the election officers of the precinct. Not more 1084
than one-half of the total number of ~~judges precinct election~~ 1085
officials shall be members of the same political party. The term 1086
of such precinct officers shall be for one year. The board may, at 1087
any time, designate any number of election officers, not more than 1088
one-half of whom shall be members of the same political party, to 1089
perform their duties at any precinct in any election. The board 1090
may appoint additional officials, ~~equally divided between the two~~ 1091
~~major political parties~~, when necessary to expedite voting. If the 1092
board of elections determines that four precinct election 1093
officials are not required in a precinct for a special election, 1094
the board of elections may select two of the precinct's election 1095
officers, who are not members of the same political party, to 1096
serve as the precinct election officials for that precinct in that 1097
special election. 1098

Vacancies for unexpired terms shall be filled by the board. 1099
When new precincts have been created, the board shall appoint 1100
~~judges precinct election officials~~ for those precincts for the 1101

unexpired term. Any ~~judge~~ precinct election official may be 1102
summarily removed from office at any time by the board for neglect 1103
of duty, malfeasance, or misconduct in office or for any other 1104
good and sufficient reason. 1105

Precinct election officials shall perform all of the duties 1106
provided by law for receiving the ballots and supplies, opening 1107
and closing the polls, and overseeing the casting of ballots 1108
during the time the polls are open, and any other duties required 1109
by section 3501.26 of the Revised Code. 1110

A board of elections may designate two precinct election 1111
officials as counting officials to count and tally the votes cast 1112
and certify the results of the election at each precinct, and 1113
perform other duties as provided by law. To expedite the counting 1114
of votes at each precinct, the board may appoint additional 1115
officials, not more than one-half of whom shall be members of the 1116
same political party. 1117

The board shall designate one of the precinct election 1118
officials ~~who is a member of the dominant political party~~ to serve 1119
as a ~~presiding judge~~, whose voting location manager. The voting 1120
location manager shall be a member of the political party whose 1121
candidate received the highest number of votes for governor in the 1122
precincts whose polling places are located at the applicable 1123
voting location, when tallying the combined vote for governor for 1124
all such precincts. It is the duty ~~it is~~ of the voting location 1125
manager to deliver the returns of the election and all supplies to 1126
the office of the board. For these services, the ~~presiding judge~~ 1127
voting location manager shall receive additional compensation in 1128
an amount, consistent with section 3501.28 of the Revised Code, 1129
determined by the board of elections. 1130

The board shall issue to each precinct election official a 1131
certificate of appointment, which the official shall present to 1132
the ~~presiding judge~~ voting location manager at the time the polls 1133

are opened. 1134

(2) If the board of elections, by majority vote, opts to use 1135
multiple precinct polling locations in lieu of any or all 1136
individual precinct polling locations, the board may appoint 1137
precinct election officials for the multiple precinct polling 1138
locations as follows: 1139

(a) For the first precinct combined in a multiple precinct 1140
polling location, the board shall appoint four precinct election 1141
officials, not more than one-half of whom shall be members of the 1142
same political party. 1143

(b) For each additional precinct combined in a multiple 1144
precinct polling location, the board shall appoint two precinct 1145
election officials, not more than one of whom shall be a member of 1146
the same political party. 1147

(c) The board shall designate one of the precinct election 1148
officials appointed under division (A)(2)(a) or (b) of this 1149
section who is a member of the political party whose candidate for 1150
governor received the highest number of votes in the most recent 1151
general election for that office in the precincts combined in the 1152
multiple precinct polling location as the single voting location 1153
manager for the multiple precinct polling location. 1154

(B) If the board of elections determines that not enough 1155
qualified electors in a precinct are available to serve as 1156
precinct officers, it may appoint persons to serve as precinct 1157
officers at a primary, special, or general election who are at 1158
least seventeen years of age and are registered to vote in 1159
accordance with section 3503.07 of the Revised Code. 1160

(C)(1) A board of elections, in conjunction with the board of 1161
education of a city, local, or exempted village school district, 1162
the governing authority of a community school established under 1163
Chapter 3314. of the Revised Code, or the chief administrator of a 1164

nonpublic school may establish a program permitting certain high 1165
school students to apply and, if appointed by the board of 1166
elections, to serve as precinct officers at a primary, special, or 1167
general election. 1168

In addition to the requirements established by division 1169
(C)(2) of this section, a board of education, governing authority, 1170
or chief administrator that establishes a program under this 1171
division in conjunction with a board of elections may establish 1172
additional criteria that students shall meet to be eligible to 1173
participate in that program. 1174

(2)(a) To be eligible to participate in a program established 1175
under division (C)(1) of this section, a student shall be a United 1176
States citizen, a resident of the county, at least seventeen years 1177
of age, and enrolled in the senior year of high school. 1178

(b) Any student applying to participate in a program 1179
established under division (C)(1) of this section, as part of the 1180
student's application process, shall declare the student's 1181
political party affiliation with the board of elections. 1182

(3) No student appointed as a precinct officer pursuant to a 1183
program established under division (C)(1) of this section shall be 1184
designated as a ~~presiding judge~~ voting location manager. 1185

(4) Any student participating in a program established under 1186
division (C)(1) of this section shall be excused for that 1187
student's absence from school on the day of an election at which 1188
the student is serving as a precinct officer. 1189

(D) In any precinct with six or more precinct officers, up to 1190
two students participating in a program established under division 1191
(C)(1) of this section who are under eighteen years of age may 1192
serve as precinct officers. Not more than one precinct officer in 1193
any given precinct with fewer than six precinct officers shall be 1194
under eighteen years of age. 1195

Sec. 3501.26. When the polls are closed after a primary, 1196
general, or special election, the receiving officials shall, in 1197
the presence of the counting officials and attending observers, 1198
proceed as follows: 1199

(A) Count the number of electors who voted, as shown on the 1200
poll books; 1201

(B) Count the unused ballots without removing stubs; 1202

(C) Count the soiled and defaced ballots; 1203

(D) Insert the totals of divisions (A), (B), and (C) of this 1204
section on the report forms provided therefor in the poll books; 1205

(E) Count the voted ballots. If the number of voted ballots 1206
exceeds the number of voters whose names appear upon the poll 1207
books, the ~~presiding judge~~ voting location manager shall enter on 1208
the poll books an explanation of that discrepancy, and that 1209
explanation, if agreed to, shall be subscribed to by all of the 1210
~~judges~~ precinct election officials. Any ~~judge~~ precinct official 1211
having a different explanation shall enter it in the poll books 1212
and subscribe to it. 1213

(F) Put the unused ballots with stubs attached, and soiled 1214
and defaced ballots with stubs attached, in the envelopes or 1215
containers provided therefor, and certify the number. 1216

The receiving officials shall deliver to and place in the 1217
custody of the counting officials all the supplies provided for 1218
the conduct of that election and the ballots that are to be 1219
counted and tallied, and take a receipt for the same, which 1220
receipt shall appear in and be a part of the poll books of such 1221
precinct. Having performed their duties, the receiving officials 1222
shall immediately depart. 1223

Having receipted for the ballots, the counting officials 1224
shall proceed to count and tally the vote as cast in the manner 1225

prescribed by section 3505.27 of the Revised Code and certify the 1226
result of the election to the board of elections. 1227

Sec. 3501.27. (A) All ~~judges of~~ precinct election officials 1228
shall complete a program of instruction pursuant to division (B) 1229
of this section. No person who has been convicted of a felony or 1230
any violation of the election laws, who is unable to read and 1231
write the English language readily, or who is a candidate for an 1232
office to be voted for by the voters of the precinct in which the 1233
person is to serve shall serve as an election officer. A person 1234
when appointed as an election officer shall receive from the board 1235
of elections a certificate of appointment that may be revoked at 1236
any time by the board for good and sufficient reasons. The 1237
certificate shall be in the form the board prescribes and shall 1238
specify the precinct, ward, or district in and for which the 1239
person to whom it is issued is appointed to serve, the date of 1240
appointment, and the expiration of the person's term of service. 1241

(B)(1) Each board shall establish a program as prescribed by 1242
the secretary of state for the instruction of election officers in 1243
the rules, procedures, and law relating to elections. In each 1244
program, the board shall use training materials prepared by the 1245
secretary of state and may use additional materials prepared by or 1246
on behalf of the board. The board may use the services of unpaid 1247
volunteers in conducting its program and may reimburse those 1248
volunteers for necessary and actual expenses incurred in 1249
participating in the program. 1250

~~The~~ Subject to division (B)(2) of this section, the board 1251
shall train each new election officer before the new officer 1252
participates in the first election in that capacity. The board 1253
shall instruct election officials who have been trained previously 1254
only when the board or secretary of state considers that 1255
instruction necessary, but the board shall reinstruct such 1256

persons, other than ~~presiding judges~~ voting location managers, at 1257
least once in every three years and shall reinstruct ~~presiding~~ 1258
~~judges~~ voting location managers before the primary election in 1259
even-numbered years. The board shall schedule any program of 1260
instruction within sixty days prior to the election in which the 1261
officials to be trained will participate. 1262

(2) In addition to the training required under division 1263
(B)(1) of this section, the secretary of state may mandate 1264
additional training for election officials on a continuing basis 1265
in an effort to achieve election uniformity. 1266

(C) The duties of a ~~judge of an~~ precinct election official in 1267
each polling place shall be performed only by an individual who 1268
has successfully completed the requirements of the program, unless 1269
such an individual is unavailable after reasonable efforts to 1270
obtain such services. 1271

(D) The secretary of state shall establish a program for the 1272
instruction of members of boards of elections and employees of 1273
boards in the rules, procedures, and law relating to elections. 1274
Each member and employee shall complete the training program 1275
within six months after the member's or employee's original 1276
appointment or employment, and thereafter each member and employee 1277
shall complete a training program to update their knowledge once 1278
every four years or more often as determined by the secretary of 1279
state. 1280

(E) The secretary of state shall reimburse each county for 1281
the cost of programs established pursuant to division (B) of this 1282
section, once the secretary of state has received an itemized 1283
statement of expenses for such instruction programs from the 1284
county. The itemized statement shall be in a form prescribed by 1285
the secretary of state. 1286

Sec. 3501.28. (A) As used in this section: 1287

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

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

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

~~(B) Beginning with calendar year 1998, each judge of an election in a county shall be paid for the judge's services at the same hourly rate, which shall be not less than the minimum hourly rate established by the Fair Labor Standards Act and not more than eighty five dollars per diem.~~

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

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

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

(b) Except as otherwise provided in division ~~(E)~~(D)(2) of this section, a board of elections may increase the pay of a ~~judge of an~~ precinct election official during a calendar year by up to, but not exceeding, nine per cent over the compensation paid to a ~~judge of an~~ precinct election official in the county where the board is located during the previous calendar year, if the compensation so paid during the previous calendar year was eighty-five dollars or less per diem.

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

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

~~(F)~~(E) No ~~judge of an~~ precinct election official who works less than the full election day shall be paid the maximum amount allowed under this section or the maximum amount as set by the

board of elections, whichever is less. 1351

~~(G)(F)~~(1) Except as otherwise provided in divisions ~~(G)(F)~~(4) 1352
to (6) of this section, any employee of the state or of any 1353
political subdivision of the state may serve as a ~~judge of~~ 1354
~~elections~~ precinct election official on the day of an election 1355
without loss of the employee's regular compensation for that day 1356
as follows: 1357

(a) For employees of a county office, department, commission, 1358
board, or other entity, or of a court of common pleas, county 1359
court, or county-operated municipal court, as defined in section 1360
1901.03 of the Revised Code, the employee's appointing authority 1361
may permit leave with pay for this service in accordance with a 1362
resolution setting forth the terms and conditions for that leave 1363
passed by the board of county commissioners. 1364

(b) For all other employees of a political subdivision of the 1365
state, leave with pay for this service shall be subject to the 1366
terms and conditions set forth in an ordinance or a resolution 1367
passed by the legislative authority of the applicable political 1368
subdivision. 1369

(c) For state employees, leave with pay for this service 1370
shall be subject to the terms and conditions set forth by the head 1371
of the state agency, as defined in section 1.60 of the Revised 1372
Code, by which the person is employed. 1373

(2) Any terms and conditions set forth by a board of county 1374
commissioners, legislative authority of a political subdivision, 1375
or head of a state agency under division ~~(G)(F)~~(1) of this section 1376
shall include a standard procedure for deciding which employees 1377
are permitted to receive leave with pay if multiple employees of 1378
an entity or court described in division ~~(G)(F)~~(1)(a) of this 1379
section, of an entity of a political subdivision described in 1380
division ~~(G)(F)~~(1)(b) of this section, or of a state agency as 1381

defined in section 1.60 of the Revised Code apply to serve as a 1382
~~judge of elections~~ precinct election official on the day of an 1383
election. This procedure shall be applied uniformly to all 1384
similarly situated employees. 1385

(3) Any employee who is eligible for leave with pay under 1386
division ~~(G)~~(F)(1) of this section shall receive, in addition to 1387
the employee's regular compensation, the compensation paid to the 1388
~~judge of an~~ precinct election official under division (B) ~~or~~ (C) ~~or~~ 1389
~~(D)~~ of this section. 1390

(4) Division ~~(G)~~(F)(1) of this section does not apply to 1391
either of the following: 1392

(a) Election officials; 1393

(b) Public school teachers. 1394

(5) Nothing in division ~~(G)~~(F)(1) of this section supersedes 1395
or negates any provision of a collective bargaining agreement in 1396
effect under Chapter 4117. of the Revised Code. 1397

(6) If a board of county commissioners, legislative authority 1398
of a political subdivision, or head of a state agency fails to set 1399
forth any terms and conditions under division ~~(G)~~(F)(1) of this 1400
section, an employee of an entity or court described in division 1401
~~(G)~~(F)(1)(a) of this section, of an entity of a political 1402
subdivision described in division ~~(G)~~(F)(1)(b) of this section, or 1403
of a state agency as defined in section 1.60 of the Revised Code 1404
may use personal leave, vacation leave, or compensatory time, or 1405
take unpaid leave, to serve as a ~~judge of elections~~ precinct
election official on the day of an election. 1406
1407

~~(H)~~(G) The board of elections may withhold the compensation 1408
of any precinct election official for failure to obey the 1409
instructions of the board or to comply with the law relating to 1410
the duties of ~~such a precinct judge~~ election official. Any payment 1411
a ~~judge of an~~ precinct election official is entitled to receive 1412

under section 3501.36 of the Revised Code is in addition to the 1413
compensation the ~~judge~~ official is entitled to receive under this 1414
section. 1415

Sec. 3501.29. (A) The board of elections shall provide for 1416
each precinct a polling place and provide adequate facilities at 1417
each polling place for conducting the election. The board shall 1418
provide a sufficient number of screened or curtained voting 1419
compartments to which electors may retire and conveniently mark 1420
their ballots, protected from the observation of others. Each 1421
voting compartment shall be provided at all times with writing 1422
implements, instructions how to vote, and other necessary 1423
conveniences for marking the ballot. The ~~presiding judge~~ voting 1424
location manager shall ensure that the voting compartments at all 1425
times are adequately lighted and contain the necessary supplies. 1426
The board shall utilize, in so far as practicable, rooms in public 1427
schools and other public buildings for polling places. Upon 1428
application of the board of elections, the authority which has the 1429
control of any building or grounds supported by taxation under the 1430
laws of this state, shall make available the necessary space 1431
therein for the purpose of holding elections and adequate space 1432
for the storage of voting machines, without charge for the use 1433
thereof. A reasonable sum may be paid for necessary janitorial 1434
service. When polling places are established in private buildings, 1435
the board may pay a reasonable rental therefor, and also the cost 1436
of liability insurance covering the premises when used for 1437
election purposes, or the board may purchase a single liability 1438
policy covering the board and the owners of the premises when used 1439
for election purposes. When removable buildings are supplied by 1440
the board, they shall be constructed under the contract let to the 1441
lowest and best bidder, and the board shall observe all ordinances 1442
and regulations then in force as to safety. The board shall remove 1443
all such buildings from streets and other public places within 1444

thirty days after an election, unless another election is to be held within ninety days.

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

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

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

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

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

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

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

(D) The secretary of state shall: 1476

(1) Work with other state agencies to facilitate the 1477
distribution of information and technical assistance to boards of 1478
elections to meet the requirements of division (B) of this 1479
section; 1480

(2) Work with organizations that represent or provide 1481
services to handicapped, disabled, or elderly citizens to effect a 1482
wide dissemination of information about the availability of 1483
absentee voting, voting in the voter's vehicle or at the door of 1484
the polling place, or other election services to handicapped, 1485
disabled, or elderly citizens. 1486

(E) Before the day of an election, the director of the board 1487
of elections of each county shall sign a statement verifying that 1488
each polling place that will be used in that county at that 1489
election meets the requirements of division (B)(1)(b) of this 1490
section. The signed statement shall be sent to the secretary of 1491
state by certified mail. 1492

(F) As used in this section, "handicapped" means having lost 1493
the use of one or both legs, one or both arms, or any combination 1494
thereof, or being blind or so severely disabled as to be unable to 1495
move about without the aid of crutches or a wheelchair. 1496

Sec. 3501.30. (A) The board of elections shall provide for 1497
each polling place the necessary ballot ~~boxes~~ box, official 1498
ballots, cards of instructions, registration forms, pollbooks or 1499
poll lists, tally sheets, forms on which to make summary 1500
statements, writing implements, paper, and all other supplies 1501
necessary for casting and counting the ballots and recording the 1502
results of the voting at the polling place. The pollbooks or poll 1503
lists shall have certificates appropriately printed on them for 1504
the signatures of all the precinct officials, by which they shall 1505
certify that, to the best of their knowledge and belief, the 1506

pollbooks or poll lists correctly show the names of all electors 1507
who voted in the polling place at the election indicated in the 1508
pollbooks or poll lists. 1509

All of the following shall be included among the supplies 1510
provided to each polling place: 1511

(1) A large map of each appropriate precinct, which shall be 1512
displayed prominently to assist persons who desire to register or 1513
vote on election day. Each map shall show all streets within the 1514
precinct and contain identifying symbols of the precinct in bold 1515
print. 1516

(2) Any materials, postings, or instructions required to 1517
comply with state or federal laws; 1518

(3) A flag of the United States approximately two and 1519
one-half feet in length along the top, which shall be displayed 1520
outside the entrance to the polling place during the time it is 1521
open for voting; 1522

(4) Two or more small flags of the United States 1523
approximately fifteen inches in length along the top, which shall 1524
be placed at a distance of one hundred feet from the polling place 1525
on the thoroughfares or walkways leading to the polling place, to 1526
mark the distance within which persons other than election 1527
officials, observers, police officers, and electors waiting to 1528
mark, marking, or casting their ballots shall not loiter, 1529
congregate, or engage in any kind of election campaigning. Where 1530
small flags cannot reasonably be placed one hundred feet from the 1531
polling place, the ~~presiding election judge~~ voting location 1532
manager shall place the flags as near to one hundred feet from the 1533
entrance to the polling place as is physically possible. Police 1534
officers and all election officials shall see that this 1535
prohibition against loitering and congregating is enforced. 1536

When the period of time during which the polling place is 1537

open for voting expires, all of the flags described in this 1538
division shall be taken into the polling place and shall be 1539
returned to the board together with all other election supplies 1540
required to be delivered to the board. 1541

(B) The board of elections shall follow the instructions and 1542
advisories of the secretary of state in the production and use of 1543
polling place supplies. 1544

Sec. 3501.301. A contract involving a cost in excess of ~~ten~~ 1545
twenty-five thousand dollars for printing and furnishing the 1546
supplies, other than the official ballots, required in section 1547
3501.30 of the Revised Code, shall not be let until the board of 1548
elections has caused notice to be published once in a newspaper of 1549
general circulation within the county or upon notice given by 1550
mail, addressed to the responsible suppliers within the state. The 1551
board of elections may require that each bid be accompanied by a 1552
bond, with at least two individual sureties, or a surety company, 1553
satisfactory to the board, in a sum double the amount of the bid, 1554
conditioned upon the faithful performance of the contract awarded 1555
and for the payment as damages by such bidder to the board of any 1556
excess of cost over the bid which it may be required to pay for 1557
such work by reason of the failure of the bidder to complete the 1558
contract. The contract shall be let to the lowest and best bidder. 1559

Sec. 3501.302. The secretary of state may enter into 1560
agreements for the bulk purchase of election supplies in order to 1561
reduce the costs for such purchases by individual boards of 1562
elections. A board of elections desiring to participate in such 1563
purchase agreements shall file with the secretary of state a 1564
written request for inclusion. A request for inclusion shall 1565
include an agreement to be bound by such terms and conditions as 1566
the secretary of state prescribes and to make direct payments to 1567
the vendor under each purchase agreement. 1568

Sec. 3501.31. The board of elections shall mail to each 1569
precinct election official notice of the date, hours, and place of 1570
holding each election in the official's respective precinct at 1571
which it desires the official to serve. Each of such officials 1572
shall notify the board immediately upon receipt of such notice of 1573
any inability to serve. 1574

The election official designated as ~~presiding judge~~ voting 1575
location manager under section 3501.22 of the Revised Code shall 1576
call at the office of the board at such time before the day of the 1577
election, not earlier than the tenth day before the day of the 1578
election, as the board designates to obtain the ballots, 1579
pollbooks, registration forms and lists, and other material to be 1580
used in the official's polling place on election day. 1581

The board may also provide for the delivery of such materials 1582
to polling places in a municipal corporation by members of the 1583
police department of such municipal corporation; or the board may 1584
provide for the delivery of such materials to the ~~presiding judge~~ 1585
voting location manager not earlier than the tenth day before the 1586
election, in any manner it finds to be advisable. 1587

On election day the precinct election officials shall 1588
punctually attend the polling place ~~one-half hour before~~ at the 1589
time ~~fixed for opening the polls~~ determined by the board of 1590
elections. Each of the precinct election officials shall thereupon 1591
make and subscribe to a statement which shall be as follows: 1592

"State of Ohio 1593

County of 1594

I do solemnly swear under the penalty of perjury that I will 1595
support the constitution of the United States of America and the 1596
constitution of the state of Ohio and its laws; that I have not 1597
been convicted of a felony or any violation of the election laws; 1598

that I will discharge to the best of my ability the duties of 1599
~~judge of precinct~~ election official in and for precinct 1600
..... in the (township) or 1601
(ward and city or village) in the county of 1602
....., in the election to be held on the 1603
day of,, as required by law and the rules 1604
and instructions of the board of elections of said county; and 1605
that I will endeavor to prevent fraud in such election, and will 1606
report immediately to said board any violations of the election 1607
laws which come to my attention, and will not disclose any 1608
information as to how any elector voted which is gained by me in 1609
the discharge of my official duties. 1610

..... 1611
..... 1612
..... 1613
..... 1614
..... 1615
..... 1616
(Signatures of precinct election officials)" 1617

If any of the other precinct election officials is absent at 1618
that time, the ~~presiding judge~~ voting location manager, with the 1619
concurrence of a majority of the precinct election officials 1620
present, shall appoint a qualified elector who is a member of the 1621
same political party as the political party of which such absent 1622
precinct election official is a member to fill the vacancy until 1623
the board appoints a person to fill such vacancy and the person so 1624
appointed reports for duty at the polling place. The ~~presiding~~ 1625
~~judge~~ voting location manager shall promptly notify the board of 1626
such vacancy by telephone or otherwise. The ~~presiding judge~~ voting 1627
location manager also shall assign the precinct election officials 1628
to their respective duties and shall have general charge of the 1629

polling place. 1630

Sec. 3501.32. (A) Except as otherwise provided in division 1631
(B) of this section, on the day of the election the polls shall be 1632
opened by proclamation by the ~~presiding judge~~ voting location 1633
manager, or in ~~his~~ the manager's absence by a ~~presiding judge~~ 1634
voting location manager chosen by the ~~judges~~ precinct election 1635
officials, at six-thirty a.m. and shall be closed by proclamation 1636
at seven-thirty p.m. unless there are voters waiting in line to 1637
cast their ballots, in which case the polls shall be kept open 1638
until such waiting voters have voted. 1639

(B) On the day of the election, any polling place located on 1640
an island not connected to the mainland by a highway or a bridge 1641
may close earlier than seven-thirty p.m. if all registered voters 1642
in the precinct have voted. When a polling place closes under 1643
division (B) of this section the ~~presiding judge~~ voting location 1644
manager shall immediately notify the board of elections of the 1645
closing. 1646

Sec. 3501.33. All ~~judges of~~ precinct election officials shall 1647
enforce peace and good order in and about the place of 1648
registration or election. They shall especially keep the place of 1649
access of the electors to the polling place open and unobstructed 1650
and prevent and stop any improper practices or attempts tending to 1651
obstruct, intimidate, or interfere with any elector in registering 1652
or voting. They shall protect observers against molestation and 1653
violence in the performance of their duties, and may eject from 1654
the polling place any observer for violation of any provision of 1655
Title XXXV of the Revised Code. They shall prevent riots, 1656
violence, tumult, or disorder. In the discharge of these duties, 1657
they may call upon the sheriff, police, or other peace officers to 1658
aid them in enforcing the law. They may order the arrest of any 1659
person violating Title XXXV of the Revised Code, but such an 1660

arrest shall not prevent the person from registering or voting if 1661
the person is entitled to do so. The sheriff, all constables, 1662
police officers, and other officers of the peace shall immediately 1663
obey and aid in the enforcement of any lawful order made by the 1664
precinct election officials in the enforcement of Title XXXV of 1665
the Revised Code. 1666

Sec. 3501.35. (A) During an election and the counting of the 1667
ballots, no person shall do any of the following: 1668

(1) Loiter, congregate, or engage in any kind of election 1669
campaigning within the area between the polling place and the 1670
small flags of the United States placed on the thoroughfares and 1671
walkways leading to the polling place, and if the line of electors 1672
waiting to vote extends beyond those small flags, within ten feet 1673
of any elector in that line; 1674

(2) In any manner hinder or delay an elector in reaching or 1675
leaving the place fixed for casting the elector's ballot; 1676

(3) Give, tender, or exhibit any ballot or ticket to any 1677
person other than the elector's own ballot to the ~~judge of~~ 1678
precinct election officials within the area between the polling 1679
place and the small flags of the United States placed on the 1680
thoroughfares and walkways leading to the polling place, and if 1681
the line of electors waiting to vote extends beyond those small 1682
flags, within ten feet of any elector in that line; 1683

(4) Exhibit any ticket or ballot which the elector intends to 1684
cast; 1685

(5) Solicit or in any manner attempt to influence any elector 1686
in casting the elector's vote. 1687

(B)(1) Except as otherwise provided in division (B)(2) of 1688
this section and division (C) of section 3503.23 of the Revised 1689
Code, no person who is not an election official, employee, 1690

observer, or police officer shall be allowed to enter the polling 1691
place during the election, except for the purpose of voting or 1692
assisting another person to vote as provided in section 3505.24 of 1693
the Revised Code. 1694

(2) Notwithstanding any provision of this section to the 1695
contrary, a journalist shall be allowed reasonable access to a 1696
polling place during an election. As used in this division, 1697
"journalist" has the same meaning as in division (B)(9) of section 1698
149.43 of the Revised Code. 1699

(C) No more electors shall be allowed to approach the voting 1700
shelves at any time than there are voting shelves provided. 1701

(D) The ~~judges of precinct~~ election officials and the police 1702
officer shall strictly enforce the observance of this section. 1703

Sec. 3501.37. After each election, the ~~judges of elections~~ 1704
precinct election officials of each precinct, except when the 1705
board of elections assumes the duty, shall see that the movable 1706
booths and other equipment are returned for safekeeping to the 1707
fiscal officer of the township or to the clerk or auditor of the 1708
municipal corporation in which the precinct is situated. The 1709
fiscal officer, clerk, or auditor shall have booths and equipment 1710
on hand and in place at the polling places in each precinct before 1711
the time for opening the polls on election days, and for this 1712
service the board may allow the necessary expenses incurred. In 1713
cities, this duty shall devolve on the board. 1714

Sec. 3501.38. All declarations of candidacy, nominating 1715
petitions, or other petitions presented to or filed with the 1716
secretary of state or a board of elections or with any other 1717
public office for the purpose of becoming a candidate for any 1718
nomination or office or for the holding of an election on any 1719
issue shall, in addition to meeting the other specific 1720

requirements prescribed in the sections of the Revised Code 1721
relating to them, be governed by the following rules: 1722

(A) Only electors qualified to vote on the candidacy or issue 1723
which is the subject of the petition shall sign a petition. Each 1724
signer shall be a registered elector pursuant to section ~~3503.11~~ 1725
3503.01 of the Revised Code. The facts of qualification shall be 1726
determined as of the date when the petition is filed. 1727

(B) Signatures shall be affixed in ink. Each signer may also 1728
print the signer's name, so as to clearly identify the signer's 1729
signature. 1730

(C) Each signer shall place on the petition after the 1731
signer's name the date of signing and the location of the signer's 1732
voting residence, including the street and number if in a 1733
municipal corporation or the rural route number, post office 1734
address, or township if outside a municipal corporation. The 1735
voting address given on the petition shall be the address 1736
appearing in the registration records at the board of elections. 1737

(D) Except as otherwise provided in section 3501.382 of the 1738
Revised Code, no person shall write any name other than the 1739
person's own on any petition. Except as otherwise provided in 1740
section 3501.382 of the Revised Code, no person may authorize 1741
another to sign for the person. If a petition contains the 1742
signature of an elector two or more times, only the first 1743
signature shall be counted. 1744

(E)(1) On each petition paper, the circulator shall indicate 1745
the number of signatures contained on it, and shall sign a 1746
statement made under penalty of election falsification that the 1747
circulator witnessed the affixing of every signature, that all 1748
signers were to the best of the circulator's knowledge and belief 1749
qualified to sign, and that every signature is to the best of the 1750
circulator's knowledge and belief the signature of the person 1751

whose signature it purports to be or of an attorney in fact acting 1752
pursuant to section 3501.382 of the Revised Code. On the 1753
circulator's statement for a declaration of candidacy or 1754
nominating petition for a person seeking to become a statewide 1755
candidate or for a statewide initiative or a statewide referendum 1756
petition, the circulator shall identify the circulator's name, the 1757
address of the circulator's permanent residence, and the name and 1758
address of the person employing the circulator to circulate the 1759
petition, if any. 1760

(2) As used in division (E) of this section, "statewide 1761
candidate" means the joint candidates for the offices of governor 1762
and lieutenant governor or a candidate for the office of secretary 1763
of state, auditor of state, treasurer of state, or attorney 1764
general. 1765

(F) Except as otherwise provided in section 3501.382 of the 1766
Revised Code, if a circulator knowingly permits an unqualified 1767
person to sign a petition paper or permits a person to write a 1768
name other than the person's own on a petition paper, that 1769
petition paper is invalid; otherwise, the signature of a person 1770
not qualified to sign shall be rejected but shall not invalidate 1771
the other valid signatures on the paper. 1772

(G) The circulator of a petition may, before filing it in a 1773
public office, strike from it any signature the circulator does 1774
not wish to present as a part of the petition. 1775

(H) Any signer of a petition or an attorney in fact acting 1776
pursuant to section 3501.382 of the Revised Code on behalf of a 1777
signer may remove the signer's signature from that petition at any 1778
time before the petition is filed in a public office by striking 1779
the signer's name from the petition; no signature may be removed 1780
after the petition is filed in any public office. 1781

(I)(1) No alterations, corrections, or additions may be made 1782

to a petition after it is filed in a public office. 1783

(2)(a) No declaration of candidacy, nominating petition, or 1784
other petition for the purpose of becoming a candidate may be 1785
withdrawn after it is filed in a public office. Nothing in this 1786
division prohibits a person from withdrawing as a candidate as 1787
otherwise provided by law. 1788

(b) No petition presented to or filed with the secretary of 1789
state, a board of elections, or any other public office for the 1790
purpose of the holding of an election on any question or issue may 1791
be resubmitted after it is withdrawn from a public office. Nothing 1792
in this division prevents a question or issue petition from being 1793
withdrawn by the filing of a written notice of the withdrawal by a 1794
majority of the members of the petitioning committee with the same 1795
public office with which the petition was filed prior to the 1796
sixtieth day before the election at which the question or issue is 1797
scheduled to appear on the ballot. 1798

(J) All declarations of candidacy, nominating petitions, or 1799
other petitions under this section shall be accompanied by the 1800
following statement in boldface capital letters: WHOEVER COMMITS 1801
ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE. 1802

(K) All separate petition papers shall be filed at the same 1803
time, as one instrument. 1804

(L) If a board of elections distributes for use a petition 1805
form for a declaration of candidacy, nominating petition, or any 1806
type of question or issue petition that does not satisfy the 1807
requirements of law as of the date of that distribution, the board 1808
shall not invalidate the petition on the basis that the petition 1809
form does not satisfy the requirements of law, if the petition 1810
otherwise is valid. Division (L) of this section applies only if 1811
the candidate received the petition from the board within ninety 1812
days of when the petition is required to be filed. 1813

Sec. 3501.40. Notwithstanding any provision of the Revised Code to the contrary, only the attorney general, in consultation with the governor, the secretary of state, the president of the senate, and the speaker of the house of representatives, shall enter into a consent decree in any judicial challenge to any provision of Title XXXV of the Revised Code, to any other section of the Revised Code governing the election process in this state, or to any election procedure conducted under the rules, directives, or advisories issued by the secretary of state.

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

(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.

(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 or county of this state, for temporary purposes only, with the intention of returning.

(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 such county the permanent place of abode.

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

(E) If a person removes to another state with the intention 1844
of making such state the person's residence, the person shall be 1845
considered to have lost the person's residence in this state. 1846

(F) Except as otherwise provided in division (G) of this 1847
section, if a person removes from this state and continuously 1848
resides outside this state for a period of four years or more, the 1849
person shall be considered to have lost the person's residence in 1850
this state, notwithstanding the fact that the person may entertain 1851
an intention to return at some future period. 1852

(G) If a person removes from this state to engage in the 1853
services of the United States government, the person shall not be 1854
considered to have lost the person's residence in this state 1855
during the period of such service, and likewise should the person 1856
enter the employment of the state, the place where such person 1857
resided at the time of the person's removal shall be considered to 1858
be the person's place of residence. 1859

(H) If a person goes into another state and while there 1860
exercises the right of a citizen by voting, the person shall be 1861
considered to have lost the person's residence in this state. 1862

(I) If a person does not have a fixed place of habitation, 1863
but has a shelter or other location at which the person has been a 1864
consistent or regular inhabitant and to which the person has the 1865
intention of returning, that shelter or other location shall be 1866
deemed the person's residence for the purpose of registering to 1867
vote. 1868

Sec. 3503.05. The secretary of state shall establish, by 1869
rule, a uniform process for notifying individuals who have 1870
submitted an incomplete voter registration application of the 1871
incomplete status of that application. The process shall permit 1872
such an individual to provide any information required to complete 1873
the application. 1874

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

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

~~(2) All election officials, in determining the residence of a person circulating a petition under division (B)(1) of this section, shall be governed by the following rules:~~

~~(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.~~

~~(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.~~

~~(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.~~

~~(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.~~

~~(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.~~ 1905
1906

~~(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.~~ 1907
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~~(g) If a person goes into another state and, while there,
exercises the right of a citizen by voting, the person shall be
considered to have lost the person's residence in this state.~~ 1914
1915
1916

~~(C) No person shall be entitled to sign any initiative or
referendum petition unless the person is registered as an elector
and will have resided in the county and precinct where the person
is registered for at least thirty days at the time of the next
election.~~ 1917
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Sec. 3503.10. (A) Each designated agency shall designate one 1922
person within that agency to serve as coordinator for the voter 1923
registration program within the agency and its departments, 1924
divisions, and programs. The designated person shall be trained 1925
under a program designed by the secretary of state and shall be 1926
responsible for administering all aspects of the voter 1927
registration program for that agency as prescribed by the 1928
secretary of state. The designated person shall receive no 1929
additional compensation for performing such duties. 1930

(B) Every designated agency, public high school and 1931
vocational school, public library, and office of a county 1932
treasurer shall provide in each of its offices or locations voter 1933
registration applications and assistance in the registration of 1934
persons qualified to register to vote, in accordance with this 1935

chapter. 1936

(C) Every designated agency shall distribute to its 1937
applicants, prior to or in conjunction with distributing a voter 1938
registration application, a form prescribed by the secretary of 1939
state that includes all of the following: 1940

(1) The question, "Do you want to register to vote or update 1941
your current voter registration?"--followed by boxes for the 1942
applicant to indicate whether the applicant would like to register 1943
or decline to register to vote, and the statement, highlighted in 1944
bold print, "If you do not check either box, you will be 1945
considered to have decided not to register to vote at this time."; 1946

(2) If the agency provides public assistance, the statement, 1947
"Applying to register or declining to register to vote will not 1948
affect the amount of assistance that you will be provided by this 1949
agency."; 1950

(3) The statement, "If you would like help in filling out the 1951
voter registration application form, we will help you. The 1952
decision whether to seek or accept help is yours. You may fill out 1953
the application form in private."; 1954

(4) The statement, "If you believe that someone has 1955
interfered with your right to register or to decline to register 1956
to vote, your right to privacy in deciding whether to register or 1957
in applying to register to vote, or your right to choose your own 1958
political party or other political preference, you may file a 1959
complaint with the prosecuting attorney of your county or with the 1960
secretary of state," with the address and telephone number for 1961
each such official's office. 1962

(D) Each designated agency shall distribute a voter 1963
registration form prescribed by the secretary of state to each 1964
applicant with each application for service or assistance, and 1965
with each written application or form for recertification, 1966

renewal, or change of address. 1967

(E) Each designated agency shall do all of the following: 1968

(1) Have employees trained to administer the voter 1969
registration program in order to provide to each applicant who 1970
wishes to register to vote and who accepts assistance, the same 1971
degree of assistance with regard to completion of the voter 1972
registration application as is provided by the agency with regard 1973
to the completion of its own form; 1974

(2) Accept completed voter registration applications, voter 1975
registration change of residence forms, and voter registration 1976
change of name forms, regardless of whether the application or 1977
form was distributed by the designated agency, for transmittal to 1978
the office of the board of elections in the county in which the 1979
agency is located. Each designated agency and the appropriate 1980
board of elections shall establish a method by which the voter 1981
registration applications and other voter registration forms are 1982
transmitted to that board of elections within five days after 1983
being accepted by the agency. 1984

(3) If the designated agency is one that is primarily engaged 1985
in providing services to persons with disabilities under a 1986
state-funded program, and that agency provides services to a 1987
person with disabilities at a person's home, provide the services 1988
described in divisions (E)(1) and (2) of this section at the 1989
person's home; 1990

(4) Keep as confidential, except as required by the secretary 1991
of state for record-keeping purposes, the identity of an agency 1992
through which a person registered to vote or updated the person's 1993
voter registration records, and information relating to a 1994
declination to register to vote made in connection with a voter 1995
registration application issued by a designated agency. 1996

(F) The secretary of state shall prepare and transmit written 1997

instructions on the implementation of the voter registration 1998
program within each designated agency, public high school and 1999
vocational school, public library, and office of a county 2000
treasurer. The instructions shall include directions as follows: 2001

(1) That each person designated to assist with voter 2002
registration maintain strict neutrality with respect to a person's 2003
political philosophies, a person's right to register or decline to 2004
register, and any other matter that may influence a person's 2005
decision to register or not register to vote; 2006

(2) That each person designated to assist with voter 2007
registration not seek to influence a person's decision to register 2008
or not register to vote, not display or demonstrate any political 2009
preference or party allegiance, and not make any statement to a 2010
person or take any action the purpose or effect of which is to 2011
lead a person to believe that a decision to register or not 2012
register has any bearing on the availability of services or 2013
benefits offered, on the grade in a particular class in school, or 2014
on credit for a particular class in school; 2015

(3) Regarding when and how to assist a person in completing 2016
the voter registration application, what to do with the completed 2017
voter registration application or voter registration update form, 2018
and when the application must be transmitted to the appropriate 2019
board of elections; 2020

(4) Regarding what records must be kept by the agency and 2021
where and when those records should be transmitted to satisfy 2022
reporting requirements imposed on the secretary of state under the 2023
National Voter Registration Act of 1993; 2024

(5) Regarding whom to contact to obtain answers to questions 2025
about voter registration forms and procedures. 2026

(G) If the voter registration activity is part of an in-class 2027
voter registration program in a public high school or vocational 2028

school, whether prescribed by the secretary of state or 2029
independent of the secretary of state, the board of education 2030
shall do all of the following: 2031

(1) Establish a schedule of school days and hours during 2032
these days when the person designated to assist with voter 2033
registration shall provide voter registration assistance; 2034

(2) Designate a person to assist with voter registration from 2035
the public high school's or vocational school's staff; 2036

(3) Make voter registration applications and materials 2037
available, as outlined in the voter registration program 2038
established by the secretary of state pursuant to section 3501.05 2039
of the Revised Code; 2040

(4) Distribute the statement, "applying to register or 2041
declining to register to vote will not affect or be a condition of 2042
your receiving a particular grade in or credit for a school course 2043
or class, participating in a curricular or extracurricular 2044
activity, receiving a benefit or privilege, or participating in a 2045
program or activity otherwise available to pupils enrolled in this 2046
school district's schools."; 2047

(5) Establish a method by which the voter registration 2048
application and other voter registration forms are transmitted to 2049
the board of elections within five days after being accepted by 2050
the public high school or vocational school. 2051

(H) Any person employed by the designated agency, public high 2052
school or vocational school, public library, or office of a county 2053
treasurer may be designated to assist with voter registration 2054
pursuant to this section. The designated agency, public high 2055
school or vocational school, public library, or office of a county 2056
treasurer shall provide the designated person, and make available 2057
such space as may be necessary, without charge to the county or 2058
state. 2059

(I) The secretary of state shall prepare and cause to be 2060
displayed in a prominent location in each designated agency a 2061
notice that identifies the person designated to assist with voter 2062
registration, the nature of that person's duties, and where and 2063
when that person is available for assisting in the registration of 2064
voters. 2065

A designated agency may furnish additional supplies and 2066
services to disseminate information to increase public awareness 2067
of the existence of a person designated to assist with voter 2068
registration in every designated agency. 2069

(J) This section does not limit any authority a board of 2070
education, superintendent, or principal has to allow, sponsor, or 2071
promote voluntary election registration programs within a high 2072
school or vocational school, including programs in which pupils 2073
serve as persons designated to assist with voter registration, 2074
provided that no pupil is required to participate. 2075

(K) Each public library and office of the county treasurer 2076
shall establish a method by which voter registration forms are 2077
transmitted to the board of elections within five days after being 2078
accepted by the public library or office of the county treasurer. 2079

(L) The department of job and family services and its 2080
departments, divisions, and programs shall limit administration of 2081
the aspects of the voter registration program for the department 2082
to the requirements prescribed by the secretary of state and, the 2083
requirements of this section, and the requirements of the National 2084
Voter Registration Act of 1993. 2085

Sec. 3503.14. (A) The secretary of state shall prescribe the 2086
form and content of the registration, change of residence, and 2087
change of name forms used in this state. The forms shall meet the 2088
requirements of the National Voter Registration Act of 1993 and 2089
shall include spaces for all of the following: 2090

(1) The voter's name;	2091
(2) The voter's address;	2092
(3) The current date;	2093
(4) The voter's date of birth;	2094
(5) The voter to provide one or more of the following:	2095
(a) The voter's driver's license number, if any;	2096
(b) The last four digits of the voter's social security number, if any;	2097 2098
(c) A copy of a current and valid photo identification, a copy of a military identification, <u>a copy of a United States</u> <u>passport</u> , or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the voter's name and address.	2099 2100 2101 2102 2103 2104 2105 2106
(6) The voter's signature.	2107
The registration form shall include a space on which the person registering an applicant shall sign the person's name and provide the person's address and a space on which the person registering an applicant shall name the employer who is employing that person to register the applicant.	2108 2109 2110 2111 2112
Except for forms prescribed by the secretary of state under section 3503.11 of the Revised Code, the secretary of state shall permit boards of elections to produce forms that have subdivided spaces for each individual alphanumeric character of the information provided by the voter so as to accommodate the electronic reading and conversion of the voter's information to data and the subsequent electronic transfer of that data to the statewide voter registration database established under section	2113 2114 2115 2116 2117 2118 2119 2120

3503.15 of the Revised Code.	2121
(B) None of the following persons who are registering an	2122
applicant in the course of that official's or employee's normal	2123
duties shall sign the person's name, provide the person's address,	2124
or name the employer who is employing the person to register an	2125
applicant on a form prepared under this section:	2126
(1) An election official;	2127
(2) A county treasurer;	2128
(3) A deputy registrar of motor vehicles;	2129
(4) An employee of a designated agency;	2130
(5) An employee of a public high school;	2131
(6) An employee of a public vocational school;	2132
(7) An employee of a public library;	2133
(8) An employee of the office of a county treasurer;	2134
(9) An employee of the bureau of motor vehicles;	2135
(10) An employee of a deputy registrar of motor vehicles;	2136
(11) An employee of an election official.	2137
(C) Except as provided in section 3501.382 of the Revised	2138
Code, any applicant who is unable to sign the applicant's own name	2139
shall make an "X," if possible, which shall be certified by the	2140
signing of the name of the applicant by the person filling out the	2141
form, who shall add the person's own signature. If an applicant is	2142
unable to make an "X," the applicant shall indicate in some manner	2143
that the applicant desires to register to vote or to change the	2144
applicant's name or residence. The person registering the	2145
applicant shall sign the form and attest that the applicant	2146
indicated that the applicant desired to register to vote or to	2147
change the applicant's name or residence.	2148
(D) No registration, change of residence, or change of name	2149

form shall be rejected solely on the basis that a person 2150
registering an applicant failed to sign the person's name or 2151
failed to name the employer who is employing that person to 2152
register the applicant as required under division (A) of this 2153
section. 2154

(E) A voter registration application submitted online through 2155
the internet pursuant to section 3503.20 of the Revised Code is 2156
not required to contain a signature to be considered valid. The 2157
signature obtained under division (B) of that section shall be 2158
considered the applicant's signature for all election and 2159
signature-matching purposes. 2160

(F) As used in this section, "registering an applicant" 2161
includes any effort, for compensation, to provide voter 2162
registration forms or to assist persons in completing or returning 2163
those forms. 2164

Sec. 3503.15. (A)(1) The secretary of state shall establish 2165
and maintain a statewide voter registration database that shall be 2166
administered by the office of the secretary of state and made 2167
continuously available to each board of elections and to other 2168
agencies as authorized by law. 2169

(2)(a) State agencies, including, but not limited to, the 2170
department of health, bureau of motor vehicles, department of job 2171
and family services, and the department of rehabilitation and 2172
corrections, shall provide any information and data to the 2173
secretary of state that the secretary of state considers necessary 2174
in order to maintain the statewide voter registration database 2175
established pursuant to this section. The secretary of state shall 2176
ensure that any information or data provided to the secretary of 2177
state that is confidential in the possession of the entity 2178
providing the data remains confidential while in the possession of 2179
the secretary of state. 2180

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

(c) A board of elections shall contact a registered elector by mail at the address on file with the board to verify the accuracy of the information in the statewide voter registration database regarding that elector if information provided under division (A)(2)(a) of this section identifies a discrepancy between the information regarding that elector that is maintained in the statewide voter registration database and maintained by a state agency.

(3) The secretary of state may enter into agreements to share information or data with other states or groups of states, as the secretary of state considers necessary, in order to maintain the statewide voter registration database established pursuant to this section. Except as otherwise provided in this division, the secretary of state shall ensure that any information or data provided to the secretary of state that is confidential in the possession of the state providing the data remains confidential while in the possession of the secretary of state. The secretary of state may provide such otherwise confidential information or data to persons or organizations that are engaging in legitimate governmental purposes related to the maintenance of the statewide voter registration database.

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

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

following:	2213
(1) An electronic network that connects all board of elections offices with the office of the secretary of state and with the offices of all other boards of elections;	2214 2215 2216
(2) A computer program that harmonizes the records contained in the database with records maintained by each board of elections;	2217 2218 2219
(3) An interactive computer program that allows access to the records contained in the database by each board of elections and by any persons authorized by the secretary of state to add, delete, modify, or print database records, and to conduct updates of the database;	2220 2221 2222 2223 2224
(4) A search program capable of verifying registered voters and their registration information by name, driver's license number, birth date, social security number, or current address;	2225 2226 2227
(5) Safeguards and components to ensure that the integrity, security, and confidentiality of the voter registration information is maintained.	2228 2229 2230
(D) The secretary of state shall adopt rules pursuant to Chapter 119. of the Revised Code doing all of the following:	2231 2232
(1) Specifying the manner in which existing voter registration records maintained by boards of elections shall be converted to electronic files for inclusion in the statewide voter registration database;	2233 2234 2235 2236
(2) Establishing a uniform method for entering voter registration records into the statewide voter registration database on an expedited basis, but not less than once per day, if new registration information is received;	2237 2238 2239 2240
(3) Establishing a uniform method for purging canceled voter registration records from the statewide voter registration	2241 2242

database in accordance with section 3503.21 of the Revised Code;	2243
(4) Specifying the persons authorized to add, delete, modify, or print records contained in the statewide voter registration database and to make updates of that database;	2244 2245 2246
(5) Establishing a process for annually auditing the information contained in the statewide voter registration database;	2247 2248 2249
<u>(6) Establishing a uniform method for addressing instances in which records contained in the statewide voter registration database do not conform with records maintained by the bureau of motor vehicles.</u>	2250 2251 2252 2253
(E) A board of elections promptly shall purge a voter's name and voter registration information <u>shall be purged</u> from the statewide voter registration database in accordance with the rules adopted by the secretary of state under division (D)(3) of this section after the cancellation of a voter's registration under section 3503.21 of the Revised Code.	2254 2255 2256 2257 2258 2259
(F) The secretary of state shall provide training in the operation of the statewide voter registration database to each board of elections and to any persons authorized by the secretary of state to add, delete, modify, or print database records, and to conduct updates of the database.	2260 2261 2262 2263 2264
(G)(1) The statewide voter registration database established under this section shall be made available on a web site of the office of the secretary of state as follows:	2265 2266 2267
(a) Except as otherwise provided in division (G)(1)(b) of this section, only the following information from the statewide voter registration database regarding a registered voter shall be made available on the web site:	2268 2269 2270 2271
(i) The voter's name;	2272

(ii) The voter's address;	2273
(iii) The voter's precinct number;	2274
(iv) The voter's voting history.	2275
(b) During the thirty days before the day of a primary or general election, the web site interface of the statewide voter registration database shall permit a voter to search for the polling location at which that voter may cast a ballot.	2276 2277 2278 2279
(2) The secretary of state shall establish, by rule adopted under Chapter 119. of the Revised Code, a process for boards of elections to notify the secretary of state of changes in the locations of precinct polling places for the purpose of updating the information made available on the secretary of state's web site under division (G)(1)(b) of this section. Those rules shall require a board of elections, during the thirty days before the day of a primary or general election, to notify the secretary of state within one business day of any change to the location of a precinct polling place within the county.	2280 2281 2282 2283 2284 2285 2286 2287 2288 2289
(3) During the thirty days before the day of a primary or general election, not later than one business day after receiving a notification from a county pursuant to division (G)(2) of this section that the location of a precinct polling place has changed, the secretary of state shall update that information on the secretary of state's web site for the purpose of division (G)(1)(b) of this section.	2290 2291 2292 2293 2294 2295 2296
Sec. 3503.16. (A) Whenever a registered elector changes the place of residence of that registered elector from one precinct to another within a county or from one county to another, or has a change of name, that registered elector shall report the change by delivering a change of residence or change of name form, whichever is appropriate, as prescribed by the secretary of state under	2297 2298 2299 2300 2301 2302

section 3503.14 of the Revised Code to the state or local office 2303
of a designated agency, a public high school or vocational school, 2304
a public library, the office of the county treasurer, the office 2305
of the secretary of state, any office of the registrar or deputy 2306
registrar of motor vehicles, or any office of a board of elections 2307
in person or by a third person. Any voter registration, change of 2308
address, or change of name application, returned by mail, may be 2309
sent only to the secretary of state or the board of elections. 2310

A registered elector also may update the registration of that 2311
registered elector by filing a change of residence or change of 2312
name form on the day of a special, primary, or general election at 2313
the polling place in the precinct in which that registered elector 2314
resides or at the board of elections or at another site designated 2315
by the board. 2316

(B)(1)(a) Any registered elector who moves within a precinct 2317
on or prior to the day of a general, primary, or special election 2318
and has not filed a notice of change of residence with the board 2319
of elections may vote in that election by going to that registered 2320
elector's assigned polling place in the precinct in which the 2321
registered elector resides, completing and signing a notice of 2322
change of residence, showing identification in the form of a 2323
current and valid photo identification, a military identification, 2324
a United States passport, or a copy of a current utility bill, 2325
bank statement, government check, paycheck, or other government 2326
document, ~~other than a notice of an election mailed by a board of~~ 2327
~~elections under section 3501.19 of the Revised Code or a notice of~~ 2328
voter registration mailed by a board of elections under section 2329
3503.19 of the Revised Code, that shows the name and current 2330
address of the elector, and casting a ballot. ~~If the elector~~ 2331
~~provides either a driver's license or a state identification card~~ 2332
~~issued under section 4507.50 of the Revised Code that does not~~ 2333
~~contain the elector's current residence address, the elector shall~~ 2334

~~provide the last four digits of the elector's driver's license
number or state identification card number, and the precinct
election official shall mark the poll list or signature pollbook
to indicate that the elector has provided a driver's license or
state identification card number with a former address and record
the last four digits of the elector's driver's license number or
state identification card number.~~

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

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

(a) ~~Appears at anytime during regular business~~ the hours for
casting an absent voter's ballot in person under section 3509.01
of the Revised Code on or after the ~~twenty-eighth~~ sixteenth day
prior to the election in which that registered elector wishes to
vote ~~or, if the election is held on the day of a presidential
primary election, the twenty-fifth day prior to the election,~~
through ~~noon~~ six p.m. of the ~~Saturday~~ Friday prior to the election
at the office of the board of elections, ~~appears at any time~~

~~during regular business hours on the Monday prior to the election~~ 2367
~~at the office of the board of elections, or at another location~~ 2368
~~designated under division (C) of section 3501.10 of the Revised~~ 2369
~~Code~~ or appears on the day of the election at either of the 2370
following locations: 2371

(i) The polling place in the precinct in which that 2372
registered elector resides; 2373

(ii) The office of the board of elections or, if pursuant to 2374
division (C) of section 3501.10 of the Revised Code the board has 2375
designated another location in the county at which registered 2376
electors may vote, at that other location instead of the office of 2377
the board of elections. 2378

(b) Completes and signs, under penalty of election 2379
falsification, the written affirmation on the provisional ballot 2380
envelope, which shall serve as a notice of change of residence or 2381
change of name, whichever is appropriate, ~~and files it with~~ 2382
~~election officials at the polling place, at the office of the~~ 2383
~~board of elections, or, if pursuant to division (C) of section~~ 2384
~~3501.10 of the Revised Code the board has designated another~~ 2385
~~location in the county at which registered electors may vote, at~~ 2386
~~that other location instead of the office of the board of~~ 2387
~~elections, whichever is appropriate;~~ 2388

(c) Votes a provisional ballot under section 3505.181 of the 2389
Revised Code at the polling place in the precinct in which the 2390
registered elector resides, at the office of the board of 2391
elections, or, if pursuant to division (C) of section 3501.10 of 2392
the Revised Code the board has designated another location in the 2393
county at which registered electors may vote, at that other 2394
location instead of the office of the board of elections, 2395
whichever is appropriate, using the address to which that 2396
registered elector has moved or the name of that registered 2397
elector as changed, whichever is appropriate; 2398

(d) Completes and signs, under penalty of election 2399
falsification, a statement attesting that that registered elector 2400
moved or had a change of name, whichever is appropriate, on or 2401
prior to the day of the election, has voted a provisional ballot 2402
at the polling place in the precinct in which that registered 2403
elector resides, at the office of the board of elections, or, if 2404
pursuant to division (C) of section 3501.10 of the Revised Code 2405
the board has designated another location in the county at which 2406
registered electors may vote, at that other location instead of 2407
the office of the board of elections, whichever is appropriate, 2408
and will not vote or attempt to vote at any other location for 2409
that particular election. ~~The statement required under division~~ 2410
~~(B)(2)(d) of this section shall be included on the notice of~~ 2411
~~change of residence or change of name, whichever is appropriate,~~ 2412
~~required under division (B)(2)(b) of this section.~~ 2413

(C) Any registered elector who moves from one county to 2414
another county within the state or moves from one county to 2415
another and changes the name of that registered elector on or 2416
prior to the day of a general, primary, or special election and 2417
has not registered to vote in the county to which that registered 2418
elector moved may vote in that election if that registered elector 2419
complies with division (G) of this section or does all of the 2420
following: 2421

(1) Appears at any time during ~~regular business~~ the hours for 2422
casting an absent voter's ballot in person under section 3509.01 2423
of the Revised Code on or after the ~~twenty-eighth~~ sixteenth day 2424
prior to the election in which that registered elector wishes to 2425
vote ~~or, if the election is held on the day of a presidential~~ 2426
~~primary election, the twenty-fifth day prior to the election,~~ 2427
through ~~noon~~ six p.m. of the ~~Saturday~~ Friday prior to the election 2428
at the office of the board of elections or, ~~if pursuant to~~ at 2429
another location designated under division (C) of section 3501.10 2430

of the Revised Code ~~the board has designated another location in~~ 2431
~~the county at which registered electors may vote, at that other~~ 2432
~~location instead of the office of the board of elections, appears~~ 2433
~~during regular business hours on the Monday prior to the election~~ 2434
~~at the office of the board of elections or, if pursuant to~~ 2435
~~division (C) of section 3501.10 of the Revised Code the board has~~ 2436
~~designated another location in the county at which registered~~ 2437
~~electors may vote, at that other location instead of the office of~~ 2438
~~the board of elections, or appears on the day of the election at~~ 2439
~~the either of the following locations:~~ 2440

(a) The polling place in the precinct in which that elector 2441
resides; 2442

(b) The office of the board of elections or, if pursuant to 2443
division (C) of section 3501.10 of the Revised Code the board has 2444
designated another location in the county at which registered 2445
electors may vote, at that other location instead of the office of 2446
the board of elections; 2447

(2) Completes and signs, under penalty of election 2448
falsification, the written affirmation on the provisional ballot 2449
envelope, which shall serve as a notice of change of residence and 2450
~~files it with election officials at the board of elections or, if~~ 2451
~~pursuant to division (C) of section 3501.10 of the Revised Code~~ 2452
~~the board has designated another location in the county at which~~ 2453
~~registered electors may vote, at that other location instead of~~ 2454
~~the office of the board of elections or change of name, whichever~~ 2455
is appropriate; 2456

(3) Votes a provisional ballot under section 3505.181 of the 2457
Revised Code at the polling place in the precinct in which the 2458
registered elector resides, at the office of the board of 2459
elections, or, if pursuant to division (C) of section 3501.10 of 2460
the Revised Code the board has designated another location in the 2461
county at which registered electors may vote, at that other 2462

location instead of the office of the board of elections, using 2463
the address to which that registered elector has moved or the name 2464
of that registered elector as changed, whichever is appropriate; 2465

(4) Completes and signs, under penalty of election 2466
falsification, a statement attesting that that registered elector 2467
has moved from one county to another county within the state or 2468
moved from one county to another and changed the elector's name, 2469
whichever is appropriate, on or prior to the day of the election, 2470
has voted at the office of the board of elections or, if pursuant 2471
to division (C) of section 3501.10 of the Revised Code the board 2472
has designated another location in the county at which registered 2473
electors may vote, at that other location instead of the office of 2474
the board of elections, and will not vote or attempt to vote at 2475
any other location for that particular election. ~~The statement~~ 2476
~~required under division (C)(4) of this section shall be included~~ 2477
~~on the notice of change of residence required under division~~ 2478
~~(C)(2) of this section.~~ 2479

(D) A person who votes by absent voter's ballots pursuant to 2480
division (G) of this section shall not make written application 2481
for the ballots pursuant to Chapter 3509. of the Revised Code. 2482
Ballots cast pursuant to division (G) of this section shall be set 2483
aside in a special envelope and counted during the official 2484
canvass of votes in the manner provided for in sections 3505.32 2485
and 3509.06 of the Revised Code insofar as that manner is 2486
applicable. The board shall examine the pollbooks to verify that 2487
no ballot was cast at the polls or by absent voter's ballots under 2488
Chapter 3509. or 3511. of the Revised Code by an elector who has 2489
voted by absent voter's ballots pursuant to division (G) of this 2490
section. Any ballot determined to be insufficient for any of the 2491
reasons stated above or stated in section 3509.07 of the Revised 2492
Code shall not be counted. 2493

Subject to division (C) of section 3501.10 of the Revised 2494

Code, a board of elections may lease or otherwise acquire a site 2495
different from the office of the board at which registered 2496
electors may vote pursuant to division (B) or (C) of this section. 2497

(E) Upon receiving a change of residence or change of name 2498
form, the board of elections shall immediately send the registrant 2499
an acknowledgment notice. If the change of residence or change of 2500
name form is valid, the board shall update the voter's 2501
registration as appropriate. If that form is incomplete, the board 2502
shall inform the registrant in the acknowledgment notice specified 2503
in this division of the information necessary to complete or 2504
update that registrant's registration. 2505

(F) Change of residence and change of name forms shall be 2506
available at each polling place, and when these forms are 2507
completed, noting changes of residence or name, as appropriate, 2508
they shall be filed with election officials at the polling place. 2509
Election officials shall return completed forms, together with the 2510
pollbooks and tally sheets, to the board of elections. 2511

The board of elections shall provide change of residence and 2512
change of name forms to the probate court and court of common 2513
pleas. The court shall provide the forms to any person eighteen 2514
years of age or older who has a change of name by order of the 2515
court or who applies for a marriage license. The court shall 2516
forward all completed forms to the board of elections within five 2517
days after receiving them. 2518

(G) A registered elector who otherwise would qualify to vote 2519
under division (B) or (C) of this section but is unable to appear 2520
at the office of the board of elections or, if pursuant to 2521
division (C) of section 3501.10 of the Revised Code the board has 2522
designated another location in the county at which registered 2523
electors may vote, at that other location, on account of personal 2524
illness, physical disability, or infirmity, may vote on the day of 2525
the election if that registered elector does all of the following: 2526

(1) Makes a written application that includes all of the 2527
information required under section 3509.03 of the Revised Code to 2528
the appropriate board for an absent voter's ballot on or after the 2529
~~twenty-seventh~~ twenty-first day prior to the election in which the 2530
registered elector wishes to vote through ~~noon~~ six p.m. of the 2531
~~Saturday~~ Friday prior to that election and requests that the 2532
absent voter's ballot be sent to the address to which the 2533
registered elector has moved if the registered elector has moved, 2534
or to the address of that registered elector who has not moved but 2535
has had a change of name; 2536

(2) Declares that the registered elector has moved or had a 2537
change of name, whichever is appropriate, and otherwise is 2538
qualified to vote under the circumstances described in division 2539
(B) or (C) of this section, whichever is appropriate, but that the 2540
registered elector is unable to appear at the board of elections 2541
because of personal illness, physical disability, or infirmity; 2542

(3) Completes and returns along with the completed absent 2543
voter's ballot a notice of change of residence indicating the 2544
address to which the registered elector has moved, or a notice of 2545
change of name, whichever is appropriate; 2546

(4) Completes and signs, under penalty of election 2547
falsification, a statement attesting that the registered elector 2548
has moved or had a change of name on or prior to the day before 2549
the election, has voted by absent voter's ballot because of 2550
personal illness, physical disability, or infirmity that prevented 2551
the registered elector from appearing at the board of elections, 2552
and will not vote or attempt to vote at any other location or by 2553
absent voter's ballot mailed to any other location or address for 2554
that particular election. 2555

Sec. 3503.18. (A)(1) The chief health officer of each 2556
political subdivision and the director of health shall file with 2557

the secretary of state and each board of elections, at least once 2558
each month, the names, social security numbers, dates of birth, 2559
dates of death, and residences of all persons, over eighteen years 2560
of age, who have died within such subdivision or within this state 2561
or another state, respectively, within such month. 2562

(2) The secretary of state and the director of health shall 2563
jointly establish a secure electronic system through which they 2564
shall exchange the information described in division (A)(1) of 2565
this section regarding the death of a registered elector. 2566

(B) At least once each month, each probate judge in this 2567
state shall file with the board of elections the names and 2568
residence addresses of all persons over eighteen years of age who 2569
have been adjudicated incompetent for the purpose of voting, as 2570
provided in section 5122.301 of the Revised Code. ~~At~~ 2571

(C) At least once each month the clerk of the court of common 2572
pleas shall file with the board the names and residence addresses 2573
of all persons who have been convicted during the previous month 2574
of crimes that would disfranchise such persons under existing laws 2575
of the state. Reports of conviction of crimes under the laws of 2576
the United States that would disfranchise an elector and that are 2577
provided to the secretary of state by any United States attorney 2578
shall be forwarded by the secretary of state to the appropriate 2579
board of elections. 2580

(D) Upon receiving a report required by this section, the 2581
~~board of elections shall promptly cancel the~~ registration of each 2582
elector named in the report shall be promptly canceled by the 2583
secretary of state or the board of elections, as applicable. If a 2584
board of elections receives the report, and the report contains a 2585
residence address of an elector in a county other than the county 2586
in which the board of elections is located, the director shall 2587
promptly send a copy of the report to the appropriate board of 2588
elections, which shall cancel the registration. 2589

Sec. 3503.19. (A) Persons qualified to register or to change 2590
their registration because of a change of address or change of 2591
name may register or change their registration in person or 2592
through another person at any state or local office of a 2593
designated agency, at the office of the registrar or any deputy 2594
registrar of motor vehicles, at a public high school or vocational 2595
school, at a public library, at the office of a county treasurer, 2596
or at a branch office established by the board of elections, or in 2597
person, through another person, or by mail at the office of the 2598
secretary of state or at the office of a board of elections. A 2599
registered elector may also change the elector's registration on 2600
election day at any polling place where the elector is eligible to 2601
vote, in the manner provided under section 3503.16 of the Revised 2602
Code. 2603

Any state or local office of a designated agency, the office 2604
of the registrar or any deputy registrar of motor vehicles, a 2605
public high school or vocational school, a public library, or the 2606
office of a county treasurer shall transmit any voter registration 2607
application or change of registration form that it receives to the 2608
board of elections of the county in which the state or local 2609
office is located, within five business days after receiving the 2610
voter registration application or change of registration form. 2611

An otherwise valid voter registration application that is 2612
returned to the appropriate office other than by mail must be 2613
received by a state or local office of a designated agency, the 2614
office of the registrar or any deputy registrar of motor vehicles, 2615
a public high school or vocational school, a public library, the 2616
office of a county treasurer, the office of the secretary of 2617
state, or the office of a board of elections no later than the 2618
thirtieth day preceding a primary, special, or general election 2619
for the person to qualify as an elector eligible to vote at that 2620
election. An otherwise valid registration application received 2621

after that day entitles the elector to vote at all subsequent 2622
elections. 2623

Any state or local office of a designated agency, the office 2624
of the registrar or any deputy registrar of motor vehicles, a 2625
public high school or vocational school, a public library, or the 2626
office of a county treasurer shall date stamp a registration 2627
application or change of name or change of address form it 2628
receives using a date stamp that does not disclose the identity of 2629
the state or local office that receives the registration. 2630

Voter registration applications, if otherwise valid, that are 2631
returned by mail to the office of the secretary of state or to the 2632
office of a board of elections must be postmarked no later than 2633
the thirtieth day preceding a primary, special, or general 2634
election in order for the person to qualify as an elector eligible 2635
to vote at that election. If an otherwise valid voter registration 2636
application that is returned by mail does not bear a postmark or a 2637
legible postmark, the registration shall be valid for that 2638
election if received by the office of the secretary of state or 2639
the office of a board of elections no later than twenty-five days 2640
preceding any special, primary, or general election. 2641

(B)(1) Any person may apply in person, by telephone, by mail, 2642
or through another person for voter registration forms to the 2643
office of the secretary of state or the office of a board of 2644
elections. An individual who is eligible to vote as a uniformed 2645
services voter or an overseas voter in accordance with 42 U.S.C. 2646
1973ff-6 also may apply for voter registration forms by electronic 2647
means to the office of the secretary of state or to the board of 2648
elections of the county in which the person's voting residence is 2649
located pursuant to section 3503.191 of the Revised Code. 2650

(2)(a) An applicant may return the applicant's completed 2651
registration form in person or ~~by mail~~ through another person to 2652
any state or local office of a designated agency, to a public high 2653

school or vocational school, to a public library, to the office of 2654
a county treasurer, to the office of the secretary of state, or to 2655
the office of a board of elections. An applicant who is eligible 2656
to vote as a uniformed services voter or an overseas voter in 2657
accordance with 42 U.S.C. 1973ff-6 also may return the applicant's 2658
completed voter registration form electronically to the office of 2659
the secretary of state or to the board of elections of the county 2660
in which the person's voting residence is located pursuant to 2661
section 3503.191 of the Revised Code. 2662

(b) Subject to division (B)(2)(c) of this section, an 2663
applicant may return the applicant's completed registration form 2664
by mail or through another person to any board of elections or the 2665
office of the secretary of state. 2666

(c) A person who receives compensation for registering a 2667
voter shall return any registration form entrusted to that person 2668
by an applicant to any board of elections or to the office of the 2669
secretary of state. 2670

(d) If a board of elections or the office of the secretary of 2671
state receives a registration form under division (B)(2)(b) or (c) 2672
of this section before the thirtieth day before an election, the 2673
board or the office of the secretary of state, as applicable, 2674
shall forward the registration to the board of elections of the 2675
county in which the applicant is seeking to register to vote 2676
within ten days after receiving the application. If a board of 2677
elections or the office of the secretary of state receives a 2678
registration form under division (B)(2)(b) or (c) of this section 2679
on or after the thirtieth day before an election, the board or the 2680
office of the secretary of state, as applicable, shall forward the 2681
registration to the board of elections of the county in which the 2682
applicant is seeking to register to vote within thirty days after 2683
that election. 2684

(C)(1) A board of elections that receives a voter 2685

registration application and is satisfied as to the truth of the 2686
statements made in the registration form shall register the 2687
applicant not later than twenty business days after receiving the 2688
application, unless that application is received during the thirty 2689
days immediately preceding the day of an election. The board shall 2690
promptly notify the applicant in writing of each of the following: 2691

(a) The applicant's registration; 2692

(b) The precinct in which the applicant is to vote; 2693

(c) In bold type as follows: 2694

"Voters must bring identification to the polls in order to 2695
verify identity. Identification may include a current and valid 2696
photo identification, a military identification, a United States 2697
passport, or a copy of a current utility bill, bank statement, 2698
government check, paycheck, or other government document, other 2699
than this notification ~~or a notification of an election mailed by~~ 2700
~~a board of elections~~, that shows the voter's name and current 2701
address. Voters who do not provide one of these documents will 2702
still be able to vote by providing ~~the last four digits of the~~ 2703
voter's social security number and by casting a provisional 2704
ballot. Voters who do not have any of the above forms of 2705
identification, including a social security number, will still be 2706
able to vote by signing an affirmation swearing to the voter's 2707
identity under penalty of election falsification and by casting a 2708
provisional ballot." 2709

The notification shall be by nonforwardable mail. If the mail 2710
is returned to the board, it shall investigate and cause the 2711
notification to be delivered to the correct address. 2712

(2) If, after investigating as required under division (C)(1) 2713
of this section, the board is unable to verify the voter's correct 2714
address, it shall cause the voter's name in the official 2715
registration list and in the poll list or signature pollbook to be 2716

marked to indicate that the voter's notification was returned to 2717
the board. 2718

At the first election at which a voter whose name has been so 2719
marked appears to vote, the voter shall be required to provide 2720
identification to the election officials and to vote by 2721
provisional ballot under section 3505.181 of the Revised Code. If 2722
the provisional ballot is counted pursuant to division (B)(3) of 2723
section 3505.183 of the Revised Code, the board shall correct that 2724
voter's registration, if needed, and shall remove the indication 2725
that the voter's notification was returned from that voter's name 2726
on the official registration list and on the poll list or 2727
signature pollbook. If the provisional ballot is not counted 2728
pursuant to division (B)(4)(a)(i), or (v), ~~or (vi)~~ of section 2729
3505.183 of the Revised Code, the voter's registration shall be 2730
canceled. The board shall notify the voter by United States mail 2731
of the cancellation. 2732

(3) If a notice of the disposition of an otherwise valid 2733
registration application is sent by nonforwardable mail and is 2734
returned undelivered, the person shall be registered as provided 2735
in division (C)(2) of this section and sent a confirmation notice 2736
by forwardable mail. If the person fails to respond to the 2737
confirmation notice, update the person's registration, or vote by 2738
provisional ballot as provided in division (C)(2) of this section 2739
in any election during the period of two federal elections 2740
subsequent to the mailing of the confirmation notice, the person's 2741
registration shall be canceled. 2742

Sec. 3503.20. (A) The secretary of state, by rule, shall 2743
establish a secure online process for voter registration. The 2744
rules shall provide for all of the following: 2745

(1) An applicant to submit a voter registration application 2746
to the secretary of state online through the internet; 2747

(2) The online applicant to be registered to vote, if all of 2748
the following apply: 2749

(a) The application contains all of the required information, 2750
including the applicant's social security number; 2751

(b) The applicant is qualified to register to vote; and 2752

(c) The applicant attests to the truth and accuracy of the 2753
information submitted in the online application under penalty of 2754
election falsification using the applicant's Ohio driver's license 2755
number or the number of the applicant's Ohio identification card 2756
as proof of the applicant's identity. 2757

(B) If an individual registers to vote or a registered 2758
elector updates the elector's name, address, or both under this 2759
section, the secretary of state shall obtain an electronic copy of 2760
the applicant's or elector's signature that is on file with the 2761
bureau of motor vehicles. That electronic signature shall be used 2762
as the applicant's or elector's signature on voter registration 2763
records, for all election and signature-matching purposes. 2764

(C) The secretary of state shall employ whatever security 2765
measures the secretary considers necessary to ensure the integrity 2766
and accuracy of voter registration information submitted 2767
electronically pursuant to this section. 2768

Sec. 3503.21. (A) The registration of a registered elector 2769
shall be canceled upon the occurrence of any of the following: 2770

(1) The filing by a registered elector of a written request 2771
with a board of elections, on a form prescribed by the secretary 2772
of state and signed by the elector, that the registration be 2773
canceled. The filing of such a request does not prohibit an 2774
otherwise qualified elector from reregistering to vote at any 2775
time. 2776

(2) The filing of a notice of the death of a registered 2777

<u>elector as provided in section 3503.18 of the Revised Code;</u>	2778
<u>(3) The filing with the board of elections of a certified</u>	2779
<u>copy of the death certificate of a registered elector by the</u>	2780
<u>deceased elector's spouse, parent, or child, by the administrator</u>	2781
<u>of the deceased elector's estate, or by the executor of the</u>	2782
<u>deceased elector's will;</u>	2783
<u>(4) The conviction of the registered elector of a felony</u>	2784
under the laws of this state, any other state, or the United	2785
States as provided in section 2961.01 of the Revised Code;	2786
(3) <u>(5) The adjudication of incompetency of the registered</u>	2787
elector for the purpose of voting as provided in section 5122.301	2788
of the Revised Code;	2789
(5) <u>(6) The change of residence of the registered elector to a</u>	2790
location outside the county of registration in accordance with	2791
division (B) of this section;	2792
(6) <u>(7) The failure of the registered elector, after having</u>	2793
been mailed a confirmation notice, to do either of the following:	2794
(a) Respond to such a notice and vote at least once during a	2795
period of four consecutive years, which period shall include two	2796
general federal elections;	2797
(b) Update the elector's registration and vote at least once	2798
during a period of four consecutive years, which period shall	2799
include two general federal elections.	2800
(B)(1) The secretary of state shall prescribe procedures to	2801
identify and cancel the registration in a prior county of	2802
residence of any registrant who changes the registrant's voting	2803
residence to a location outside the registrant's current county of	2804
registration. Any procedures prescribed in this division shall be	2805
uniform and nondiscriminatory, and shall comply with the Voting	2806
Rights Act of 1965. The secretary of state may prescribe	2807

procedures under this division that include the use of the 2808
national change of address service provided by the United States 2809
postal system through its licensees. Any program so prescribed 2810
shall be completed not later than ninety days prior to the date of 2811
any primary or general election for federal office. 2812

(2) The registration of any elector identified as having 2813
changed the elector's voting residence to a location outside the 2814
elector's current county of registration shall not be canceled 2815
unless the registrant is sent a confirmation notice on a form 2816
prescribed by the secretary of state and the registrant fails to 2817
respond to the confirmation notice or otherwise update the 2818
registration and fails to vote in any election during the period 2819
of two federal elections subsequent to the mailing of the 2820
confirmation notice. 2821

(C) The registration of a registered elector shall not be 2822
canceled except as provided in this section, division ~~(Q)~~(A)(17) 2823
of section 3501.05 of the Revised Code, division (C)(2) of section 2824
3503.19 of the Revised Code, or division (C) of section 3503.24 of 2825
the Revised Code. 2826

~~(D) Boards of elections shall send their voter registration 2827
information to the secretary of state as required under section 2828
3503.15 of the Revised Code. In the first quarter of each 2829
odd numbered year, and more frequently as the board of elections 2830
considers necessary, the secretary of state each board of 2831
elections shall send the voter-registration information of each 2832
person registered to vote in the applicable county to the national 2833
change of address service described in division (B) of this 2834
section and request that service to provide the ~~secretary of state 2835
board of elections~~ with a list of any voters sent by the ~~secretary 2836
of state board of elections~~ who have moved within the last 2837
thirty six twelve months. ~~The secretary of state shall transmit to 2838
each appropriate board of elections whatever lists the secretary 2839~~~~

~~of state receives~~ Upon receipt of a response from that service. 2840
~~The, the~~ board shall send a notice to each person on the list 2841
transmitted by ~~the secretary of state~~ that service requesting 2842
confirmation of the person's change of address, together with a 2843
postage prepaid, preaddressed return envelope containing a form on 2844
which the voter may verify or correct the change of address 2845
information. 2846

(E) The registration of a registered elector described in 2847
division (A)~~(6)~~(7) or (B)(2) of this section shall be canceled not 2848
later than one hundred twenty days after the date of the second 2849
general federal election in which the elector fails to vote or not 2850
later than one hundred twenty days after the expiration of the 2851
four-year period in which the elector fails to vote or respond to 2852
a confirmation notice, whichever is later. 2853

Sec. 3503.22. A board of elections may send an acknowledgment 2854
notice as prescribed by the secretary of state to any registered 2855
elector at any time to facilitate the maintenance and accuracy of 2856
the statewide voter registration database. 2857

Sec. 3503.24. (A) Application for the correction of any 2858
precinct registration list or a challenge of the right to vote of 2859
any registered elector may be made by any qualified elector of the 2860
county at the office of the board of elections not later than 2861
twenty days prior to the election. The applications or challenges, 2862
with the reasons for the application or challenge, shall be filed 2863
with the board on a form prescribed by the secretary of state and 2864
shall be signed under penalty of election falsification. 2865

(B) On receiving an application or challenge filed under this 2866
section, the board of elections promptly shall review the board's 2867
records. If the board is able to determine that an application or 2868
challenge should be granted or denied solely on the basis of the 2869

records maintained by the board, the board immediately shall vote 2870
to grant or deny that application or challenge. 2871

If the board is not able to determine whether an application 2872
or challenge should be granted or denied solely on the basis of 2873
the records maintained by the board, the director shall promptly 2874
set a time and date for a hearing before the board. ~~Except as~~ 2875
~~otherwise provided in division (D) of this section, the~~ The 2876
hearing shall be held, and the application or challenge shall be 2877
decided, no later than ten days after the board receives the 2878
application or challenge. The director shall send written notice 2879
to any elector whose right to vote is challenged and to any person 2880
whose name is alleged to have been omitted from a registration 2881
list. The notice shall inform the person of the time and date of 2882
the hearing, and of the person's right to appear and testify, call 2883
witnesses, and be represented by counsel. The notice shall be sent 2884
by first class mail no later than three days before the day of any 2885
scheduled hearing. The director shall also provide the person who 2886
filed the application or challenge with such written notice of the 2887
date and time of the hearing. 2888

At the request of either party or any member of the board, 2889
the board shall issue subpoenas to witnesses to appear and testify 2890
before the board at a hearing held under this section. All 2891
witnesses shall testify under oath. The board shall reach a 2892
decision on all applications and challenges immediately after 2893
hearing. 2894

(C) If the board decides that any such person is not entitled 2895
to have the person's name on the registration list, the person's 2896
name shall be removed from the list and the person's registration 2897
forms canceled. If the board decides that the name of any such 2898
person should appear on the registration list, it shall be added 2899
to the list, and the person's registration forms placed in the 2900
proper registration files. All such corrections and additions 2901

shall be made on a copy of the precinct lists, which shall 2902
constitute the poll lists, to be furnished to the respective 2903
precincts with other election supplies on the day preceding the 2904
election, to be used by the election officials in receiving the 2905
signatures of voters and in checking against the registration 2906
forms. 2907

~~(D)(1) If an application or challenge for which a hearing is 2908
required to be conducted under division (B) of this section is 2909
filed after the thirtieth day before the day of an election, the 2910
board of elections, in its discretion, may postpone that hearing 2911
and any notifications of that hearing until after the day of the 2912
election. Any hearing postponed under this division shall be 2913
conducted not later than ten days after the day of the election. 2914~~

~~(2) The board of elections shall cause the name of any 2915
registered elector whose registration is challenged and whose 2916
challenge hearing is postponed under division (D)(1) of this 2917
section to be marked in the official registration list and in the 2918
poll list or signature pollbook for that elector's precinct to 2919
indicate that the elector's registration is subject to challenge. 2920~~

~~(3) Any elector who is the subject of an application or 2921
challenge hearing that is postponed under division (D)(1) of this 2922
section shall be permitted to vote a provisional ballot under 2923
section 3505.181 of the Revised Code. The validity of a 2924
provisional ballot cast pursuant to this section shall be 2925
determined in accordance with section 3505.183 of the Revised 2926
Code, except that no such provisional ballot shall be counted 2927
unless the hearing conducted under division (B) of this section 2928
after the day of the election results in the elector's inclusion 2929
in the official registration list. 2930~~

Sec. 3503.26. (A) All registration forms and lists, when not 2931
in official use by the registrars or ~~judges of elections~~ precinct 2932

election officials, shall be in the possession of the board of 2933
elections. Names and addresses of electors may be copied from the 2934
registration lists only in the office of the board when it is open 2935
for business; but no such copying shall be permitted during the 2936
period of time commencing twenty-one days before an election and 2937
ending on the eleventh day after an election if such copying will, 2938
in the opinion of the board, interfere with the necessary work of 2939
the board. The board shall keep in convenient form and available 2940
for public inspection a correct set of the registration lists of 2941
all precincts in the county. 2942

(B) Notwithstanding division (A) of this section, the board 2943
of elections shall maintain and make available for public 2944
inspection and copying at a reasonable cost all records concerning 2945
the implementation of programs and activities conducted for the 2946
purpose of ensuring the accuracy and currency of voter 2947
registration lists, including the names and addresses of all 2948
registered electors sent confirmation notices and whether or not 2949
the elector responded to the confirmation notice. The board shall 2950
maintain all records described in this division for a period of 2951
two years. 2952

Sec. 3503.28. (A) The secretary of state shall develop an 2953
information brochure regarding voter registration. The brochure 2954
shall include, but is not limited to, all of the following 2955
information: 2956

(1) The applicable deadlines for registering to vote or for 2957
returning an applicant's completed registration form; 2958

(2) The applicable deadline for returning an applicant's 2959
completed registration form if the person returning the form is 2960
being compensated for registering voters; 2961

(3) The locations to which a person may return an applicant's 2962
completed registration form; 2963

(4) The location to which a person who is compensated for 2964
registering voters may return an applicant's completed 2965
registration form; 2966

~~(5) The registration and affirmation requirements applicable 2967
to persons who are compensated for registering voters under 2968
section 3503.29 of the Revised Code; 2969~~

~~(6)~~ A notice, which shall be written in bold type, stating as 2970
follows: 2971

"Voters must bring identification to the polls in order to 2972
verify identity. Identification may include a current and valid 2973
photo identification, a military identification, a United States 2974
passport, or a copy of a current utility bill, bank statement, 2975
government check, paycheck, or other government document, other 2976
than ~~a notice of an election or~~ a voter registration notification 2977
sent by a board of elections, that shows the voter's name and 2978
current address. Voters who do not provide one of these documents 2979
will still be able to vote by providing ~~the last four digits of~~ 2980
the voter's social security number and by casting a provisional 2981
ballot. Voters who do not have any of the above forms of 2982
identification, including a social security number, will still be 2983
able to vote by signing an affirmation swearing to the voter's 2984
identity under penalty of election falsification and by casting a 2985
provisional ballot." 2986

~~(B) Except as otherwise provided in division (D) of this 2987
section, a board of elections, designated agency, public high 2988
school, public vocational school, public library, office of a 2989
county treasurer, or deputy registrar of motor vehicles shall 2990
distribute a copy of the brochure developed under division (A) of 2991
this section to any person who requests more than two voter 2992
registration forms at one time. 2993~~

~~(C)~~(1) The secretary of state shall provide the information 2994

required to be included in the brochure developed under division 2995
(A) of this section to any person who prints a voter registration 2996
form that is made available on a web site of the office of the 2997
secretary of state. 2998

(2) If a board of elections operates and maintains a web 2999
site, the board shall provide the information required to be 3000
included in the brochure developed under division (A) of this 3001
section to any person who prints a voter registration form that is 3002
made available on that web site. 3003

~~(D) A board of elections shall not be required to distribute 3004
a copy of a brochure under division (B) of this section to any of 3005
the following officials or employees who are requesting more than 3006
two voter registration forms at one time in the course of the 3007
official's or employee's normal duties: 3008~~

~~(1) An election official; 3009~~

~~(2) A county treasurer; 3010~~

~~(3) A deputy registrar of motor vehicles; 3011~~

~~(4) An employee of a designated agency; 3012~~

~~(5) An employee of a public high school; 3013~~

~~(6) An employee of a public vocational school; 3014~~

~~(7) An employee of a public library; 3015~~

~~(8) An employee of the office of a county treasurer; 3016~~

~~(9) An employee of the bureau of motor vehicles; 3017~~

~~(10) An employee of a deputy registrar of motor vehicles; 3018~~

~~(11) An employee of an election official. 3019~~

~~(E)~~(C) As used in this section, "registering voters" includes 3020
any effort, for compensation, to provide voter registration forms 3021
or to assist persons in completing or returning those forms. 3022

Sec. 3504.01. A former elector of this state is eligible to 3023
vote a presidential ballot in the presidential general election 3024
held in this state in person or by mail if the former elector 3025
meets all of the following conditions: 3026

(A) The former elector moved out of this state not more than 3027
thirty days before the day of the presidential general election; 3028

(B) The former elector has not resided in the elector's new 3029
state of residence long enough to be eligible to vote in the 3030
presidential general election; 3031

(C) The former elector was registered to vote in this state 3032
at the time the former resident ceased to be a resident of this 3033
state; and 3034

(D) The former elector would be eligible to vote in this 3035
state if the former elector was a resident of this state. 3036

Sec. 3504.02. ~~Any citizen~~ A former elector of this state who 3037
desires to vote in a presidential general election under this 3038
chapter shall ~~submit a completed certificate of intent to vote~~ 3039
~~for presidential and vice-presidential electors~~ not later than 3040
~~four p.m. of the thirtieth day prior to the date of the~~ 3041
~~presidential election, complete a certificate of intent to vote~~ 3042
~~for presidential and vice-presidential electors~~ twelve noon of the 3043
third day before the day of the election. The certificate of 3044
intent shall be completed ~~in duplicate~~ on a form prescribed by the 3045
secretary of state that may be obtained and filed personally in 3046
the office of the board of elections of the county in which such 3047
person last resided before removal from this state, or mailed to 3048
such board of elections. 3049

Immediately following the spaces on the certificate for 3050
inserting information as requested by the secretary of state, the 3051
following statement shall be printed: "I declare under penalty of 3052

election falsification that the statements ~~herein~~ contained herein 3053
are true to the best of my knowledge and belief; that I am legally 3054
qualified to vote; that I am not ~~registered~~ eligible to vote in 3055
the presidential general election in any other state; and that I 3056
have not voted in an election in any other state since removing 3057
myself from the state of Ohio. 3058

..... 3059
Signature of applicant 3060
..... 3061
Date 3062

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 3063
OF THE FIFTH DEGREE." 3064

The former elector also shall submit with the certificate of 3065
intent to vote for presidential and vice-presidential electors a 3066
properly completed and signed Ohio voter registration cancellation 3067
request on a form prescribed by the secretary of state. 3068

Sec. 3504.04. On or before the day of a presidential general 3069
election ~~day~~, the director of the board of elections shall deliver 3070
to the polling place a list of persons who have filed certificates 3071
of intent to vote as former resident voters and who appear, from 3072
their voting address, entitled to vote at such polling place. 3073
Those persons whose names appear on the list of former resident 3074
voters, and who have otherwise complied with sections 3504.01 to 3075
3504.06 of the Revised Code, shall then be entitled to vote for 3076
presidential and vice-presidential electors only at their polling 3077
place on election day or by absent voter's ballots. Such voter who 3078
votes at that voter's polling place on election day shall sign 3079
that voter's name in the poll book or poll list followed by, 3080
"Former Resident's Presidential Ballot." Qualified former 3081
residents shall be entitled to cast absent voter's ballots for 3082
presidential and vice-presidential electors. 3083

Sec. 3504.05. The director of the board of elections shall 3084
~~forward copies of all certificates~~ electronically transmit any 3085
certificate of intent received from a former residents elector to 3086
the secretary of state ~~no later than the twenty fifth day prior to~~ 3087
~~the day of the election in which such former resident desires to~~ 3088
~~vote~~ within one business day. Upon receipt of such certificate, 3089
the secretary of state shall immediately notify the chief 3090
elections officer of the state of each applicant's prior residence 3091
of the fact that such applicant has declared ~~his~~ the applicant's 3092
intention to vote for presidential and vice-presidential electors 3093
in this state. 3094

Sec. 3505.05. At any time prior to the seventieth day before 3095
the day of an election at which a question or issue, other than a 3096
statewide question or issue, is certified to appear on the ballot, 3097
the political subdivision, taxing authority, or other entity that 3098
placed the issue on the ballot may remove that issue from the 3099
ballot using the same process that the entity used to originally 3100
certify the issue for placement on the ballot. 3101

Upon receipt of a notification that a question or issue has 3102
been withdrawn, the board of elections shall remove that question 3103
or issue from the ballot. 3104

Sec. 3505.07. (A) If the board of elections, by a unanimous 3105
vote of its members, or if the secretary of state, in the 3106
secretary of state's sole discretion, finds it impracticable to 3107
place the names of candidates for any office of a minor political 3108
subdivision in the county or the wording of any question or issue 3109
to be voted upon in such minor political subdivision on the 3110
ballots under sections 3505.01 to 3505.09 of the Revised Code, 3111
then such board may, or at the direction of the secretary of state 3112
shall, provide separate ballots for the candidates, question, or 3113

issue. 3114

(B) If the secretary of state, in the secretary of state's 3115
sole discretion, determines that it is impracticable to place the 3116
names of candidates for any office or the wording for any question 3117
or issue to be voted upon on the ballot when the candidates, 3118
question, issue, or wording for the question or issue was ordered 3119
onto the ballot by a court of competent jurisdiction and the 3120
ballots have been printed prior to the court order, the board of 3121
elections, at the direction of the secretary of state, shall 3122
provide separate ballots for the candidates, question, or issue. 3123

(C) All separate ballots provided for in this section shall 3124
conform in quality of paper, style of printing, form of ballot, 3125
arrangement of names, and in all other ways, in so far as 3126
practicable, with the provisions relating to the printing of the 3127
general official ballot. ~~Separate ballot boxes shall be provided~~ 3128
~~for each such separate kind of ballot.~~ 3129

Sec. 3505.08. (A) Ballots shall be provided by the board of 3130
elections for all general and special elections. The ballots shall 3131
be printed with black ink on No. 2 white book paper fifty pounds 3132
in weight per ream assuming such ream to consist of five hundred 3133
sheets of such paper twenty-five by thirty-eight inches in size. 3134
Each ballot shall have attached at the top two stubs, each of the 3135
width of the ballot and not less than one-half inch in length, 3136
except that, if the board of elections has an alternate method to 3137
account for the ballots that the secretary of state has 3138
authorized, each ballot may have only one stub that shall be the 3139
width of the ballot and not less than one-half inch in length. In 3140
the case of ballots with two stubs, the stubs shall be separated 3141
from the ballot and from each other by perforated lines. The top 3142
stub shall be known as Stub B and shall have printed on its face 3143
"Stub B." The other stub shall be known as Stub A and shall have 3144

printed on its face "Stub A." Each stub shall also have printed on 3145
its face "Consecutive Number" 3146

Each ballot of each kind of ballot provided for use in each 3147
precinct shall be numbered consecutively beginning with number 1 3148
by printing such number upon both of the stubs attached to the 3149
ballot. On ballots bearing the names of candidates, each 3150
candidate's name shall be printed in twelve point boldface upper 3151
case type in an enclosed rectangular space, and an enclosed blank 3152
rectangular space shall be provided at the left of the candidate's 3153
name. The name of the political party of a candidate nominated at 3154
a primary election or certified by a party committee shall be 3155
printed in ten point lightface upper and lower case type and shall 3156
be separated by a two point blank space. The name of each 3157
candidate shall be indented one space within the enclosed 3158
rectangular space, and the name of the political party shall be 3159
indented two spaces within the enclosed rectangular space. 3160

The title of each office on the ballots shall be printed in 3161
twelve point boldface upper and lower case type in a separate 3162
enclosed rectangular space. A four point rule shall separate the 3163
name of a candidate or a group of candidates for the same office 3164
from the title of the office next appearing below on the ballot; a 3165
two point rule shall separate the title of the office from the 3166
names of candidates; and a one point rule shall separate names of 3167
candidates. Headings shall be printed in display Roman type. When 3168
the names of several candidates are grouped together as candidates 3169
for the same office, there shall be printed on the ballots 3170
immediately below the title of the office and within the separate 3171
rectangular space in which the title is printed "Vote for not more 3172
than, " in six point boldface upper and lower case filling 3173
the blank space with that number which will indicate the number of 3174
persons who may be lawfully elected to the office. 3175

Columns on ballots shall be separated from each other by a 3176

heavy vertical border or solid line at least one-eighth of an inch 3177
wide, and a similar vertical border or line shall enclose the left 3178
and right side of ballots. Ballots shall be trimmed along the 3179
sides close to such lines. 3180

The ballots provided for by this section shall be comprised 3181
of four kinds of ballots designated as follows: office type 3182
ballot; nonpartisan ballot; questions and issues ballot; and 3183
presidential ballot. 3184

On the back of each office type ballot shall be printed 3185
"Official Office Type Ballot;" on the back of each nonpartisan 3186
ballot shall be printed "Official Nonpartisan Ballot;" on the back 3187
of each questions and issues ballot shall be printed "Official 3188
Questions and Issues Ballot;" and on the back of each presidential 3189
ballot shall be printed "Official Presidential Ballot." ~~On~~ At the 3190
~~back end~~ of every ballot also shall be printed the date of the 3191
election at which the ballot is used and the facsimile signatures 3192
of the members of the board of the county in which the ballot is 3193
used. For the purpose of identifying the kind of ballot, the back 3194
of every ballot may be numbered in the order the board shall 3195
determine. The numbers shall be printed in not less than 3196
thirty-six point type above the words "Official Office Type 3197
Ballot," "Official Nonpartisan Ballot," "Official Questions and 3198
Issues Ballot," or "Official Presidential Ballot," as the case may 3199
be. ~~Ballot boxes~~ A ballot box bearing corresponding numbers shall 3200
be furnished for each precinct in which the above-described 3201
numbered ballots are used. 3202

On the back of every ballot used, there shall be a solid 3203
black line printed opposite the blank rectangular space that is 3204
used to mark the choice of the voter. This line shall be printed 3205
wide enough so that the mark in the blank rectangular space will 3206
not be visible from the back side of the ballot. 3207

Sample ballots may be printed by the board of elections for 3208

all general elections. The ballots shall be printed on colored paper, and "Sample Ballot" shall be plainly printed in boldface type on the face of each ballot. In counties of less than one hundred thousand population, the board may print not more than five hundred sample ballots; in all other counties, it may print not more than one thousand sample ballots. The sample ballots shall not be distributed by a political party or a candidate, nor shall a political party or candidate cause their title or name to be imprinted on sample ballots.

(B) Notwithstanding division (A) of this section, in approving the form of an official ballot, the secretary of state may authorize the use of fonts, type face settings, and ballot formats other than those prescribed in that division.

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

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

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

(a) For a primary election or a special election held on the day of a primary election, the total number of electors in that

precinct who voted in the primary election held four years 3240
previously or, if no primary election was held four years 3241
previously, the total number of electors in that precinct who 3242
voted in a similarly situated primary, as determined by the board; 3243

(b) For a general election or a special election held on the 3244
day of a general election, the total number of electors in that 3245
precinct who voted in the general election held four years 3246
previously; 3247

(c) For a special election held at any time other than on the 3248
day of a primary or general election, the total number of electors 3249
in that precinct who voted in the most recent primary or general 3250
election, whichever of those elections occurred in the precinct 3251
most recently. 3252

(2) If, after the board complies with the requirements of 3253
division (B)(1) of this section, the election officials of a 3254
precinct determine that the precinct will not have enough ballots 3255
to enable all the qualified electors in the precinct who wish to 3256
vote at a particular election to do so, the officials shall 3257
request that the board provide additional ballots, and the board 3258
shall provide enough additional ballots, to that precinct in a 3259
timely manner so that all qualified electors in that precinct who 3260
wish to vote at that election may do so. 3261

Sec. 3505.13. A contract for the printing of ballots 3262
involving a cost in excess of ~~ten~~ twenty-five thousand dollars 3263
shall not be let until after five days' notice published once in a 3264
leading newspaper published in the county or upon notice given by 3265
mail by the board of elections, addressed to the responsible 3266
printing offices within the state. Except as otherwise provided in 3267
this section, each bid for such printing must be accompanied by a 3268
bond with at least two sureties, or a surety company, satisfactory 3269
to the board, in a sum double the amount of the bid, conditioned 3270

upon the faithful performance of the contract for such printing as 3271
is awarded and for the payment as damages by such bidder to the 3272
board of any excess of cost over the bid which it may be obliged 3273
to pay for such work by reason of the failure of the bidder to 3274
complete the contract. No bid unaccompanied by such bond shall be 3275
considered by the board. The board may, however, waive the 3276
requirement that each bid be accompanied by a bond if the cost of 3277
the contract is ~~ten~~ twenty-five thousand dollars or less. The 3278
contract shall be let to the lowest responsible bidder in the 3279
state or, if the lowest bid by an out-of-state bidder is at least 3280
ten per cent less than the lowest bid by an in-state bidder, the 3281
contract may be let to the out-of-state bidder. All ballots shall 3282
be printed within the state. 3283

Sec. 3505.16. Before the opening of the polls, the package of 3284
supplies and the ballot ~~boxes~~ box shall be opened in the presence 3285
of the precinct officials. The ballot ~~boxes~~ box, the package of 3286
ballots, registration forms, and other supplies shall at all times 3287
be in full sight of the observers, and no ballot box or unused 3288
ballots during the balloting or counting shall be removed or 3289
screened from their full sight until the counting has been closed 3290
and the final returns completed and the certificate signed by the 3291
judges. 3292

Sec. 3505.17. If by accident or casualty the ballots or other 3293
required papers, lists, or supplies are lost or destroyed, or in 3294
case none are delivered at the polling place, or if during the 3295
time the polls are open additional ballots or supplies are 3296
required, the board of elections, upon requisition by telephone or 3297
in writing and signed by a majority of the precinct election 3298
~~judges~~ officials of the precinct stating why such additional 3299
supplies are needed, shall supply them as speedily as possible. 3300

Sec. 3505.18. (A)(1) When an elector appears in a polling 3301
place to vote, the elector shall announce to the precinct election 3302
officials the elector's full name and current address and provide 3303
proof of the elector's identity in the form of a current and valid 3304
photo identification, a military identification, a United States 3305
passport, or a copy of a current utility bill, bank statement, 3306
government check, paycheck, or other government document, other 3307
~~than a notice of an election mailed by a board of elections under~~ 3308
~~section 3501.19 of the Revised Code or a notice of voter~~ 3309
registration mailed by a board of elections under section 3503.19 3310
of the Revised Code, that shows the name and current address of 3311
the elector. ~~If the elector provides either a driver's license or~~ 3312
~~a state identification card issued under section 4507.50 of the~~ 3313
~~Revised Code that does not contain the elector's current residence~~ 3314
~~address, the elector shall provide the last four digits of the~~ 3315
~~elector's driver's license number or state identification card~~ 3316
~~number, and the precinct election official shall mark the poll~~ 3317
~~list or signature pollbook to indicate that the elector has~~ 3318
~~provided a driver's license or state identification card number~~ 3319
~~with a former address and record the last four digits of the~~ 3320
~~elector's driver's license number or state identification card~~ 3321
~~number.~~ 3322

(2) If an elector has but is unable to provide to the 3323
precinct election officials any of the forms of identification 3324
required under division (A)(1) of this section, ~~but has a social~~ 3325
~~security number, the elector may provide the last four digits of~~ 3326
~~the elector's social security number. Upon providing the social~~ 3327
~~security number information, the elector may cast a provisional~~ 3328
ballot under section 3505.181 of the Revised Code, ~~the envelope of~~ 3329
~~which ballot shall include that social security number~~ 3330
information. 3331

(3) ~~If an elector has but is unable to provide to the~~ 3332

~~precinct election officials any of the forms of identification 3333
required under division (A)(1) of this section and if the elector 3334
has a social security number but is unable to provide the last 3335
four digits of the elector's social security number, the elector 3336
may cast a provisional ballot under section 3505.181 of the 3337
Revised Code. 3338~~

~~(4) If an elector does not have any of the forms of 3339
identification required under division (A)(1) of this section and 3340
cannot provide the last four digits of the elector's social 3341
security number because the elector does not have a social 3342
security number, the elector may execute an affirmation under 3343
penalty of election falsification that the elector cannot provide 3344
the identification required under that division ~~or the last four 3345
digits of the elector's social security number for those reasons 3346
that reason.~~ Upon signing the affirmation, the elector may cast a 3347
provisional ballot under section 3505.181 of the Revised Code. The 3348
secretary of state shall prescribe the form of the affirmation, 3349
which shall include spaces for the elector to complete all of the 3350
following: 3351~~

- ~~(a) The elector's name; 3352~~
- ~~(b) The elector's address; 3353~~
- ~~(c) The current date; 3354~~
- ~~(d) The elector's date of birth; 3355~~
- ~~(e) The elector's signature. 3356~~

~~(5)(4) If an elector does not have any of the forms of 3357
identification required under division (A)(1) of this section and 3358
cannot provide the last four digits of the elector's social 3359
security number because the elector does not have a social 3360
security number, and if the elector declines to execute an 3361
affirmation under division (A)(4)(3) of this section, the elector 3362
may cast a provisional ballot under section 3505.181 of the 3363~~

Revised Code, ~~the envelope of which ballot shall include the~~ 3364
~~elector's name but the ballot will not be counted.~~ 3365

~~(6) If an elector has but declines to provide to the precinct~~ 3366
~~election officials any of the forms of identification required~~ 3367
~~under division (A)(1) of this section or the elector has a social~~ 3368
~~security number but declines to provide to the precinct election~~ 3369
~~officials the last four digits of the elector's social security~~ 3370
~~number, the elector may cast a provisional ballot under section~~ 3371
~~3505.181 of the Revised Code.~~ 3372

(5) If an elector executes an affirmation under division 3373
(A)(3) of this section stating that the elector does not have any 3374
of the forms of identification required under division (A)(1) of 3375
this section and, in verifying the elector's eligibility to vote, 3376
the election officials determine that the elector does have one of 3377
those forms of identification and failed to provide such 3378
identification, that elector shall be deemed to have committed 3379
election falsification in violation of section 3599.36 of the 3380
Revised Code by filing that affirmation and that elector's 3381
provisional ballot shall not be counted. 3382

(B) After the elector has announced the elector's full name 3383
and current address and provided any of the forms of 3384
identification required under division (A)(1) of this section, the 3385
elector shall write the elector's ~~name and address~~ signature at 3386
the proper place in the poll list or signature pollbook provided 3387
for the purpose, except that if, for any reason, an elector is 3388
unable to write the elector's ~~name and current address~~ signature 3389
in the poll list or signature pollbook, the elector may make the 3390
elector's mark at the place intended for the elector's ~~name~~ 3391
signature, and a precinct election official shall write the name 3392
of the elector at the proper place on the poll list or signature 3393
pollbook following the elector's mark. The making of such a mark 3394
shall be attested by the precinct election official, who shall 3395

evidence the same by signing the precinct election official's name 3396
on the poll list or signature pollbook as a witness to the mark. 3397
Alternatively, if applicable, an attorney in fact acting pursuant 3398
to section 3501.382 of the Revised Code may sign the elector's 3399
signature in the poll list or signature pollbook in accordance 3400
with that section. 3401

The elector's signature in the poll list or signature 3402
pollbook then shall be compared with the elector's signature on 3403
the elector's registration form or a digitized signature list as 3404
provided for in section 3503.13 of the Revised Code, and if, in 3405
the opinion of a majority of the precinct election officials, the 3406
signatures are the signatures of the same person, the election 3407
officials shall enter the date of the election on the registration 3408
form or shall record the date by other means prescribed by the 3409
secretary of state. The validity of an attorney in fact's 3410
signature on behalf of an elector shall be determined in 3411
accordance with section 3501.382 of the Revised Code. 3412

If the right of the elector to vote is not then challenged, 3413
or, if being challenged, the elector establishes the elector's 3414
right to vote, the elector shall be allowed to proceed to use the 3415
voting machine. If voting machines are not being used in that 3416
precinct, the judge in charge of ballots shall then detach the 3417
next ballots to be issued to the elector from Stub B attached to 3418
each ballot, leaving Stub A attached to each ballot, hand the 3419
ballots to the elector, and call the elector's name and the stub 3420
number on each of the ballots. The judge shall enter the stub 3421
numbers opposite the signature of the elector in the pollbook. The 3422
elector shall then retire to one of the voting compartments to 3423
mark the elector's ballots. No mark shall be made on any ballot 3424
which would in any way enable any person to identify the person 3425
who voted the ballot. 3426

Sec. 3505.181. (A) All of the following individuals shall be 3427
permitted to cast a provisional ballot at an election: 3428

(1) An individual who declares that the individual is a 3429
registered voter in the jurisdiction in which the individual 3430
desires to vote and that the individual is eligible to vote in an 3431
election, but the name of the individual does not appear on the 3432
official list of eligible voters for the polling place or an 3433
election official asserts that the individual is not eligible to 3434
vote; 3435

~~(2) An individual who has a social security number and 3436
provides to the election officials the last four digits of the 3437
individual's social security number as permitted by division 3438
(A)(2) of section 3505.18 of the Revised Code; 3439~~

~~(3) An individual who has but is unable to provide to the 3440
election officials any of the forms of identification required 3441
under division (A)(1) of section 3505.18 of the Revised Code and 3442
who has a social security number but is unable to provide the last 3443
four digits of the individual's social security number as 3444
permitted under division (A)(2) of that section; 3445~~

~~(4)(3) An individual who does not have any of the forms of 3446
identification required under division (A)(1) of section 3505.18 3447
of the Revised Code, who cannot provide the last four digits of 3448
the individual's social security number under division (A)(2) of 3449
that section because the individual does not have a social 3450
security number, and who has ~~executed~~ executes an affirmation as 3451
~~permitted under division (A)(3) of that section or declines to 3452
execute an affirmation~~ under division (A)(4) of that section; 3453~~

~~(5)(4) An individual whose name in the poll list or signature 3454
pollbook has been marked under section 3509.09 or 3511.13 of the 3455
Revised Code as having requested an absent voter's ballot or an 3456
armed service a uniformed services or overseas absent voter's 3457~~

ballot for that election and who appears to vote at the polling place; 3458
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~~(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; 3460
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~~(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; 3465
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~~(8) An individual whose application or challenge hearing has been postponed until after the day of the election under division (D)(1) of section 3503.24 of the Revised Code;~~ 3469
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~~(9)~~(7) An individual who ~~changes the individual's name and remains within the precinct,~~ moves from one precinct to another within a county, moves from one precinct to another and changes the individual's name, ~~or~~ moves from one county to another within the state, or moves from one county to another and changes the individual's name and completes and signs the required forms and statements under division (B) or (C) of section 3503.16 of the Revised Code; 3472
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~~(10)~~(8) An individual whose signature, in the opinion of the precinct officers under section 3505.22 of the Revised Code, is not that of the person who signed that name in the registration forms; 3480
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~~(11)~~(9) An individual who is challenged under section 3513.20 of the Revised Code who refuses to make the statement required under that section, who a majority of the precinct officials find lacks any of the qualifications to make the individual a qualified elector, or who a majority of the precinct officials find is not 3484
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affiliated with or a member of the political party whose ballot 3489
the individual desires to vote; 3490

~~(12) An individual who does not have any of the forms of 3491
identification required under division (A)(1) of section 3505.18 3492
of the Revised Code, who cannot provide the last four digits of 3493
the individual's social security number under division (A)(2) of 3494
that section because the person does not have a social security 3495
number, and who declines to execute an affirmation as permitted 3496
under division (A)(4) of that section; 3497~~

~~(13) An individual who has but declines to provide to the 3498
precinct election officials any of the forms of identification 3499
required under division (A)(1) of section 3501.18 of the Revised 3500
Code or who has a social security number but declines to provide 3501
to the precinct election officials the last four digits of the 3502
individual's social security number (10) An individual who is 3503
casting a ballot after the time for the closing of the polls under 3504
section 3501.32 of the Revised Code pursuant to a court order 3505
extending the time for the closing of the polls. 3506~~

(B) An individual who is eligible to cast a provisional 3507
ballot under division (A) of this section shall be permitted to 3508
cast a provisional ballot as follows: 3509

(1) An election official at the polling place shall notify 3510
the individual that the individual may cast a provisional ballot 3511
in that election. 3512

(2) The individual shall be permitted to cast a provisional 3513
ballot at that polling place upon the execution of a written 3514
affirmation by the individual before an election official at the 3515
polling place stating that the individual is both of the 3516
following: 3517

(a) A registered voter in the jurisdiction in which the 3518
individual desires to vote; 3519

(b) Eligible to vote in that election. 3520

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. 3521
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(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.~~ 3526
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~~(4) If the appropriate local election official to whom the ballot or voter or address information is transmitted under division (B)(3) of this section determines that the individual is eligible to vote, the individual's provisional ballot shall be counted as a vote in that election.~~ 3533
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~~(5)~~(a) At the time that an individual casts a provisional ballot, the appropriate local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under division (B)~~(5)~~(4)(b) of this section whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted. 3538
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(b) The appropriate state or local election official shall establish a free access system, in the form of a toll-free telephone number, that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted. The free access system established under 3545
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this division also shall provide to an individual whose 3551
provisional ballot was not counted information explaining how that 3552
individual may contact the board of elections to register to vote 3553
or to resolve problems with the individual's voter registration. 3554

The appropriate state or local election official shall 3555
establish and maintain reasonable procedures necessary to protect 3556
the security, confidentiality, and integrity of personal 3557
information collected, stored, or otherwise used by the free 3558
access system established under this division. Access to 3559
information about an individual ballot shall be restricted to the 3560
individual who cast the ballot. 3561

~~(6) If, at the time that an individual casts a provisional 3562
ballot, the individual provides identification in the form of a 3563
current and valid photo identification, a military identification, 3564
or a copy of a current utility bill, bank statement, government 3565
check, paycheck, or other government document, other than a notice 3566
of an election mailed by a board of elections under section 3567
3501.19 of the Revised Code or a notice of voter registration 3568
mailed by a board of elections under section 3503.19 of the 3569
Revised Code, that shows the individual's name and current 3570
address, or provides the last four digits of the individual's 3571
social security number, or executes an affirmation that the 3572
elector does not have any of those forms of identification or the 3573
last four digits of the individual's social security number 3574
because the individual does not have a social security number, or 3575
declines to execute such an affirmation, the appropriate local 3576
election official shall record the type of identification 3577
provided, the social security number information, the fact that 3578
the affirmation was executed, or the fact that the individual 3579
declined to execute such an affirmation and include that 3580
information with the transmission of the ballot or voter or 3581
address information under division (B)(3) of this section. If the 3582~~

~~individual declines to execute such an affirmation, the 3583
appropriate local election official shall record the individual's 3584
name and include that information with the transmission of the 3585
ballot under division (B)(3) of this section. 3586~~

~~(7) If an individual casts a provisional ballot pursuant to 3587
division (A)(3), (7), (8), (12), or (13) of this section, the 3588
election official shall indicate, on the provisional ballot 3589
verification statement required under section 3505.182 of the 3590
Revised Code, that the individual is required to provide 3591
additional information to the board of elections or that an 3592
application or challenge hearing has been postponed with respect 3593
to the individual, such that additional information is required 3594
for the board of elections to determine the eligibility of the 3595
individual who cast the provisional ballot. 3596~~

~~(8) During the ten days after the day of an election, an 3597
individual who casts a provisional ballot pursuant to division 3598
(A)(3), (7), (12), or (13) of this section shall appear at the 3599
office of the board of elections and provide to the board any 3600
additional information necessary to determine the eligibility of 3601
the individual who cast the provisional ballot. 3602~~

~~(a) For a provisional ballot cast pursuant to division 3603
(A)(3), (12), or (13) of this section to be eligible to be 3604
counted, the individual who cast that ballot, within ten days 3605
after the day of the election, shall do any of the following: 3606~~

~~(i) Provide to the board of elections proof of the 3607
individual's identity in the form of a current and valid photo 3608
identification, a military identification, or a copy of a current 3609
utility bill, bank statement, government check, paycheck, or other 3610
government document, other than a notice of an election mailed by 3611
a board of elections under section 3501.19 of the Revised Code or 3612
a notice of voter registration mailed by a board of elections 3613
under section 3503.19 of the Revised Code, that shows the 3614~~

~~individual's name and current address;~~ 3615

~~(ii) Provide to the board of elections the last four digits
of the individual's social security number;~~ 3616
3617

~~(iii) In the case of a provisional ballot executed pursuant
to division (A)(12) of this section, execute an affirmation as
permitted under division (A)(4) of section 3505.18 of the Revised
Code.~~ 3618
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~~(b) For a provisional ballot cast pursuant to division (A)(7)
of this section to be eligible to be counted, the individual who
cast that ballot, within ten days after the day of that election,
shall provide to the board of elections any identification or
other documentation required to be provided by the applicable
challenge questions asked of that individual under section 3505.20
of the Revised Code.~~ 3622
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(C)(1) If an individual declares that the individual is 3629
eligible to vote in a jurisdiction other than the jurisdiction in 3630
which the individual desires to vote, or if, upon review of the 3631
precinct voting location guide using the residential street 3632
address provided by the individual, an election official at the 3633
polling place at which the individual desires to vote determines 3634
that the individual is not eligible to vote in that jurisdiction, 3635
the election official shall direct the individual to the polling 3636
place for the jurisdiction in which the individual appears to be 3637
eligible to vote, explain that the individual may cast a 3638
provisional ballot at the current location but the ballot will not 3639
be counted if it is cast in the wrong precinct, and provide the 3640
telephone number of the board of elections in case the individual 3641
has additional questions. 3642

(2) If the individual refuses to travel to the polling place 3643
for the correct jurisdiction or to the office of the board of 3644
elections to cast a ballot, the individual shall be permitted to 3645

vote a provisional ballot at that jurisdiction in accordance with 3646
division (B) of this section. If any of the following apply, the 3647
provisional ballot cast by that individual shall not be opened or 3648
counted: 3649

(a) The individual is not properly registered in that 3650
jurisdiction. 3651

(b) The individual is not eligible to vote in that election 3652
in that jurisdiction. 3653

(c) The individual's eligibility to vote in that jurisdiction 3654
in that election cannot be established upon examination of the 3655
records on file with the board of elections. 3656

(D) The appropriate local election official shall cause 3657
voting information to be publicly posted at each polling place on 3658
the day of each election. 3659

(E) As used in this section and sections 3505.182 and 3660
3505.183 of the Revised Code: 3661

(1) "Jurisdiction" means the precinct in which a person is a 3662
legally qualified elector. 3663

(2) "Precinct voting location guide" means either of the 3664
following: 3665

(a) An electronic or paper record that lists the correct 3666
jurisdiction and polling place for either each specific 3667
residential street address in the county or the range of 3668
residential street addresses located in each neighborhood block in 3669
the county; 3670

(b) Any other method that a board of elections creates that 3671
allows a precinct election official or any elector who is at a 3672
polling place in that county to determine the correct jurisdiction 3673
and polling place of any qualified elector who resides in the 3674
county. 3675

(3) "Voting information" means all of the following:	3676
(a) A sample version of the ballot that will be used for that election;	3677 3678
(b) Information regarding the date of the election and the hours during which polling places will be open;	3679 3680
(c) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;	3681 3682
(d) Instructions for mail-in registrants and first-time voters under applicable federal and state laws;	3683 3684
(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;	3685 3686 3687 3688 3689
(f) General information on federal and state laws regarding prohibitions against acts of fraud and misrepresentation.	3690 3691
Sec. 3505.182. Each individual who casts a provisional ballot under section 3505.181 of the Revised Code shall execute a written affirmation. The <u>secretary of state shall prescribe the form of the written affirmation, which</u> shall be printed upon the face of the provisional ballot envelope and shall be substantially as follows:	3692 3693 3694 3695 3696 3697
"Provisional Ballot Affirmation	3698
STATE OF OHIO	3699
I, (Name of provisional voter), solemnly swear or affirm that I am a registered voter in the jurisdiction in which I am voting this provisional ballot and that I am eligible to vote in the election in which I am voting this provisional ballot.	3700 3701 3702 3703 3704

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

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

~~.....
(Signature of Voter)~~

~~.....
(Voter's date of birth)~~

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

~~.....
(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)~~

~~WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY
OF THE FIFTH DEGREE.~~ 3723 3724

~~Additional Information For Determining Ballot Validity~~ 3725

~~(May be completed at voter's discretion)~~ 3726

~~Voter's current address:~~ 3727

~~Voter's former address if~~ 3728

~~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~~ 3729

~~(Please circle number type)~~ 3730

~~(Voter may attach a copy of any of the following for
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.)~~ 3731

~~Reason for voting provisional ballot (Check one):~~ 3732

~~..... Requested, but did not receive, absent voter's ballot~~ 3733

~~..... Other~~ 3734

~~Verification Statement~~ 3735

~~(To be completed by election official)~~ 3736

~~The Provisional Ballot Affirmation printed above was~~ 3737

~~subscribed and affirmed before me this day of 3738~~
~~..... (Month), (Year). 3739~~

~~(If applicable, the election official must check the 3740~~
~~following true statement concerning additional information needed 3741~~
~~to determine the eligibility of the provisional voter.) 3742~~

~~..... The provisional voter is required to provide 3743~~
~~additional information to the board of elections. 3744~~

~~..... An application or challenge hearing regarding this 3745~~
~~voter has been postponed until after the election. 3746~~

~~(The election official must check the following true 3747~~
~~statement concerning identification provided by the provisional 3748~~
~~voter, if any.) 3749~~

~~..... The provisional voter provided a current and valid 3750~~
~~photo identification. 3751~~

~~..... The provisional voter provided a current valid photo 3752~~
~~identification, other than a driver's license or a state 3753~~
~~identification card, with the voter's former address instead of 3754~~
~~current address and has provided the election official both the 3755~~
~~current and former addresses. 3756~~

~~..... The provisional voter provided a military 3757~~
~~identification or a copy of a current utility bill, bank 3758~~
~~statement, government check, paycheck, or other government 3759~~
~~document, other than a notice of an election mailed by a board of 3760~~
~~elections under section 3501.19 of the Revised Code or a notice of 3761~~
~~voter registration mailed by a board of elections under section 3762~~
~~3503.19 of the Revised Code, with the voter's name and current 3763~~
~~address. 3764~~

~~..... The provisional voter provided the last four digits of 3765~~
~~the voter's social security number. 3766~~

~~..... The provisional voter is not able to provide a current 3767~~

~~and valid photo identification, a military identification, or a 3768
copy of a current utility bill, bank statement, government check, 3769
paycheck, or other government document, other than a notice of an 3770
election mailed by a board of elections under section 3501.19 of 3771
the Revised Code or a notice of voter registration mailed by a 3772
board of elections under section 3503.19 of the Revised Code, with 3773
the voter's name and current address but does have one of these 3774
forms of identification. The provisional voter must provide one of 3775
the foregoing items of identification to the board of elections 3776
within ten days after the election. 3777~~

~~..... The provisional voter is not able to provide a current 3778
and valid photo identification, a military identification, or a 3779
copy of a current utility bill, bank statement, government check, 3780
paycheck, or other government document, other than a notice of an 3781
election mailed by a board of elections under section 3501.19 of 3782
the Revised Code or a notice of voter registration mailed by a 3783
board of elections under section 3503.19 of the Revised Code, with 3784
the voter's name and current address but does have one of these 3785
forms of identification. Additionally, the provisional voter does 3786
have a social security number but is not able to provide the last 3787
four digits of the voter's social security number before voting. 3788
The provisional voter must provide one of the foregoing items of 3789
identification or the last four digits of the voter's social 3790
security number to the board of elections within ten days after 3791
the election. 3792~~

~~..... The provisional voter does not have a current and valid 3793
photo identification, a military identification, a copy of a 3794
current utility bill, bank statement, government check, paycheck, 3795
or other government document with the voter's name and current 3796
address, or a social security number, but has executed an 3797
affirmation. 3798~~

~~..... The provisional voter does not have a current and valid 3799~~

~~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
assist the board of elections in determining the individual's
eligibility to vote in that election, including the date and
location at which the individual registered to vote, if known.~~

~~If the individual declines to execute the affirmation, an
appropriate local election official shall comply with division
(B)(6) of section 3505.181 of the Revised Code. Also printed on
the provisional ballot envelope shall be an election official
checklist, which shall be signed by two election officials who are
members of different political parties affirming that those
election officials followed the proper procedures in verifying the
provisional voter's registration information, address, and correct
precinct.~~

Sec. 3505.183. (A) When the ballot boxes are delivered to the 3832
board of elections from the precincts, the board shall separate 3833
the provisional ballot envelopes from the rest of the ballots. 3834
Teams of employees of the board consisting of one member of each 3835
major political party shall place the sealed provisional ballot 3836
envelopes in a secure location within the office of the board. The 3837
sealed provisional ballot envelopes shall remain in that secure 3838
location until the validity of those ballots is determined under 3839
division (B) of this section. ~~While the provisional ballot is~~ 3840
~~stored in that secure location, and prior to the counting of the~~ 3841
~~provisional ballots, if the board receives information regarding~~ 3842
~~the validity of a specific provisional ballot under division (B)~~ 3843
~~of this section, the board may note, on the sealed provisional~~ 3844
~~ballot envelope for that ballot, whether the ballot is valid and~~ 3845
~~entitled to be counted.~~ 3846

(B)(1) To determine whether a provisional ballot is valid and 3847
entitled to be counted, the board shall examine ~~its~~ the 3848
affirmation executed by the provisional voter, the statewide voter 3849
registration database, and other records maintained by the board 3850
of elections and determine whether the individual who cast the 3851
provisional ballot is registered and eligible to vote in the 3852
applicable election. The board shall examine the information 3853
contained in the written affirmation executed by the individual 3854
who cast the provisional ballot under division (B)(2) of section 3855
3505.181 of the Revised Code. ~~If the individual declines to~~ 3856
~~execute such an affirmation, the individual's name, written by~~ 3857
~~either the individual or the election official at the direction of~~ 3858
~~the individual, shall be included in a written affirmation in~~ 3859
~~order for the provisional ballot to be eligible to be counted;~~ 3860
~~otherwise, the~~ The following information shall be included by the 3861
provisional voter in the written affirmation in order for the 3862
provisional ballot to be eligible to be counted: 3863

(a) The individual's <u>printed name and;</u>	3864
<u>(b) The individual's signature;</u>	3865
(b)(c) The individual's date of birth;	3866
<u>(d) The individual's social security number, driver's license</u>	3867
<u>number, or state identification card number, or an affirmative</u>	3868
<u>notation that the individual provided the required identification</u>	3869
<u>under division (A)(1) of section 3505.18 of the Revised Code;</u>	3870
<u>(e) The individual's residence address;</u>	3871
<u>(f) A statement that the individual is a registered voter in</u>	3872
the jurisdiction in which the provisional ballot is being voted;	3873
(e)(g) A statement that the individual is eligible to vote in	3874
the election in which the provisional ballot is being voted.	3875
(2) In addition to the information required to be included in	3876
an affirmation under division (B)(1) of this section, in	3877
determining whether a provisional ballot is valid and entitled to	3878
be counted, the board also shall examine any additional	3879
information for determining ballot validity provided by the	3880
provisional voter on the affirmation, provided by the provisional	3881
voter to an election official under section 3505.182 of the	3882
Revised Code, or provided to the board of elections during the ten	3883
days after the day of the election under division (B)(8) of	3884
section 3505.181 of the Revised Code, to assist the board in	3885
determining the individual's eligibility to vote.	3886
(3) If, in examining a provisional ballot affirmation and	3887
additional information under divisions (B)(1) and (2) of this	3888
section, the board determines that all of the following apply, the	3889
provisional ballot envelope shall be opened, and the ballot shall	3890
be placed in a ballot box to be counted:	3891
(a) The individual named on the affirmation is properly	3892
registered to vote.	3893

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

(c) The individual provided 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.

~~(d) If applicable, the individual provided 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.~~

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

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

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

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

(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.~~ 3924
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~~(vi) If applicable, the hearing conducted under division (B) of section 3503.24 of the Revised Code after the day of the election did not result in the individual's inclusion in the official registration list.~~ 3928
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~~(vii) The individual failed to provide a current and valid photo identification, a military identification, a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, with the voter's name and current address, or the last four digits of the individual's social security number or to execute an affirmation under division (A) of section 3505.18 or division (B) of section 3505.181 of the Revised Code. The elector executed an affirmation under division (A)(3) of section 3505.18 of the Revised Code stating that the elector does not have any of the forms of identification required under division (A)(1) of that section and, in verifying the elector's eligibility to vote, the election officials determined that the elector does have one of those forms of identification and failed to provide that identification.~~ 3932
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(b) If, in examining a provisional ballot affirmation ~~and additional information under divisions (B)(1) and (2) of this section,~~ the board is unable to determine either of the following, 3949
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the provisional ballot envelope shall not be opened, and the ballot shall not be counted:

(i) Whether the individual named on the affirmation is 3954
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qualified or properly registered to vote;

(ii) Whether the individual named on the affirmation is 3956
eligible to cast a ballot in the precinct or for the election in 3957
which the individual cast the provisional ballot. 3958

(C)(1) For each provisional ballot rejected under division 3959
(B)~~(4)~~(3) of this section, the board shall record the name of the 3960
provisional voter who cast the ballot, the identification number 3961
of the provisional ballot envelope, the names of the election 3962
officials who determined the validity of that ballot, the date and 3963
time that the determination was made, and the reason that the 3964
ballot was not counted. 3965

(2) Provisional ballots that are rejected under division 3966
(B)~~(4)~~(3) of this section shall not be counted but shall be 3967
preserved in their provisional ballot envelopes unopened until the 3968
time provided by section 3505.31 of the Revised Code for the 3969
destruction of all other ballots used at the election for which 3970
ballots were provided, at which time they shall be destroyed. 3971

(D) Provisional ballots that the board determines are 3972
eligible to be counted under division (B)~~(3)~~(2) of this section 3973
shall be counted in the same manner as provided for other ballots 3974
under section 3505.27 of the Revised Code. No provisional ballots 3975
shall be counted in a particular county until the board determines 3976
the eligibility to be counted of all provisional ballots cast in 3977
that county under division (B) of this section for that election. 3978
Observers, as provided in section 3505.21 of the Revised Code, may 3979
be present at all times that the board is determining the 3980
eligibility of provisional ballots to be counted and counting 3981
those provisional ballots determined to be eligible. No person 3982
shall recklessly disclose the count or any portion of the count of 3983
provisional ballots in such a manner as to jeopardize the secrecy 3984
of any individual ballot. 3985

~~(E)(1) Except as otherwise provided in division (E)(2) of~~ 3986
~~this section, nothing~~ Nothing in this section shall prevent a 3987

board of elections from examining provisional ballot affirmations 3988
and additional information under divisions (B)(1) and (2) of this 3989
~~section~~ to determine the eligibility of provisional ballots to be 3990
counted during the ten days after the day of an election. 3991

~~(2) A board of elections shall not examine the provisional 3992
ballot affirmation and additional information under divisions 3993
(B)(1) and (2) of this section of any provisional ballot for which 3994
an election official has indicated under division (B)(7) of 3995
section 3505.181 of the Revised Code that additional information 3996
is required for the board of elections to determine the 3997
eligibility of the individual who cast that provisional ballot 3998
until the individual provides any information required under 3999
division (B)(8) of section 3505.181 of the Revised Code, until any 4000
hearing required to be conducted under section 3503.24 of the 4001
Revised Code with regard to the provisional voter is held, or 4002
until the eleventh day after the day of the election, whichever is 4003
earlier.~~ 4004

Sec. 3505.20. Any person offering to vote may be challenged 4005
at the polling place by any ~~judge of elections~~ precinct election 4006
official. If the board of elections has ruled on the question 4007
presented by a challenge prior to election day, its finding and 4008
decision shall be final, and the ~~presiding judge~~ voting location 4009
manager shall be notified in writing. If the board has not ruled, 4010
the question shall be determined as set forth in this section. If 4011
any person is so challenged as unqualified to vote, the ~~presiding~~ 4012
~~judge~~ voting location manager shall tender the person the 4013
following oath: "You do swear or affirm under penalty of election 4014
falsification that you will fully and truly answer all of the 4015
following questions put to you concerning your qualifications as 4016
an elector at this election." 4017

(A) If the person is challenged as unqualified on the ground 4018

that the person is not a citizen, the ~~judges~~ precinct election
officials shall put the following ~~questions~~ question:

~~(1) Are you a citizen of the United States?~~ 4021

~~(2) Are you a native or naturalized citizen?~~ 4022

~~(3) Where were you born?~~ 4023

~~(4) What official documentation do you possess to prove your
citizenship? Please provide that documentation.~~ 4024
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~~If the person offering to vote claims to be a naturalized
citizen of the United States, the person shall, before the vote is
received, produce for inspection of the judges a certificate of
naturalization and declare under oath that the person is the
identical person named in the certificate. If the person states
under oath that, by reason of the naturalization of the person's
parents or one of them, the person has become a citizen of the
United States, and when or where the person's parents were
naturalized, the certificate of naturalization need not be
produced. If the person is unable to provide a certificate of
naturalization on the day of the election, the judges shall
provide to the person, and the person may vote, a provisional
ballot under section 3505.181 of the Revised Code. The provisional
ballot shall not be counted unless it is properly completed and
the board of elections determines that the voter is properly
registered and eligible to vote in the election.~~ 4026
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(B) If the person is challenged as unqualified on the ground 4042
that the person has not resided in this state for thirty days 4043
immediately preceding the election, the ~~judges~~ precinct election
officials shall put the following questions: 4044
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(1) Have you resided in this state for thirty days 4046
immediately preceding this election? If so, where have you 4047
resided? 4048

(2) Did you properly register to vote?	4049
(3) Can you provide some form of identification containing your current mailing address in this precinct? Please provide that identification.	4050 4051 4052
(4) Have you voted or attempted to vote at any other location in this or in any other state at this election?	4053 4054
(5) Have you applied for an absent voter's ballot in any state for this election?	4055 4056
If the judges <u>precinct election officials</u> are unable to verify the person's eligibility to cast a ballot in the election, the judges <u>precinct election officials</u> 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.	4057 4058 4059 4060 4061 4062 4063 4064
(C) If the person is challenged as unqualified on the ground that the person is not a resident of the precinct where the person offers to vote, the judges <u>precinct election officials</u> shall put the following questions:	4065 4066 4067 4068
(1) Do you reside in this precinct?	4069
(2) When did you move into this precinct?	4070
(3) When you came into this precinct, did you come for a temporary purpose merely or for the purpose of making it your home?	4071 4072 4073
(4) What is your current mailing address?	4074
(5) Do you have some official identification containing your current address in this precinct? Please provide that identification.	4075 4076 4077
(6) Have you voted or attempted to vote at any other location	4078

in this or in any other state at this election? 4079

(7) Have you applied for any absent voter's ballot in any 4080
state for this election? 4081

The ~~judges~~ precinct election officials shall direct an 4082
individual who is not in the appropriate polling place to the 4083
appropriate polling place. If the individual refuses to go to the 4084
appropriate polling place, or if the ~~judges~~ precinct election
officials are unable to verify the person's eligibility to cast a 4085
ballot in the election, the ~~judges~~ precinct election officials 4087
shall provide to the person, and the person may vote, a 4088
provisional ballot under section 3505.181 of the Revised Code. The 4089
provisional ballot shall not be counted unless it is properly 4090
completed and the board of elections determines that the voter is 4091
properly registered and eligible to vote in the election. 4092

(D) If the person is challenged as unqualified on the ground 4093
that the person is not of legal voting age, the ~~judges~~ precinct
election officials shall put the following questions: 4095

(1) Are you eighteen years of age or more? 4096

(2) What is your date of birth? 4097

(3) Do you have some official identification verifying your 4098
age? Please provide that identification. 4099

If the ~~judges~~ precinct election officials are unable to 4100
verify the person's age and eligibility to cast a ballot in the 4101
election, the ~~judges~~ precinct election officials shall provide to 4102
the person, and the person may vote, a provisional ballot under 4103
section 3505.181 of the Revised Code. The provisional ballot shall 4104
not be counted unless it is properly completed and the board of 4105
elections determines that the voter is properly registered and 4106
eligible to vote in the election. 4107

~~The presiding judge shall put such other questions to the~~ 4108

~~person challenged as are necessary to determine the person's~~ 4109
~~qualifications as an elector at the election.~~ If a person 4110
challenged refuses to answer fully any question put to the person, 4111
is unable to answer the questions as they were answered on the 4112
registration form by the person under whose name the person offers 4113
to vote, or refuses to sign the person's name or make the person's 4114
mark, or if for any other reason a majority of the ~~judges~~ precinct 4115
election officials believes the person is not entitled to vote, 4116
the ~~judges~~ precinct election officials shall provide to the 4117
person, and the person may vote, a provisional ballot under 4118
section 3505.181 of the Revised Code. The provisional ballot shall 4119
not be counted unless it is properly completed and the board of 4120
elections determines that the voter is properly registered and 4121
eligible to vote in the election. 4122

A qualified citizen who has certified the citizen's intention 4123
to vote for president and vice-president as provided by Chapter 4124
3504. of the Revised Code shall be eligible to receive only the 4125
ballot containing presidential and vice-presidential candidates. 4126

However, prior to the nineteenth day before the day of an 4127
election and in accordance with section 3503.24 of the Revised 4128
Code, any person qualified to vote may challenge the right of any 4129
other person to be registered as a voter, or the right to cast an 4130
absent voter's ballot, or to make application for such ballot. 4131
Such challenge shall be made in accordance with section 3503.24 of 4132
the Revised Code, and the board of elections of the county in 4133
which the voting residence of the challenged voter is situated 4134
shall make a final determination relative to the legality of such 4135
registration or application. 4136

Sec. 3505.21. At any primary, special, or general election, 4137
any political party supporting candidates to be voted upon at such 4138
election and any group of five or more candidates may appoint to 4139

the board of elections or to any of the precincts in the county or 4140
city one person, a qualified elector, who shall serve as observer 4141
for such party or such candidates during the casting and counting 4142
of the ballots; provided that separate observers may be appointed 4143
to serve during the casting and during the counting of the 4144
ballots. No candidate, no uniformed peace officer as defined by 4145
section 2935.01 of the Revised Code, no uniformed state highway 4146
patrol trooper, no uniformed member of any fire department, no 4147
uniformed member of the armed services, no uniformed member of the 4148
organized militia, no person wearing any other uniform, and no 4149
person carrying a firearm or other deadly weapon shall serve as an 4150
observer, nor shall any candidate be represented by more than one 4151
observer at any one precinct except that a candidate who is a 4152
member of a party controlling committee, as defined in section 4153
3517.03 of the Revised Code, may serve as an observer. Any 4154
political party or group of candidates appointing observers shall 4155
notify the board of elections of the names and addresses of its 4156
appointees and the precincts at which they shall serve. 4157
Notification shall take place not less than eleven days before the 4158
election on forms prescribed by the secretary of state and may be 4159
amended by filing an amendment with the board of elections at any 4160
time until four p.m. of the day before the election. The observer 4161
serving on behalf of a political party shall be appointed in 4162
writing by the chairperson and secretary of the respective 4163
controlling party committee. Observers serving for any five or 4164
more candidates shall have their certificates signed by those 4165
candidates. Observers appointed to a precinct may file their 4166
certificates of appointment with the ~~presiding judge~~ voting 4167
location manager of the precinct at the meeting on the evening 4168
prior to the election, or with the ~~presiding judge~~ voting location 4169
manager of the precinct on the day of the election. Upon the 4170
filing of a certificate, the person named as observer in the 4171
certificate shall be permitted to be in and about the polling 4172

place for the precinct during the casting of the ballots and shall 4173
be permitted to watch every proceeding of the ~~judges of elections~~ 4174
precinct election officials from the time of the opening until the 4175
closing of the polls. The observer also may inspect the counting 4176
of all ballots in the polling place or board of elections from the 4177
time of the closing of the polls until the counting is completed 4178
and the final returns are certified and signed. Observers 4179
appointed to the board of elections under this section may observe 4180
at the board of elections and may observe at any precinct in the 4181
county. The ~~judges of elections~~ precinct election officials shall 4182
protect such observers in all of the rights and privileges granted 4183
to them by Title XXXV of the Revised Code. 4184

No persons other than the ~~judges of elections~~ precinct 4185
election officials, the observers, a police officer, other persons 4186
who are detailed to any precinct on request of the board of 4187
elections, or the secretary of state or the secretary of state's 4188
legal representative shall be admitted to the polling place, or 4189
any room in which a board of elections is counting ballots, after 4190
the closing of the polls until the counting, certifying, and 4191
signing of the final returns of each election have been completed. 4192

Not later than four p.m. of the twentieth day prior to an 4193
election at which questions are to be submitted to a vote of the 4194
people, any committee that in good faith advocates or opposes a 4195
measure may file a petition with the board of any county asking 4196
that the petitioners be recognized as the committee entitled to 4197
appoint observers to the count at the election. If more than one 4198
committee alleging themselves to advocate or oppose the same 4199
measure file such a petition, the board shall decide and announce 4200
by registered mail to each committee not less than twelve days 4201
immediately preceding the election which committee is recognized 4202
as being entitled to appoint observers. The decision shall not be 4203
final, but any aggrieved party may institute mandamus proceedings 4204

in the court of common pleas of the county in which the board has 4205
jurisdiction to compel the ~~judges of elections~~ precinct election 4206
officials to accept the appointees of such aggrieved party. Any 4207
such recognized committee may appoint an observer to the count in 4208
each precinct. Committees appointing observers shall notify the 4209
board of elections of the names and addresses of its appointees 4210
and the precincts at which they shall serve. Notification shall 4211
take place not less than eleven days before the election on forms 4212
prescribed by the secretary of state and may be amended by filing 4213
an amendment with the board of elections at any time until four 4214
p.m. on the day before the election. A person so appointed shall 4215
file the person's certificate of appointment with the ~~presiding~~ 4216
~~judge~~ voting location manager in the precinct in which the person 4217
has been appointed to serve. Observers shall file their 4218
certificates before the polls are closed. In no case shall more 4219
than six observers be appointed for any one election in any one 4220
precinct. If more than three questions are to be voted on, the 4221
committees which have appointed observers may agree upon not to 4222
exceed six observers, and the ~~judges of elections~~ precinct 4223
election officials shall appoint such observers. If such 4224
committees fail to agree, the ~~judges of elections~~ precinct 4225
election officials shall appoint six observers from the appointees 4226
so certified, in such manner that each side of the several 4227
questions shall be represented. 4228

No person shall serve as an observer at any precinct unless 4229
the board of elections of the county in which such observer is to 4230
serve has first been notified of the name, address, and precinct 4231
at which such observer is to serve. Notification to the board of 4232
elections shall be given by the political party, group of 4233
candidates, or committee appointing such observer as prescribed in 4234
this section. No such observers shall receive any compensation 4235
from the county, municipal corporation, or township, and they 4236
shall take the following oath, to be administered by one of the 4237

~~judges of elections~~ precinct election officials: 4238

"You do solemnly swear that you will faithfully and 4239
impartially discharge the duties as an official observer, assigned 4240
by law; that you will not cause any delay to persons offering to 4241
vote; and that you will not disclose or communicate to any person 4242
how any elector has voted at such election." 4243

Sec. 3505.23. No voter shall be allowed to occupy a voting 4244
compartment or use a voting machine for more than ~~five~~ ten minutes 4245
when all the voting compartments or machines are in use and voters 4246
are waiting to occupy them. Except as otherwise provided by 4247
section 3505.24 of the Revised Code, no voter shall occupy a 4248
voting compartment or machine with another person or speak to 4249
anyone, nor shall anyone speak to the voter, while the voter is in 4250
a voting compartment or machine. 4251

In precincts that do not use voting machines the following 4252
procedure shall be followed: 4253

If a voter tears, soils, defaces, or erroneously marks a 4254
ballot the voter may return it to the precinct election officials 4255
and a second ballot shall be issued to the voter. Before returning 4256
a torn, soiled, defaced, or erroneously marked ballot, the voter 4257
shall fold it so as to conceal any marks the voter made upon it, 4258
but the voter shall not remove Stub A therefrom. If the voter 4259
tears, soils, defaces, or erroneously marks such second ballot, 4260
the voter may return it to the precinct election officials, and a 4261
third ballot shall be issued to the voter. In no case shall more 4262
than three ballots be issued to a voter. Upon receiving a returned 4263
torn, soiled, defaced, or erroneously marked ballot the precinct 4264
election officials shall detach Stub A therefrom, write "Defaced" 4265
on the back of such ballot, and place the stub and the ballot in 4266
the separate containers provided therefor. 4267

No elector shall leave the polling place until the elector 4268

returns to the precinct election officials every ballot issued to 4269
the elector with Stub A on each ballot attached thereto, 4270
regardless of whether the elector has or has not placed any marks 4271
upon the ballot. 4272

Before leaving the voting compartment, the voter shall fold 4273
each ballot marked by the voter so that no part of the face of the 4274
ballot is visible, and so that the printing thereon indicating the 4275
kind of ballot it is and the facsimile signatures of the members 4276
of the board of elections are visible. The voter shall then leave 4277
the voting compartment, deliver the voter's ballots, and state the 4278
voter's name to the ~~judge~~ precinct election official having charge 4279
of the ballot ~~boxes~~ box, who shall announce the name, detach Stub 4280
A from each ballot, and announce the number on the stubs. The 4281
~~judges~~ precinct election officials in charge of the poll lists or 4282
poll books shall check to ascertain whether the number so 4283
announced is the number on Stub B of the ballots issued to such 4284
voter, and if no discrepancy appears to exist, the ~~judge~~ precinct 4285
election official in charge of the ballot ~~boxes~~ box shall, in the 4286
presence of the voter, deposit each such ballot in the ~~proper~~ 4287
ballot box and shall place Stub A from each ballot in the 4288
container provided therefor. The voter shall then immediately 4289
leave the polling place. 4290

No ballot delivered by a voter to the ~~judge~~ precinct election 4291
official in charge of the ballot ~~boxes~~ box with Stub A detached 4292
therefrom, and only ballots provided in accordance with Title XXXV 4293
of the Revised Code, shall be voted or deposited in the ballot 4294
~~boxes~~ box. 4295

In marking a presidential ballot, the voter shall record the 4296
vote in the manner provided on the ballot next to the names of the 4297
candidates for the offices of president and vice-president. Such 4298
ballot shall be considered and counted as a vote for each of the 4299
candidates for election as presidential elector whose names were 4300

certified to the secretary of state by the political party of such 4301
nominees for president and vice-president. 4302

In marking an office type ballot or nonpartisan ballot, the 4303
voter shall record the vote in the manner provided on the ballot 4304
next to the name of each candidate for whom the voter desires to 4305
vote. 4306

In marking a primary election ballot, the voter shall record 4307
the vote in the manner provided on the ballot next to the name of 4308
each candidate for whom the voter desires to vote. If the voter 4309
desires to vote for the nomination of a person whose name is not 4310
printed on the primary election ballot, the voter may do so by 4311
writing such person's name on the ballot in the proper place 4312
provided for such purpose. 4313

In marking a questions and issues ballot, the voter shall 4314
record the vote in the manner provided on the ballot at the left 4315
or at the right of "YES" or "NO" or other words of similar import 4316
which are printed on the ballot to enable the voter to indicate 4317
how the voter votes in connection with each question or issue upon 4318
which the voter desires to vote. 4319

In marking any ballot on which a blank space has been 4320
provided wherein an elector may write in the name of a person for 4321
whom the elector desires to vote, the elector shall write such 4322
person's name in such blank space and on no other place on the 4323
ballot. Unless specific provision is made by statute, no blank 4324
space shall be provided on a ballot for write-in votes, and any 4325
names written on a ballot other than in a blank space provided 4326
therefor shall not be counted or recorded. 4327

Sec. 3505.24. Any elector who declares to the ~~presiding judge~~ 4328
~~of elections~~ voting location manager that the elector is unable to 4329
mark the elector's ballot by reason of blindness, disability, or 4330
illiteracy may be accompanied in the voting booth and aided by any 4331

person of the elector's choice, other than the elector's employer, 4332
an agent of the elector's employer, or an officer or agent of the 4333
elector's union, if any. The elector also may request and receive 4334
assistance in the marking of the elector's ballot from two 4335
election officials of different political parties. Any person 4336
providing assistance in the marking of an elector's ballot under 4337
this section shall thereafter provide no information in regard to 4338
the marking of that ballot. 4339

Any ~~judge~~ precinct election official may require a 4340
declaration of inability to be made by the elector under oath 4341
before the ~~judge~~ official. Assistance shall not be rendered for 4342
causes other than those specified in this section, and no 4343
candidate whose name appears on the ballot shall assist any person 4344
in marking that person's ballot. 4345

Sec. 3505.26. At the time for closing the polls, the 4346
~~presiding judge~~ voting location manager shall by proclamation 4347
announce that the polls are closed. 4348

The ~~judges~~ precinct election officials shall then in the 4349
presence of observers proceed as follows: 4350

(A) Count the number of electors who voted, as shown on the 4351
pollbooks; 4352

(B) Count the unused ballots without removing stubs; 4353

(C) Count the soiled and defaced ballots; 4354

(D) Insert the totals of (A), (B), and (C) on the report 4355
forms provided therefor in the pollbook; 4356

(E) Count the voted ballots. If the number of voted ballots 4357
exceeds the number of voters whose names appear upon the 4358
pollbooks, the ~~presiding judge~~ voting location manager shall enter 4359
on the pollbooks an explanation of that discrepancy, and that 4360
explanation, if agreed to, shall be subscribed to by all of the 4361

~~judges~~ precinct election officials. Any ~~judge~~ precinct official 4362
having a different explanation shall enter it in the pollbooks and 4363
subscribe to it. 4364

(F) Put the unused ballots with stubs attached, and soiled 4365
and defaced ballots with stubs attached, in the envelopes or 4366
containers provided therefor, certify the number, and then proceed 4367
to count and tally the votes in the manner prescribed by section 4368
3505.27 of the Revised Code and certify the result of the election 4369
to the board of elections. 4370

Sec. 3505.28. (A)(1) No ballot shall be counted which is 4371
marked contrary to law, except that no ballot shall be rejected 4372
for any technical error unless it is impossible to determine the 4373
voter's choice. ~~if~~ 4374

(2) A ballot is marked contrary to law and does not contain a 4375
technical error if the voter marks more selections for a 4376
particular office, question, or issue than the number of 4377
selections that the voter is allowed by law to make for that 4378
office, question, or issue. 4379

(3) Except as otherwise provided in this division, a voter 4380
makes more selections for a particular office than the voter is 4381
allowed by law to make for that office if the voter marks the 4382
ballot for a candidate and also writes in the name of that 4383
candidate as a write-in vote. If all of the following apply, then 4384
the ballot is not marked contrary to law and the ballot shall be 4385
counted: 4386

(a) The voter marks the ballot for a candidate and writes in 4387
the identical candidate's name; 4388

(b) The ballots are counted at a central location using 4389
automatic tabulating equipment; and 4390

(c) At least three members of the board of elections agree 4391

that the candidate's name, as it appears on the ballot, and the 4392
name of the candidate written in by the voter are identical. 4393

(4) If the voter makes more selections for a particular 4394
office, question, or issue than the number of selections that the 4395
voter is allowed by law to make, the voter's ballot shall be 4396
invalidated for that office, question, or issue, but shall not be 4397
invalidated for any other office, question, or issue for which the 4398
voter has not marked an excess number of selections. 4399

(B) If two or more ballots are found folded together among 4400
the ballots removed from a ballot box, they shall be deemed to be 4401
fraudulent. Such ballots shall not be counted. They shall be 4402
marked "Fraudulent" and shall be placed in an envelope indorsed 4403
"Not Counted" with the reasons therefor, and such envelope shall 4404
be delivered to the board of elections together with other 4405
uncounted ballots. 4406

(C) No ballot shall be rejected because of being marked with 4407
ink or by any writing instrument other than one of the pencils 4408
provided by the board of elections. 4409

Sec. 3505.29. From the time the ballot box is opened and the 4410
count of ballots begun until the ballots are counted and 4411
certificates of votes cast are made out, signed, certified and 4412
given to the ~~presiding judge~~ voting location manager for delivery 4413
to the headquarters of the board of elections, the ~~judges~~ precinct
election officials in each precinct shall not separate, nor shall 4414
a ~~judge~~ precinct election official leave the polling place except 4416
from unavoidable necessity. In cases of illness or unavoidable 4417
necessity, the board may substitute another qualified person for 4418
any precinct official so incapacitated. 4419

Sec. 3505.30. When the results of the ballots have been 4420
ascertained, such results shall be embodied in a summary statement 4421

to be prepared by the ~~judges~~ precinct election officials in 4422
duplicate, on forms provided by the board of elections. One copy 4423
shall be certified by the ~~judges~~ precinct election officials and 4424
posted on the front of the polling place, and one copy, similarly 4425
certified, shall be transmitted without delay to the board in a 4426
sealed envelope along with the other returns of the election. The 4427
board shall, immediately upon receipt of such summary statements, 4428
compile and prepare an unofficial count and upon its completion 4429
shall transmit prepaid, immediately by telephone, facsimile 4430
machine, or other telecommunications device, the results of such 4431
unofficial count to the secretary of state, or to the board of the 4432
most populous county of the district which is authorized to 4433
canvass the returns. Such count, in no event, shall be made later 4434
than twelve noon on the day following the election. ~~The board~~ 4435
~~shall also, at the same time, certify the results thereof to the~~ 4436
~~secretary of state by certified mail.~~ The board shall remain in 4437
session from the time of the opening of the polls, continuously, 4438
until the results of the election are received from every precinct 4439
in the county and such results are communicated to the secretary 4440
of state. 4441

Sec. 3505.31. When the results of the voting in a polling 4442
place on the day of an election have been determined and entered 4443
upon the proper forms and the certifications of those results have 4444
been signed by the precinct officials, those officials, before 4445
leaving the polling place, shall place all ballots that they have 4446
counted in containers provided for that purpose by the board of 4447
elections, and shall seal each container in a manner that it 4448
cannot be opened without breaking the seal or the material of 4449
which the container is made. They shall also seal the pollbook, 4450
poll list or signature pollbook, and tally sheet in a manner that 4451
the data contained in these items cannot be seen without breaking 4452
the seals. On the outside of these items shall be a plain 4453

indication that they are to be filed with the board. The ~~presiding~~ 4454
~~judge~~ voting location manager and an employee or appointee of the 4455
board of elections who has taken an oath to uphold the laws and 4456
constitution of this state, including an oath that the person will 4457
promptly and securely perform the duties required under this 4458
section and who is a member of a different political party than 4459
the ~~presiding judge~~ voting location manager, shall then deliver to 4460
the board the containers of ballots and the sealed pollbook, poll 4461
list, and tally sheet, together with all other election reports, 4462
materials, and supplies required to be delivered to the board. 4463

The board shall carefully preserve all ballots prepared and 4464
provided by it for use in an election, whether used or unused, for 4465
sixty days after the day of the election, except that, if an 4466
election includes the nomination or election of candidates for any 4467
of the offices of president, vice-president, presidential elector, 4468
member of the senate of the congress of the United States, or 4469
member of the house of representatives of the congress of the 4470
United States, the board shall carefully preserve all ballots 4471
prepared and provided by it for use in that election, whether used 4472
or unused, for twenty-two months after the day of the election. If 4473
an election is held within that sixty-day period, the board shall 4474
have authority to transfer those ballots to other containers to 4475
preserve them until the sixty-day period has expired. After that 4476
sixty-day period, the ballots shall be disposed of by the board in 4477
a manner that the board orders, or where voting machines have been 4478
used the counters may be turned back to zero; provided that the 4479
secretary of state, within that sixty-day period, may order the 4480
board to preserve the ballots or any part of the ballots for a 4481
longer period of time, in which event the board shall preserve 4482
those ballots for that longer period of time. 4483

In counties where voting machines are used, if an election is 4484
to be held within the sixty days immediately following a primary, 4485

general, or special election or within any period of time within 4486
which the ballots have been ordered preserved by the secretary of 4487
state or a court of competent jurisdiction, the board, after 4488
giving notice to all interested parties and affording them an 4489
opportunity to have a representative present, shall open the 4490
compartments of the machines and, without unlocking the machines, 4491
shall recanvass the vote cast in them as if a recount were being 4492
held. The results shall be certified by the board, and this 4493
certification shall be filed in the board's office and retained 4494
for the remainder of the period for which ballots must be kept. 4495
After preparation of the certificate, the counters may be turned 4496
back to zero, and the machines may be used for the election. 4497

The board shall carefully preserve the pollbook, poll list or 4498
signature pollbook, and tally sheet delivered to it from each 4499
polling place until it has completed the official canvass of the 4500
election returns from all precincts in which electors were 4501
entitled to vote at an election, and has prepared and certified 4502
the abstracts of election returns, as required by law. The board 4503
shall not break, or permit anyone to break, the seals upon the 4504
pollbook, poll list or signature pollbook, and tally sheet, or 4505
make, or permit any one to make, any changes or notations in these 4506
items, while they are in its custody, except as provided by 4507
section 3505.32 of the Revised Code. 4508

Pollbooks and poll lists or signature pollbooks of a party 4509
primary election delivered to the board from polling places shall 4510
be carefully preserved by it for two years after the day of 4511
election in which they were used, and shall then be disposed of by 4512
the board in a manner that the board orders. 4513

Pollbooks, poll lists or signature pollbooks, tally sheets, 4514
summary statements, and other records and returns of an election 4515
delivered to it from polling places shall be carefully preserved 4516
by the board for two years after the day of the election in which 4517

they were used, and shall then be disposed of by the board in a 4518
manner that the board orders. 4519

Sec. 3506.021. (A) A board of elections may adopt the use of 4520
any electronic pollbook that has been certified for use in this 4521
state in accordance with section 3506.05 of the Revised Code, 4522
instead of using poll lists or signature pollbooks. A board of 4523
elections that opts to use electronic pollbooks shall notify the 4524
secretary of state of that decision. 4525

(B) The secretary of state shall provide each board of 4526
elections that adopts the use of electronic pollbooks under 4527
division (A) of this section with rules, instructions, directives, 4528
and advisories regarding the examination, testing, and use of 4529
electronic pollbooks, including rules regarding the sealing of the 4530
information in those pollbooks as required under section 3505.31 4531
of the Revised Code. 4532

(C) As used in this section, "electronic pollbook" has the 4533
same meaning as in section 3506.05 of the Revised Code. 4534

Sec. 3506.05. (A) As used in this section, ~~except:~~ 4535

(1) "Electronic pollbook" means an electronic list of 4536
registered voters for a particular precinct or polling location 4537
that may be transported to a polling location; 4538

(2) Except when used as part of the phrase "tabulating 4539
equipment" or "automatic tabulating equipment," ~~+~~ 4540

~~(1)~~ "Equipment" "equipment" means a voting machine, marking 4541
device, automatic tabulating equipment, ~~or~~ software, or an 4542
electronic pollbook. 4543

~~(2)~~(3) "Vendor" means the person that owns, manufactures, 4544
distributes, or has the legal right to control the use of 4545
equipment, or the person's agent. 4546

(B) No voting machine, marking device, automatic tabulating equipment, or software for the purpose of casting or tabulating votes or for communications among systems involved in the tabulation, storage, or casting of votes, and no electronic pollbook, shall be purchased, leased, put in use, or continued to be used, except for experimental use as provided in division (B) of section 3506.04 of the Revised Code, unless it, a manual of procedures governing its use, and training materials, service, and other support arrangements have been certified by the secretary of state and unless the board of elections of each county where the equipment will be used has assured that a demonstration of the use of the equipment has been made available to all interested electors. The secretary of state shall appoint a board of voting machine examiners to examine and approve equipment and its related manuals and support arrangements. The board shall consist of 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 4579
filled in the same manner as the original appointment. The 4580
secretary of state shall provide staffing assistance to the board, 4581
at the board's request. 4582

For the member's service, each member of the board shall 4583
receive three hundred dollars per day for each combination of 4584
marking device, tabulating equipment, ~~and~~ voting machine, and 4585
electronic pollbook examined and reported, but in no event shall a 4586
member receive more than six hundred dollars to examine and report 4587
on any one marking device, item of tabulating equipment, ~~or~~ voting 4588
machine, or electronic pollbook. Each member of the board shall be 4589
reimbursed for expenses the member incurs during an examination or 4590
during the performance of any related duties that may be required 4591
by the secretary of state. Reimbursement of these expenses shall 4592
be made in accordance with, and shall not exceed, the rates 4593
provided for under section 126.31 of the Revised Code. 4594

Neither the secretary of state nor the board, nor any public 4595
officer who participates in the authorization, examination, 4596
testing, or purchase of equipment, shall have any pecuniary 4597
interest in the equipment or any affiliation with the vendor. 4598

(C)(1) A vendor who desires to have the secretary of state 4599
certify equipment shall first submit the equipment, all current 4600
related procedural manuals, and a current description of all 4601
related support arrangements to the board of voting machine 4602
examiners for examination, testing, and approval. The submission 4603
shall be accompanied by a fee of eighteen hundred dollars and a 4604
detailed explanation of the construction and method of operation 4605
of the equipment, a full statement of its advantages, and a list 4606
of the patents and copyrights used in operations essential to the 4607
processes of vote recording and tabulating, vote storage, system 4608
security, pollbook storage and security, and other crucial 4609
operations of the equipment as may be determined by the board. An 4610

additional fee, in an amount to be set by rules promulgated by the board, may be imposed to pay for the costs of alternative testing or testing by persons other than board members, record-keeping, and other extraordinary costs incurred in the examination process. Moneys not used shall be returned to the person or entity submitting the equipment for examination.

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

(D) Within sixty days after the submission of the equipment and payment of the fee, or as soon thereafter as is reasonably practicable, but in any event within not more than ninety days after the submission and payment, the board of voting machine examiners shall examine the equipment and file with the secretary of state a written report on the equipment with its recommendations and, if applicable, its determination or condition of approval regarding whether the equipment, manual, and other related materials or arrangements meet the criteria set forth in sections 3506.07 and 3506.10 of the Revised Code and can be safely used by the voters at elections under the conditions prescribed in Title XXXV of the Revised Code, or a written statement of reasons for which testing requires a longer period. The board may grant temporary approval for the purpose of allowing experimental use of equipment. If the board finds that the equipment meets ~~the~~ any applicable criteria set forth in sections 3506.06, 3506.07, and

3506.10 of the Revised Code, can be used safely and, if 4643
applicable, can be depended upon to record and count accurately 4644
and continuously the votes of electors, and has the capacity to be 4645
warranted, maintained, and serviced, it shall approve the 4646
equipment and recommend that the secretary of state certify the 4647
equipment. The secretary of state shall notify all boards of 4648
elections of any such certification. Equipment of the same model 4649
and make, if it ~~provides for recording of voter intent, system~~ 4650
~~security, voter privacy, retention of vote, and communication of~~ 4651
~~voting records~~ operates in an identical manner, may then be 4652
adopted for use at elections. 4653

(E) The vendor shall notify the secretary of state, who shall 4654
then notify the board of voting machine examiners, of any 4655
enhancement and any significant adjustment to the hardware or 4656
software that could result in a patent or copyright change or that 4657
significantly alters the methods of recording voter intent, system 4658
security, voter privacy, retention of the vote, communication of 4659
~~voting~~ records, and connections between the system and other 4660
systems. The vendor shall provide the secretary of state with an 4661
updated operations manual for the equipment, and the secretary of 4662
state shall forward the manual to the board. Upon receiving such a 4663
notification and manual, the board may require the vendor to 4664
submit the equipment to an examination and test in order for the 4665
equipment to remain certified. The board or the secretary of state 4666
shall periodically examine, test, and inspect certified equipment 4667
to determine continued compliance with the requirements of this 4668
chapter and the initial certification. Any examination, test, or 4669
inspection conducted for the purpose of continuing certification 4670
of any equipment in which a significant problem has been uncovered 4671
or in which a record of continuing problems exists shall be 4672
performed pursuant to divisions (C) and (D) of this section, in 4673
the same manner as the examination, test, or inspection is 4674
performed for initial approval and certification. 4675

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

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

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

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

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

(3) Not later than fifteen days after receiving a written description or explanation under division (G)(2) of this section from a vendor, the board shall determine whether the corrective measures taken or the explanation is satisfactory to allow continued certification of the equipment, and the secretary of

state shall send the vendor a written notice of the board's 4707
determination, specifying the reasons for it. If the board has 4708
determined that the measures taken or the explanation given is 4709
unsatisfactory, the notice shall include the effective date of 4710
withdrawal of the certification. This date may be different from 4711
the date originally specified in division (G)(1)(b) of this 4712
section. 4713

(4) A vendor who receives a notice under division (G)(3) of 4714
this section indicating a decision to withdraw certification may, 4715
within thirty days after receiving it, request in writing that the 4716
board hold a hearing to reconsider its decision. Any interested 4717
party shall be given the opportunity to submit testimony or 4718
documentation in support of or in opposition to the board's 4719
recommendation to withdraw certification. Failure of the vendor to 4720
take appropriate steps as described in division (G)(1)(b) or to 4721
comply with division (G)(2) of this section results in a waiver of 4722
the vendor's rights under division (G)(4) of this section. 4723

(H)(1) The secretary of state, in consultation with the board 4724
of voting machine examiners, shall establish, by rule, guidelines 4725
for the approval, certification, and continued certification of 4726
the voting machines, marking devices, ~~and~~ tabulating equipment, 4727
and electronic pollbooks to be used under Title XXXV of the 4728
Revised Code. The guidelines shall establish procedures requiring 4729
vendors or computer software developers to place in escrow with an 4730
independent escrow agent approved by the secretary of state a copy 4731
of all source code and related documentation, together with 4732
periodic updates as they become known or available. The secretary 4733
of state shall require that the documentation include a system 4734
configuration and that the source code include all relevant 4735
program statements in low- or high-level languages. As used in 4736
this division, "source code" does not include variable codes 4737
created for specific elections. 4738

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

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

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

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

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

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

(v) A requirement that the voter verified paper audit trail shall be capable of being optically scanned for the purpose of

conducting a recount or other audit of the voting machine and 4770
shall be readable in a manner that makes the voter's ballot 4771
choices obvious to the voter without the use of computer or 4772
electronic codes; 4773

(vi) A requirement, for office-type ballots, that the voter 4774
verified paper audit trail include the name of each candidate 4775
selected by the voter; 4776

(vii) A requirement, for questions and issues ballots, that 4777
the voter verified paper audit trail include the title of the 4778
question or issue, the name of the entity that placed the question 4779
or issue on the ballot, and the voter's ballot selection on that 4780
question or issue, but not the entire text of the question or 4781
issue. 4782

(b) The secretary of state, by rule adopted under Chapter 4783
119. of the Revised Code, may waive the requirement under division 4784
(H)(3)(a)(v) of this section, if the secretary of state determines 4785
that the requirement is cost prohibitive. 4786

(4)(a) Except as otherwise provided in division (H)(4)(c) of 4787
this section, any voting machine, marking device, or automatic 4788
tabulating equipment initially certified or acquired on or after 4789
December 1, 2008, shall have the most recent federal certification 4790
number issued by the election assistance commission. 4791

(b) Any voting machine, marking device, or automatic 4792
tabulating equipment certified for use in this state on ~~the~~ 4793
~~effective date of this amendment~~ September 12, 2008, shall meet, 4794
as a condition of continued certification and use, the voting 4795
system standards adopted by the federal election commission in 4796
2002. 4797

(c) A county that acquires additional voting machines, 4798
marking devices, or automatic tabulating equipment on or after 4799
December 1, 2008, shall not be considered to have acquired those 4800

machines, devices, or equipment on or after December 1, 2008, for 4801
the purpose of division (H)(4)(a) of this section if all of the 4802
following apply: 4803

(i) The voting machines, marking devices, or automatic 4804
tabulating equipment acquired are the same as the machines, 4805
devices, or equipment currently used in that county. 4806

(ii) The acquisition of the voting machines, marking devices, 4807
or automatic tabulating equipment does not replace or change the 4808
primary voting system used in that county. 4809

(iii) The acquisition of the voting machines, marking 4810
devices, or automatic tabulating equipment is for the purpose of 4811
replacing inoperable machines, devices, or equipment or for the 4812
purpose providing additional machines, devices, or equipment 4813
required to meet the allocation requirements established pursuant 4814
to division (I) of section 3501.11 of the Revised Code. 4815

Sec. 3506.12. In counties where marking devices, automatic 4816
tabulating equipment, voting machines, or any combination of these 4817
are in use or are to be used, the board of elections: 4818

(A) May combine, rearrange, and enlarge precincts; but the 4819
board shall arrange for a sufficient number of these devices to 4820
accommodate the number of electors in each precinct as determined 4821
by the number of votes cast in that precinct at the most recent 4822
election for the office of governor, taking into consideration the 4823
size and location of each selected polling place, available 4824
parking, handicap accessibility and other accessibility to the 4825
polling place, and the number of candidates and issues to be voted 4826
on. Notwithstanding section 3501.22 of the Revised Code, the board 4827
may appoint more than four precinct officers to each precinct if 4828
this is made necessary by the number of voting machines to be used 4829
in that precinct. 4830

(B) Except as otherwise provided in this division, shall 4831
establish one or more counting stations to receive voted ballots 4832
and other precinct election supplies after the polling precincts 4833
are closed. Those stations shall be under the supervision and 4834
direction of the board of elections. Processing and counting of 4835
voted ballots, and the preparation of summary sheets, shall be 4836
done in the presence of observers approved by the board. A 4837
certified copy of the summary sheet for the precinct shall be 4838
posted at each counting station immediately after completion of 4839
the summary sheet. 4840

~~In counties where punch card ballots are used, one or more 4841
counting stations, located at the board of elections, shall be 4842
established, at which location all punch card ballots shall be 4843
counted. 4844~~

~~As used in this division, "punch card ballot" has the same 4845
meaning as in section 3506.16 of the Revised Code. 4846~~

Sec. 3506.15. The secretary of state shall provide each board 4847
of elections with rules, instructions, directives, and advisories 4848
regarding the examination, testing, and use of the voting machine 4849
and tabulating equipment, the assignment of duties of booth 4850
officials, the procedure for casting a vote on the machine, and 4851
how the vote shall be tallied and reported to the board, and with 4852
other rules, instructions, directives, and advisories the 4853
secretary of state finds necessary to ensure the adequate care and 4854
custody of voting equipment, and the accurate registering, 4855
counting, and canvassing of the votes as required by this chapter. 4856
The boards of elections shall be charged with the responsibility 4857
of providing for the adequate instruction of voters and election 4858
officials in the proper use of the voting machine and marking 4859
devices. ~~The boards' instructions shall include, in counties where 4860
punch card ballots are used, instructions that each voter shall 4861~~

~~examine the voter's marked ballot card and remove any chads that~~ 4862
~~remain partially attached to it before returning it to election~~ 4863
~~officials.~~ 4864

The secretary of state's rules, instructions, directives, and 4865
advisories provided under this section shall comply, insofar as 4866
practicable, with this chapter. The provisions of Title XXXV of 4867
the Revised Code, not inconsistent with the provisions relating to 4868
voting machines, apply in any county using a voting machine. 4869

~~As used in this section, "chad" and "punch card ballot" have~~ 4870
~~the same meanings as in section 3506.16 of the Revised Code.~~ 4871

Sec. 3509.01. (A) The board of elections of each county shall 4872
provide absent voter's ballots for use at every primary and 4873
general election, or special election to be held on the day 4874
specified by division (E) of section 3501.01 of the Revised Code 4875
for the holding of a primary election, designated by the general 4876
assembly for the purpose of submitting constitutional amendments 4877
proposed by the general assembly to the voters of the state. Those 4878
ballots shall be the same size, shall be printed on the same kind 4879
of paper, and shall be in the same form as has been approved for 4880
use at the election for which those ballots are to be voted; 4881
except that, in counties using marking devices, ballot cards may 4882
be used for absent voter's ballots, and those absent voters shall 4883
be instructed to record the vote in the manner provided on the 4884
ballot cards. ~~In counties where punch card ballots are used, those~~ 4885
~~absent voters shall be instructed to examine their marked ballot~~ 4886
~~cards and to remove any chads that remain partially attached to~~ 4887
~~them before returning them to election officials.~~ 4888

(B) The rotation of names of candidates and questions and 4889
issues shall be substantially complied with on absent voter's 4890
ballots, within the limitation of time allotted. Those ballots 4891
shall be designated as "Absent Voter's Ballots." Except as 4892

otherwise provided in division (D) of this section, those ballots 4893
shall be printed and ready for use as follows: 4894

(1) For overseas voters and absent uniformed services voters 4895
eligible to vote under the Uniformed and Overseas Citizens 4896
Absentee Voting Act, Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 4897
1973ff, et seq., as amended, ballots shall be printed and ready 4898
for use on the forty-fifth day before the day of the election. 4899

(2) For all ~~other~~ voters, other than overseas voters and 4900
absent uniformed services voters, who are applying to vote absent 4901
voter's ballots other than in person, ballots shall be printed and 4902
ready for use on the ~~thirty-fifth~~ twenty-first day before the day 4903
of the election. 4904

(3) For all voters who are applying to vote absent voter's 4905
ballots in person, ballots shall be printed and ready for use 4906
beginning on the sixteenth day before the day of the election and 4907
shall continue to be available for use through six p.m. on the 4908
last Friday before the day of the election, except that ballots 4909
shall not be available for use on Sunday. On the days in which 4910
absent voter's ballots are available for use in person, those 4911
ballots shall be available from eight a.m. through six p.m. Monday 4912
through Friday, and from eight a.m. through twelve p.m. on 4913
Saturday. 4914

(C) Absent voter's ballots provided for use at a general or 4915
primary election, or special election to be held on the day 4916
specified by division (E) of section 3501.01 of the Revised Code 4917
for the holding of a primary election, designated by the general 4918
assembly for the purpose of submitting constitutional amendments 4919
proposed by the general assembly to the voters of the state, shall 4920
include only those questions, issues, and candidacies that have 4921
been lawfully ordered submitted to the electors voting at that 4922
election. 4923

(D) If the laws governing the holding of a special election 4924
on a day other than the day on which a primary or general election 4925
is held make it impossible for absent voter's ballots to be 4926
printed and ready for use by the deadlines established in division 4927
(B) of this section, absent voter's ballots for those special 4928
elections shall be ready for use as many days before the day of 4929
the election as reasonably possible under the laws governing the 4930
holding of that special election. 4931

(E) A copy of the absent voter's ballots shall be forwarded 4932
by the director of the board in each county to the secretary of 4933
state at least twenty-five days before the election. 4934

~~(F) As used in this section, "chad" and "punch card ballot" 4935
have the same meanings as in section 3506.16 of the Revised Code. 4936~~

Sec. 3509.03. Except as provided in section 3509.031 or 4937
division (B) of section 3509.08 of the Revised Code, any qualified 4938
elector desiring to vote absent voter's ballots at an election 4939
shall make written application for those ballots to the ~~director~~ 4940
board of elections of the county in which the elector's voting 4941
residence is located. The application need not be in any 4942
particular form but shall contain all of the following: 4943

(A) The elector's name; 4944

(B) The elector's signature; 4945

(C) The address at which the elector is registered to vote; 4946

(D) The elector's date of birth; 4947

(E) One of the following: 4948

(1) The elector's driver's license number; 4949

(2) The ~~last four digits of the~~ elector's social security 4950
number; 4951

(3) A copy of the elector's current and valid photo 4952

identification, a copy of a military identification, a copy of a 4953
United States passport, or a copy of a current utility bill, bank 4954
statement, government check, paycheck, or other government 4955
document, other than ~~a notice of an election mailed by a board of~~ 4956
~~elections under section 3501.19 of the Revised Code or a notice of~~ 4957
voter registration mailed by a board of elections under section 4958
3503.19 of the Revised Code, that shows the name and address of 4959
the elector. 4960

(F) A statement identifying the election for which absent 4961
voter's ballots are requested; 4962

(G) A statement that the person requesting the ballots is a 4963
qualified elector; 4964

(H) If the request is for primary election ballots, the 4965
elector's party affiliation; 4966

(I) If the elector desires ballots to be mailed to the 4967
elector, the address to which those ballots shall be mailed. 4968

Each application for absent voter's ballots shall be 4969
delivered to the ~~director~~ board not earlier than the first day of 4970
January of the year of the elections for which the absent voter's 4971
ballots are requested or not earlier than ninety days before the 4972
day of the election at which the ballots are to be voted, 4973
whichever is earlier, and not later than twelve noon of the third 4974
day before the day of the election at which the ballots are to be 4975
voted, or not later than the close of regular business hours on 4976
the day before the day of the election at which the ballots are to 4977
be voted if the application is delivered in person to the office 4978
of the board. 4979

A board of elections shall not mail any unsolicited 4980
applications for absent voter's ballots. A board shall only mail 4981
an absent voter's ballot application to an elector who has 4982
requested such an application from the board. A board of elections 4983

that mails an absent voter's ballot application to an elector 4984
under this section shall not prepay the return postage for that 4985
application. 4986

Sec. 3509.031. (A) Any qualified elector who is a member of 4987
the organized militia called to active duty within the state and 4988
who will be unable to vote on election day on account of that 4989
active duty may make written application for absent voter's 4990
ballots to the ~~director~~ board of elections for the county in which 4991
the elector's voting residence is located. The elector may 4992
personally deliver the application to the ~~director~~ office of the 4993
board or may mail it, send it by facsimile machine, or otherwise 4994
send it to the ~~director~~ board. The application need not be in any 4995
particular form but shall contain all of the following: 4996

(1) The elector's name; 4997

(2) The elector's signature; 4998

(3) The address at which the elector is registered to vote; 4999

(4) The elector's date of birth; 5000

(5) One of the following: 5001

(a) The elector's driver's license number; 5002

(b) The ~~last four digits of the~~ elector's social security 5003
number; 5004

(c) A copy of the elector's current and valid photo 5005
identification, a copy of a military identification, a copy of a 5006
United States passport, or a copy of a current utility bill, bank 5007
statement, government check, paycheck, or other government 5008
document, other than ~~a notice of an election mailed by a board of~~ 5009
~~elections under section 3501.19 of the Revised Code or a notice of~~ 5010
voter registration mailed by a board of elections under section 5011
3503.19 of the Revised Code, that shows the name and address of 5012
the elector. 5013

(6) A statement identifying the election for which absent voter's ballots are requested;	5014 5015
(7) A statement that the person requesting the ballots is a qualified elector;	5016 5017
(8) A statement that the elector is a member of the organized militia serving on active duty within the state;	5018 5019
(9) If the request is for primary election ballots, the elector's party affiliation;	5020 5021
(10) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed;	5022 5023
(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.	5024 5025 5026
(B) Application to have absent voter's ballots mailed or sent 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 <u>board of elections</u> . The form of the application shall be prescribed by the secretary of state. The director <u>board</u> 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	5027 5028 5029 5030 5031 5032 5033 5034 5035 5036 5037 5038 5039 5040 5041 5042 5043 5044

following:	5045
(1) The full name of the elector for whom ballots are requested;	5046 5047
(2) A statement that such person is a qualified elector in the county;	5048 5049
(3) The address at which the elector is registered to vote;	5050
(4) The elector's date of birth;	5051
(5) One of the following:	5052
(a) The elector's driver's license number;	5053
(b) The last four digits of the elector's social security number;	5054 5055
(c) A copy of the elector's current and valid photo identification, a copy of a military identification, <u>a copy of a United States passport</u> , or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.	5056 5057 5058 5059 5060 5061 5062 5063 5064
(6) A statement identifying the election for which absent voter's ballots are requested;	5065 5066
(7) A statement that the elector is a member of the organized militia serving on active duty within the state;	5067 5068
(8) If the request is for primary election ballots, the elector's party affiliation;	5069 5070
(9) A statement that the applicant bears a relationship to the elector as specified in division (B) of this section;	5071 5072
(10) The address to which ballots shall be mailed or	5073

telephone number to which ballots shall be sent by facsimile 5074
machine; 5075

(11) The signature and address of the person making the 5076
application. 5077

(C) Applications to have absent voter's ballots mailed or 5078
sent by facsimile machine shall not be valid if dated, postmarked, 5079
or received by the ~~director~~ board prior to the ninetieth day 5080
before the day of the election for which ballots are requested or 5081
if delivered to the ~~director~~ board later than twelve noon of the 5082
third day preceding the day of such election. If, after the 5083
ninetieth day and before four p.m. of the day before the day of an 5084
election, a valid application for absent voter's ballots is 5085
delivered to the ~~director of elections~~ at the office of the board 5086
by a militia member making application in the militia member's own 5087
behalf, the ~~director~~ board shall forthwith deliver to the militia 5088
member all absent voter's ballots then ready for use, together 5089
with an identification envelope. The militia member shall then 5090
vote the absent voter's ballots in the manner provided in section 5091
3509.05 of the Revised Code. 5092

(D) A board of elections shall not mail any unsolicited 5093
applications for absent voter's ballots. A board shall only mail 5094
an absent voter's ballot application to an elector who has 5095
requested such an application from the board. A board of elections 5096
that mails an absent voter's ballot application to an elector 5097
under this section shall not prepay the return postage for that 5098
application. 5099

Sec. 3509.04. (A) If a ~~director~~ of a board of elections 5100
receives an application for absent voter's ballots that does not 5101
contain all of the required information, the ~~director~~ board 5102
promptly shall notify the applicant of the additional information 5103
required to be provided by the applicant to complete that 5104

application. 5105

(B) Upon receipt by ~~the director~~ a board of elections of an 5106
application for absent voter's ballots that contains all of the 5107
required information, as provided by sections 3509.03 and 3509.031 5108
and division (G) of section 3503.16 of the Revised Code, the 5109
~~director~~ board, if the ~~director~~ board finds that the applicant is 5110
a qualified elector, shall deliver to the applicant in person or 5111
mail directly to the applicant by special delivery mail, air mail, 5112
or regular mail, postage prepaid, proper absent voter's ballots. 5113
The ~~director~~ board shall deliver or mail with the ballots an 5114
unsealed identification envelope upon the face of which shall be 5115
printed a form substantially as follows: 5116

"Identification Envelope Statement of Voter 5117

I,(Name of voter), declare under 5118
penalty of election falsification that the within ballot or 5119
ballots contained no voting marks of any kind when I received 5120
them, and I caused the ballot or ballots to be marked, enclosed in 5121
the identification envelope, and sealed in that envelope. 5122

My voting residence in Ohio is 5123

..... 5124

(Street and Number, if any, or Rural Route and Number) 5125

of (City, Village, or Township) 5126

Ohio, which is in Ward Precinct 5127

in that city, village, or township. 5128

The primary election ballots, if any, within this envelope 5129
are primary election ballots of the Party. 5130

Ballots contained within this envelope are to be voted at the 5131

..... (general, special, or primary) election to be held on 5132

the day of, 5133

My date of birth is (Month and Day), 5134

..... (Year). 5135

(Voter must provide one of the following:) 5136

My driver's license number is (Driver's
license number). 5137
5138

~~The last four digits of my~~ My Social Security Number are is 5139
..... (~~Last four digits of~~ Social Security Number). 5140

..... In lieu of providing a driver's license number or ~~the~~ 5141
~~last four digits of~~ my Social Security Number, I am enclosing a 5142
copy of one of the following in the return envelope in which this 5143
identification envelope will be mailed: a current and valid photo 5144
identification, a military identification, a United States 5145
passport, or a current utility bill, bank statement, government 5146
check, paycheck, or other government document, other than ~~a notice~~ 5147
~~of an election mailed by a board of elections under section~~ 5148
~~3501.19 of the Revised Code or~~ a notice of voter registration 5149
mailed by a board of elections, that shows my name and address. 5150

I hereby declare, under penalty of election falsification, 5151
that the statements above are true, as I verily believe. 5152

..... 5153

(Signature of Voter) 5154

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 5155
THE FIFTH DEGREE." 5156

The ~~director~~ board of elections shall mail with the ballots 5157
and the unsealed identification envelope an unsealed return 5158
envelope upon the face of which shall be printed the official 5159
title and post-office address of the ~~director~~ board. In the upper 5160
left corner on the face of the return envelope, several blank 5161
lines shall be printed upon which the voter may write the voter's 5162
name and return address. The return envelope shall be of such size 5163
that the identification envelope can be conveniently placed within 5164
it for returning the identification envelope to the ~~director~~ 5165

board. 5166

Sec. 3509.05. (A) When an elector receives an absent voter's 5167
ballot pursuant to the elector's application or request, the 5168
elector shall, before placing any marks on the ballot, note 5169
whether there are any voting marks on it. If there are any voting 5170
marks, the ballot shall be returned immediately to the board of 5171
elections; otherwise, the elector shall cause the ballot to be 5172
marked, folded in a manner that the stub on it and the 5173
indorsements and facsimile signatures of the members of the board 5174
of elections on ~~the back of~~ it are visible, and placed and sealed 5175
within the identification envelope received from the ~~director~~ 5176
board of elections for that purpose. Then, the elector shall cause 5177
the statement of voter on the outside of the identification 5178
envelope to be completed and signed, under penalty of election 5179
falsification. 5180

If the elector does not provide the elector's driver's 5181
license number or ~~the last four digits of~~ the elector's social 5182
security number on the statement of voter on the identification 5183
envelope, the elector also shall include in the return envelope 5184
with the identification envelope a copy of the elector's current 5185
valid photo identification, a copy of a military identification, a 5186
copy of a United States passport, or a copy of a current utility 5187
bill, bank statement, government check, paycheck, or other 5188
government document, other than ~~a notice of an election mailed by~~ 5189
~~a board of elections under section 3501.19 of the Revised Code or~~ 5190
a notice of voter registration mailed by a board of elections 5191
under section 3503.19 of the Revised Code, that shows the name and 5192
address of the elector. 5193

The elector shall mail the identification envelope to the 5194
~~director~~ board of elections from ~~whom~~ which it was received in the 5195
return envelope, postage prepaid, or the elector may personally 5196

deliver it to the ~~director~~ office of the board, or the spouse of 5197
the elector, the father, mother, father-in-law, mother-in-law, 5198
grandfather, grandmother, brother, or sister of the whole or half 5199
blood, or the son, daughter, adopting parent, adopted child, 5200
stepparent, stepchild, uncle, aunt, nephew, or niece of the 5201
elector may deliver it to the ~~director~~ board. The return envelope 5202
shall be transmitted to the ~~director~~ board in no other manner, 5203
except as provided in section 3509.08 of the Revised Code. 5204

When absent voter's ballots are delivered to an elector at 5205
the office of the board, the elector may retire to a voting 5206
compartment provided by the board and there mark the ballots. 5207
Thereupon, the elector shall fold them, place them in the 5208
identification envelope provided, seal the envelope, fill in and 5209
sign the statement on the envelope under penalty of election 5210
falsification, and deliver the envelope to the ~~director of the~~ 5211
board. 5212

Except as otherwise provided in division (B) of this section, 5213
all other envelopes containing marked absent voter's ballots shall 5214
be delivered to the ~~director~~ board not later than the close of the 5215
polls on the day of an election. Absent voter's ballots delivered 5216
to the ~~director~~ board later than the times specified shall not be 5217
counted, but shall be kept by the board in the sealed 5218
identification envelopes in which they are delivered to the 5219
~~director~~ board, until the time provided by section 3505.31 of the 5220
Revised Code for the destruction of all other ballots used at the 5221
election for which ballots were provided, at which time they shall 5222
be destroyed. 5223

(B)(1) Except as otherwise provided in division (B)(2) of 5224
this section, any return envelope that is postmarked prior to the 5225
day of the election shall be delivered to the ~~director~~ board prior 5226
to the eleventh day after the election. Ballots delivered in 5227
envelopes postmarked prior to the day of the election that are 5228

received after the close of the polls on election day through the 5229
tenth day thereafter shall be counted on the eleventh day at the 5230
board of elections in the manner provided in divisions (C) and (D) 5231
of section 3509.06 of the Revised Code. Any such ballots that are 5232
received by the ~~director~~ board later than the tenth day following 5233
the election shall not be counted, but shall be kept by the board 5234
in the sealed identification envelopes as provided in division (A) 5235
of this section. 5236

(2) Division (B)(1) of this section shall not apply to any 5237
mail that is postmarked using a postage evidencing system, 5238
including a postage meter, as defined in 39 C.F.R. 501.1. 5239

(C) Upon receipt of any return envelope prior to the eleventh 5240
day after the day of any election, the board of elections shall 5241
open it but shall not open the identification envelope contained 5242
in it. If, upon so opening the return envelope, the board finds 5243
ballots in it that are not enclosed in and properly sealed in the 5244
identification envelope, the board shall not look at the markings 5245
upon the ballots and shall promptly place them in the 5246
identification envelope and promptly seal it. If, upon so opening 5247
the return envelope, the board finds that ballots are enclosed in 5248
the identification envelope but that it is not properly sealed, 5249
the board shall not look at the markings upon the ballots and 5250
shall promptly seal the identification envelope. 5251

Sec. 3509.051. Notwithstanding section 3509.05 or any other 5252
provision of the Revised Code to the contrary, all of the 5253
following shall apply to the casting of absent voter's ballots in 5254
person: 5255

(A) The absent voter shall provide identification to the 5256
election officials in the same manner as a voter who casts a 5257
ballot in person on the day of an election is required to provide 5258
identification under section 3505.18 of the Revised Code. 5259

(B) The absent voter shall not be required to complete a statement of voter on an absent voter's ballot identification envelope. 5260
5261
5262

(C) The board of elections shall provide a signature book to be signed by absent voters who are casting their ballots in person. 5263
5264
5265

(D) If a board of elections employs more than one location for casting absent voter's ballots in person before an election under division (C) of section 3501.10 of the Revised Code, an electronic pollbook that provides real time access to voting records shall be used in each such location. 5266
5267
5268
5269
5270

(E) No person other than a precinct election official shall be permitted to challenge the right to vote of an absent voter who is casting a ballot in person. A precinct election official may challenge the right to vote of an absent voter who is casting a ballot in person in the same manner as a precinct election official may challenge the right to vote of an elector on the day of an election under section 3505.20 or 3513.19 of the Revised Code. 5271
5272
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(F) No absent voter may receive a replacement ballot after the voter's absent voter's ballot has been scanned or entered into automatic tabulating equipment. 5279
5280
5281

Sec. 3509.06. (A) The board of elections shall determine whether absent voter's ballots shall be counted in each precinct, at the office of the board, or at some other location designated by the board, and shall proceed accordingly under division (B) or (C) of this section. 5282
5283
5284
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5286

(B) When the board of elections determines that absent voter's ballots shall be counted in each precinct, the ~~director~~ board shall deliver to the ~~presiding judge~~ voting location manager 5287
5288
5289

of each precinct on election day identification envelopes 5290
purporting to contain absent voter's ballots of electors whose 5291
voting residence appears from the statement of voter on the 5292
outside of each of those envelopes, to be located in ~~such~~ 5293
~~presiding judge's~~ that manager's precinct, and which were received 5294
by the ~~director~~ board not later than the close of the polls on 5295
election day. The ~~director~~ board shall deliver to ~~such presiding~~ 5296
~~judge~~ the voting location manager a list containing the name and 5297
voting residence of each person whose voting residence is in such 5298
precinct to whom absent voter's ballots were mailed. 5299

(C) When the board of elections determines that absent 5300
voter's ballots shall be counted at the office of the board of 5301
elections or at another location designated by the board, special 5302
election ~~judges~~ officials shall be appointed by the board for that 5303
purpose having the same authority as is exercised by precinct 5304
~~judges~~ election officials. The votes so cast shall be added to the 5305
vote totals ~~by the board~~ for the precincts in which the applicable 5306
absent voters reside, and the absent voter's ballots shall be 5307
preserved separately by the board, in the same manner and for the 5308
same length of time as provided by section 3505.31 of the Revised 5309
Code. 5310

(D) Each of the identification envelopes purporting to 5311
contain absent voter's ballots delivered to the ~~presiding judge~~ 5312
voting location manager of the precinct or the special ~~judge~~ 5313
election official appointed by the board of elections shall be 5314
handled as follows: The election officials shall compare the 5315
signature of the elector on the outside of the identification 5316
envelope with the signature of that elector on the elector's 5317
registration form and verify that the absent voter's ballot is 5318
eligible to be counted under section 3509.07 of the Revised Code. 5319
Any of the precinct officials may challenge the right of the 5320
elector named on the identification envelope to vote the absent 5321

voter's ballots upon the ground that the signature on the envelope 5322
is not the same as the signature on the registration form, that 5323
the identification envelope statement of voter has not been 5324
completed, or upon any other of the grounds upon which the right 5325
of persons to vote may be lawfully challenged. If no such 5326
challenge is made, or if such a challenge is made and not 5327
sustained, the ~~presiding judge~~ voting location manager shall open 5328
the envelope without defacing the statement of voter and without 5329
mutilating the ballots in it, and shall remove the ballots 5330
contained in it and proceed to count them. 5331

The name of each person voting who is entitled to vote only 5332
an absent voter's presidential ballot shall be entered in a 5333
pollbook or poll list or signature pollbook followed by the words 5334
"Absentee Presidential Ballot." The name of each person voting an 5335
absent voter's ballot, other than such persons entitled to vote 5336
only a presidential ballot, shall be entered in the pollbook or 5337
poll list or signature pollbook and the person's registration card 5338
marked to indicate that the person has voted. 5339

The date of such election shall also be entered on the 5340
elector's registration form. If any such challenge is made and 5341
sustained, the identification envelope of such elector shall not 5342
be opened, shall be endorsed "Not Counted" with the reasons the 5343
ballots were not counted, and shall be delivered to the board. 5344

(E) Special election ~~judges~~ officials, employees or members 5345
of the board of elections, or observers shall not disclose the 5346
count or any portion of the count of absent voter's ballots prior 5347
to the time of the closing of the polling places. No person shall 5348
recklessly disclose the count or any portion of the count of 5349
absent voter's ballots in such a manner as to jeopardize the 5350
secrecy of any individual ballot. 5351

(F) Observers may be appointed under section 3505.21 of the 5352
Revised Code to witness the examination and opening of 5353

identification envelopes and the counting of absent voters' 5354
ballots under this section. 5355

Sec. 3509.07. ~~If (A) Except as otherwise provided in division~~ 5356
~~(B) of this section, if~~ election officials find that the statement 5357
accompanying an absent voter's ballot or absent voter's 5358
presidential ballot is ~~insufficient~~ incomplete, that the 5359
signatures do not correspond with the person's registration 5360
signature, that the applicant is not a qualified elector in the 5361
precinct, that the ballot envelope contains more than one ballot 5362
of any one kind, or any voted ballot that the elector is not 5363
entitled to vote, that Stub A is ~~detached from~~ not included in the 5364
envelope with the absent voter's ballot or absent voter's 5365
presidential ballot, or that the elector has not included with the 5366
elector's ballot any identification required under section 3509.05 5367
or 3511.09 of the Revised Code, the vote shall not be accepted or 5368
counted. The vote of any absent voter may be challenged for cause 5369
in the same manner as other votes are challenged, and the election 5370
officials shall determine the legality of that ballot. Every 5371
ballot not counted shall be endorsed on its back "Not Counted" 5372
with the reasons the ballot was not counted, and shall be enclosed 5373
and returned to or retained by the board of elections along with 5374
the contested ballots. 5375

(B) If, in determining the validity of absent voter's ballots 5376
under division (A) of this section, the election officials 5377
determine that an absent voter's ballot envelope statement of 5378
voter has not been signed, the election officials shall not count 5379
the ballot enclosed in the envelope. If the election officials are 5380
able to determine the identity of the absent voter who returned 5381
the unsigned identification envelope, the election officials shall 5382
do all of the following: 5383

(1) Reinstate the elector's eligibility to receive and cast a 5384

ballot in that election; 5385

(2) Remove the notation in the poll list or signature 5386
pollbook that indicates that the elector has requested an absent 5387
voter's ballot for that election and that otherwise would require 5388
the elector to cast a provisional ballot on the day of the 5389
election; 5390

(3) Note, on the unsigned identification envelope, that the 5391
envelope is unsigned, that the ballot within that envelope shall 5392
not be counted, and that the voter's right to cast a ballot in 5393
that election was reinstated; 5394

(4) For any such ballot received five or more days before the 5395
day of the election, mail a notification of the elector's 5396
reinstated eligibility to vote by any legal means to the elector's 5397
address on file with the board; 5398

(5) Permit that elector to cast a regular ballot in that 5399
election. 5400

(C) An elector who casts a ballot under division (B) of this 5401
section after having that elector's absent voter's ballot rejected 5402
due to a lack of a signature on the identification envelope shall 5403
not be considered to have voted or to have attempted to vote more 5404
than once under division (A)(2) of section 3599.12 of the Revised 5405
Code, and no prosecution shall commence against such an elector on 5406
that basis. 5407

(D) The uncounted ballots shall be preserved in their 5408
identification envelopes unopened until the time provided by 5409
section 3505.31 of the Revised Code for the destruction of all 5410
other ballots used at the election for which ballots were 5411
provided, at which time they shall be destroyed. 5412

Sec. 3509.08. (A) Any qualified elector, who, on account of 5413
the elector's own personal illness, physical disability, or 5414

infirmity, or on account of the elector's confinement in a jail or 5415
workhouse under sentence for a misdemeanor or awaiting trial on a 5416
felony or misdemeanor, will be unable to travel from the elector's 5417
home or place of confinement to the voting booth in the elector's 5418
precinct on the day of any general, special, or primary election 5419
may make application in writing for an absent voter's ballot to 5420
~~the director~~ of the board of elections of the elector's county. 5421
The application shall include all of the information required 5422
under section 3509.03 of the Revised Code and shall state the 5423
nature of the elector's illness, physical disability, or 5424
infirmity, or the fact that the elector is confined in a jail or 5425
workhouse and the elector's resultant inability to travel to the 5426
election booth in the elector's precinct on election day. The 5427
application shall not be valid if it is delivered to the ~~director~~ 5428
board before the ninetieth day or after twelve noon of the third 5429
day before the day of the election at which the ballot is to be 5430
voted. 5431

The absent voter's ballot may be mailed directly to the 5432
applicant at the applicant's voting residence or place of 5433
confinement as stated in the applicant's application, or the board 5434
may designate two board employees belonging to the two major 5435
political parties for the purpose of delivering the ballot to the 5436
disabled or confined elector and returning it to the board, unless 5437
the applicant is confined to a public or private institution 5438
within the county, in which case the board shall designate two 5439
board employees belonging to the two major political parties for 5440
the purpose of delivering the ballot to the disabled or confined 5441
elector and returning it to the board. In all other instances, the 5442
ballot shall be returned to the office of the board in the manner 5443
prescribed in section 3509.05 of the Revised Code. 5444

Any disabled or confined elector who declares to the two 5445
board employees belonging to the two major political parties that 5446

the elector is unable to mark the elector's ballot by reason of 5447
physical infirmity that is apparent to the employees to be 5448
sufficient to incapacitate the voter from marking the elector's 5449
ballot properly, may receive, upon request, the assistance of the 5450
employees in marking the elector's ballot, and they shall 5451
thereafter give no information in regard to this matter. Such 5452
assistance shall not be rendered for any other cause. 5453

When two board employees belonging to the two major political 5454
parties deliver a ballot to a disabled or confined elector, each 5455
of the employees shall be present when the ballot is delivered, 5456
when assistance is given, and when the ballot is returned to the 5457
office of the board, and shall subscribe to the declaration on the 5458
identification envelope. 5459

The secretary of state shall prescribe the form of 5460
application for absent voter's ballots under this division. 5461

This chapter applies to disabled and confined absent voter's 5462
ballots except as otherwise provided in this section. 5463

(B)(1) Any qualified elector who is unable to travel to the 5464
voting booth in the elector's precinct on the day of any general, 5465
special, or primary election may apply to ~~the director of the~~ 5466
board of elections of the county where the elector is a qualified 5467
elector to vote in the election by absent voter's ballot if either 5468
of the following apply: 5469

(a) The elector is confined in a hospital as a result of an 5470
accident or unforeseeable medical emergency occurring before the 5471
election; 5472

(b) The elector's minor child is confined in a hospital as a 5473
result of an accident or unforeseeable medical emergency occurring 5474
before the election. 5475

(2) The application authorized under division (B)(1) of this 5476
section shall be made in writing, shall include all of the 5477

information required under section 3509.03 of the Revised Code, 5478
and shall be delivered to the ~~director~~ board not later than three 5479
p.m. on the day of the election. The application shall indicate 5480
the hospital where the applicant or the applicant's child is 5481
confined, the date of the applicant's or the applicant's child's 5482
admission to the hospital, and the offices for which the applicant 5483
is qualified to vote. The applicant may also request that a member 5484
of the applicant's family, as listed in section 3509.05 of the 5485
Revised Code, deliver the absent voter's ballot to the applicant. 5486
The ~~director~~ board, after establishing to the ~~director's~~ board's 5487
satisfaction the validity of the circumstances claimed by the 5488
applicant, shall supply an absent voter's ballot to be delivered 5489
to the applicant. When the applicant or the applicant's child is 5490
in a hospital in the county where the applicant is a qualified 5491
elector and no request is made for a member of the family to 5492
deliver the ballot, the ~~director~~ board shall arrange for the 5493
delivery of an absent voter's ballot to the applicant, and for its 5494
return to the office of the board, by two board employees 5495
belonging to the two major political parties according to the 5496
procedures prescribed in division (A) of this section. When the 5497
applicant or the applicant's child is in a hospital outside the 5498
county where the applicant is a qualified elector and no request 5499
is made for a member of the family to deliver the ballot, the 5500
~~director~~ board shall arrange for the delivery of an absent voter's 5501
ballot to the applicant by mail, and the ballot shall be returned 5502
to the office of the board in the manner prescribed in section 5503
3509.05 of the Revised Code. 5504

(3) Any qualified elector who is eligible to vote under 5505
division (B) or (C) of section 3503.16 of the Revised Code but is 5506
unable to do so because of the circumstances described in division 5507
(B)(2) of this section may vote in accordance with division (B)(1) 5508
of this section if that qualified elector states in the 5509
application for absent voter's ballots that that qualified elector 5510

moved or had a change of name under the circumstances described in 5511
division (B) or (C) of section 3503.16 of the Revised Code and if 5512
that qualified elector complies with divisions (G)(1) to (4) of 5513
section 3503.16 of the Revised Code. 5514

(C) Any qualified elector described in division (A) or (B)(1) 5515
of this section who needs no assistance to vote or to return 5516
absent voter's ballots to the board of elections may apply for 5517
absent voter's ballots under section 3509.03 of the Revised Code 5518
instead of applying for them under this section. 5519

Sec. 3509.09. (A) The poll list or signature pollbook for 5520
each precinct shall identify each registered elector in that 5521
precinct who has requested an absent voter's ballot for that 5522
election. 5523

(B)(1) If a registered elector appears to vote in that 5524
precinct and that elector has requested an absent voter's ballot 5525
for that election but the ~~director~~ board of elections has not 5526
received a sealed identification envelope purporting to contain 5527
that elector's voted absent voter's ballots for that election, the 5528
elector shall be permitted to cast a provisional ballot under 5529
section 3505.181 of the Revised Code in that precinct on the day 5530
of that election. 5531

(2) If a registered elector appears to vote in that precinct 5532
and that elector has requested an absent voter's ballot for that 5533
election and the ~~director~~ board has received a sealed 5534
identification envelope purporting to contain that elector's voted 5535
absent voter's ballots for that election, the elector shall be 5536
permitted to cast a provisional ballot under section 3505.181 of 5537
the Revised Code in that precinct on the day of that election. 5538

(C)(1) In counting absent voter's ballots under section 5539
3509.06 of the Revised Code, the board of elections shall compare 5540
the signature of each elector from whom the ~~director~~ board has 5541

received a sealed identification envelope purporting to contain 5542
that elector's voted absent voter's ballots for that election to 5543
the signature on that elector's registration form. Except as 5544
otherwise provided in division (C)(3) of this section, if the 5545
board of elections determines that the absent voter's ballot in 5546
the sealed identification envelope is valid, it shall be counted. 5547
If the board of elections determines that the signature on the 5548
sealed identification envelope purporting to contain the elector's 5549
voted absent voter's ballot does not match the signature on the 5550
elector's registration form, the ballot shall be set aside and the 5551
board shall examine, during the time prior to the beginning of the 5552
official canvass, the poll list or signature pollbook from the 5553
precinct in which the elector is registered to vote to determine 5554
if the elector also cast a provisional ballot under section 5555
3505.181 of the Revised Code in that precinct on the day of the 5556
election. 5557

(2) The board of elections shall count the provisional 5558
ballot, instead of the absent voter's ballot, if both of the 5559
following apply: 5560

(a) The board of elections determines that the signature of 5561
the elector on the outside of the identification envelope in which 5562
the absent voter's ballots are enclosed does not match the 5563
signature of the elector on the elector's registration form; 5564

(b) The elector cast a provisional ballot in the precinct on 5565
the day of the election. 5566

(3) If the board of elections does not receive the sealed 5567
identification envelope purporting to contain the elector's voted 5568
absent voter's ballot by the applicable deadline established under 5569
section 3509.05 of the Revised Code, the provisional ballot cast 5570
under section 3505.181 of the Revised Code in that precinct on the 5571
day of the election shall be counted as valid, if that provisional 5572
ballot is otherwise determined to be valid pursuant to section 5573

3505.183 of the Revised Code. 5574

(D) If the board of elections counts a provisional ballot 5575
under division (C)(2) or (3) of this section, the returned 5576
identification envelope of that elector shall not be opened, and 5577
the ballot within that envelope shall not be counted. The 5578
identification envelope shall be endorsed "Not Counted" with the 5579
reason the ballot was not counted. 5580

Sec. 3511.02. Notwithstanding any section of the Revised Code 5581
to the contrary, whenever any person applies for registration as a 5582
voter on a form adopted in accordance with federal regulations 5583
relating to the "Uniformed and Overseas Citizens Absentee Voting 5584
Act," 100 Stat. 924, 42 U.S.C.A. 1973ff (1986), this application 5585
shall be sufficient for voter registration and as a request for an 5586
absent voter's ballot. Uniformed services or overseas absent 5587
voter's ballots may be obtained by any person meeting the 5588
requirements of section 3511.01 of the Revised Code by applying 5589
electronically to the secretary of state or to the board of 5590
elections of the county in which the person's voting residence is 5591
located in accordance with section 3511.021 of the Revised Code or 5592
by applying to ~~the director of~~ the board of elections of the 5593
county in which the person's voting residence is located, in one 5594
of the following ways: 5595

(A) That person may make written application for those 5596
ballots. The person may personally deliver the application to the 5597
~~director~~ board or may mail it, send it by facsimile machine, or 5598
otherwise send it to the ~~director~~ board. The application need not 5599
be in any particular form but shall contain all of the following 5600
information: 5601

(1) The elector's name; 5602

(2) The elector's signature; 5603

(3) The address at which the elector is registered to vote;	5604
(4) The elector's date of birth;	5605
(5) One of the following:	5606
(a) The elector's driver's license number;	5607
(b) The last four digits of the elector's social security number;	5608 5609
(c) A copy of the elector's current and valid photo identification, a copy of a military identification, <u>a copy of a United States passport</u> , or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code , that shows the name and address of the elector.	5610 5611 5612 5613 5614 5615 5616 5617 5618
(6) A statement identifying the election for which absent voter's ballots are requested;	5619 5620
(7) A statement that the person requesting the ballots is a qualified elector;	5621 5622
(8) A statement that the elector is an absent uniformed services voter or overseas voter as defined in 42 U.S.C. 1973ff-6;	5623 5624
(9) A statement of the elector's length of residence in the state immediately preceding the commencement of service, immediately preceding the date of leaving to be with or near the service member, or immediately preceding leaving the United States, whichever is applicable;	5625 5626 5627 5628 5629
(10) If the request is for primary election ballots, the elector's party affiliation;	5630 5631
(11) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed;	5632 5633

(12) If the elector desires ballots to be sent to the elector 5634
by facsimile machine, the telephone number to which they shall be 5635
so sent. 5636

(B) A voter or any relative of a voter listed in division (C) 5637
of this section may use a single federal post card application to 5638
apply for uniformed services or overseas absent voter's ballots 5639
for use at the primary and general elections in a given year and 5640
any special election to be held on the day in that year specified 5641
by division (E) of section 3501.01 of the Revised Code for the 5642
holding of a primary election, designated by the general assembly 5643
for the purpose of submitting constitutional amendments proposed 5644
by the general assembly to the voters of the state. A single 5645
federal postcard application shall be processed by the board of 5646
elections pursuant to section 3511.04 of the Revised Code the same 5647
as if the voter had applied separately for uniformed services or 5648
overseas absent voter's ballots for each election. 5649

(C) Application to have uniformed services or overseas absent 5650
voter's ballots mailed or sent by facsimile machine to such a 5651
person may be made by the spouse, father, mother, father-in-law, 5652
mother-in-law, grandfather, grandmother, brother or sister of the 5653
whole blood or half blood, son, daughter, adopting parent, adopted 5654
child, stepparent, stepchild, uncle, aunt, nephew, or niece of 5655
such a person. The application shall be in writing upon a blank 5656
form furnished only by the ~~director~~ board of elections or on a 5657
single federal post card as provided in division (B) of this 5658
section. The form of the application shall be prescribed by the 5659
secretary of state. The ~~director~~ board shall furnish that blank 5660
form to any of the relatives specified in this division desiring 5661
to make the application, only upon the request of such a relative 5662
made in person at the office of the board or upon the written 5663
request of such a relative mailed to the office of the board. The 5664
application, subscribed and sworn to by the applicant, shall 5665

contain all of the following: 5666

(1) The full name of the elector for whom ballots are 5667
requested; 5668

(2) A statement that the elector is an absent uniformed 5669
services voter or overseas voter as defined in 42 U.S.C. 1973ff-6; 5670

(3) The address at which the elector is registered to vote; 5671

(4) A statement identifying the elector's length of residence 5672
in the state immediately preceding the commencement of service, 5673
immediately preceding the date of leaving to be with or near a 5674
service member, or immediately preceding leaving the United 5675
States, as the case may be; 5676

(5) The elector's date of birth; 5677

(6) One of the following: 5678

(a) The elector's driver's license number; 5679

(b) The ~~last four digits of the~~ elector's social security 5680
number; 5681

(c) A copy of the elector's current and valid photo 5682
identification, a copy of a military identification, a copy of a 5683
United States passport, or a copy of a current utility bill, bank 5684
statement, government check, paycheck, or other government 5685
document, other than ~~a notice of an election mailed by a board of~~ 5686
~~elections under section 3501.19 of the Revised Code~~ or a notice of 5687
voter registration mailed by a board of elections under section 5688
3503.19 of the Revised Code, that shows the name and address of 5689
the elector. 5690

(7) A statement identifying the election for which absent 5691
voter's ballots are requested; 5692

(8) A statement that the person requesting the ballots is a 5693
qualified elector; 5694

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

(10) A statement that the applicant bears a relationship to the elector as specified in division (C) of this section;

(11) The address to which ballots shall be mailed or the telephone number to which ballots shall be sent by facsimile machine;

(12) The signature and address of the person making the application.

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.

(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 presidential and vice-presidential electors and for no other offices.

(E) If a board of elections receives an application for uniformed services or overseas absent voter's ballots under this section that indicates that it also shall be used as a change of address form, the board of elections shall update the voter

registration records to reflect the voter's new address. 5726

Sec. 3511.04. (A) If a ~~director~~ of a board of elections 5727
receives an application for uniformed services or overseas absent 5728
voter's ballots that does not contain all of the required 5729
information, the ~~director~~ board promptly shall notify the 5730
applicant of the additional information required to be provided by 5731
the applicant to complete that application. 5732

(B) Not later than the forty-fifth day before the day of each 5733
general or primary election, and at the earliest possible time 5734
before the day of a special election held on a day other than the 5735
day on which a general or primary election is held, ~~the director~~ 5736
~~of~~ the board of elections shall mail, send by facsimile machine, 5737
or otherwise send uniformed services or overseas absent voter's 5738
ballots then ready for use as provided for in section 3511.03 of 5739
the Revised Code and for which the ~~director~~ board has received 5740
valid applications prior to that time. Thereafter, and until 5741
twelve noon of the third day preceding the day of election, the 5742
~~director~~ board shall promptly, upon receipt of valid applications 5743
for them, mail, send by facsimile machine, or otherwise send to 5744
the proper persons all uniformed services or overseas absent 5745
voter's ballots then ready for use. 5746

If, after the seventieth day before the day of a general or 5747
primary election, any other question, issue, or candidacy is 5748
lawfully ordered submitted to the electors voting at the general 5749
or primary election, the board shall promptly provide a separate 5750
official issue, special election, or other election ballot for 5751
submitting the question, issue, or candidacy to those electors, 5752
and ~~the director shall~~ promptly mail or send by facsimile machine 5753
each such separate ballot to each person to whom the ~~director~~ 5754
board has previously mailed or sent by facsimile machine other 5755
uniformed services or overseas absent voter's ballots. 5756

In mailing uniformed services or overseas absent voter's 5757
ballots, the ~~director~~ board shall use the fastest mail service 5758
available, but the ~~director~~ board shall not mail them by certified 5759
mail. 5760

Sec. 3511.05. (A) The ~~director of the~~ board of elections 5761
shall place uniformed services or overseas absent voter's ballots 5762
sent by mail in an unsealed identification envelope, gummed ready 5763
for sealing. The ~~director~~ board shall include with uniformed 5764
services or overseas absent voter's ballots sent electronically, 5765
including by facsimile machine, an instruction sheet for preparing 5766
a gummed envelope in which the ballots shall be returned. The 5767
envelope for returning ballots sent by either means shall have 5768
printed or written on its face a form substantially as follows: 5769

"Identification Envelope Statement of Voter 5770

I,(Name of voter), declare under 5771
penalty of election falsification that the within ballot or 5772
ballots contained no voting marks of any kind when I received 5773
them, and I caused the ballot or ballots to be marked, enclosed in 5774
the identification envelope, and sealed in that envelope. 5775

My voting residence in Ohio is 5776

..... 5777

(Street and Number, if any, or Rural Route and Number) 5778

of (City, Village, or Township) 5779

Ohio, which is in Ward Precinct 5780

in that city, village, or township. 5781

The primary election ballots, if any, within this envelope 5782
are primary election ballots of the Party. 5783

Ballots contained within this envelope are to be voted at the 5784

..... (general, special, or primary) election to be held on 5785

the day of, 5786

My date of birth is (Month and Day), 5787
..... (Year). 5788

(Voter must provide one of the following:) 5789

My driver's license number is (Driver's 5790
license number). 5791

~~The last four digits of my~~ My Social Security Number ~~are~~ is 5792
..... (~~Last four digits of~~ Social Security Number). 5793

..... In lieu of providing a driver's license number or ~~the~~ 5794
~~last four digits of~~ my Social Security Number, I am enclosing a 5795
copy of one of the following in the return envelope in which this 5796
identification envelope will be mailed: a current and valid photo 5797
identification, a military identification, a United States 5798
passport, or a current utility bill, bank statement, government 5799
check, paycheck, or other government document, other than ~~a notice~~ 5800
~~of an election mailed by a board of elections under section~~ 5801
~~3501.19 of the Revised Code or~~ a notice of voter registration 5802
mailed by a board of elections, that shows my name and address. 5803

I hereby declare, under penalty of election falsification, 5804
that the statements above are true, as I verily believe. 5805

..... 5806

(Signature of Voter) 5807

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 5808
THE FIFTH DEGREE." 5809

(B) The ~~director~~ board shall also mail with the ballots and 5810
the unsealed identification envelope sent by mail an unsealed 5811
return envelope, gummed, ready for sealing, for use by the voter 5812
in returning the voter's marked ballots to the ~~director~~ board. The 5813
~~director~~ board shall send with the ballots and the instruction 5814
sheet for preparing a gummed envelope sent electronically, 5815
including by facsimile machine, an instruction sheet for preparing 5816
a second gummed envelope as described in this division, for use by 5817

the voter in returning that voter's marked ballots to the ~~director~~ 5818
board. The return envelope shall have two parallel lines, each one 5819
quarter of an inch in width, printed across its face paralleling 5820
the top, with an intervening space of one quarter of an inch 5821
between such lines. The top line shall be one and one-quarter 5822
inches from the top of the envelope. Between the parallel lines 5823
shall be printed: "OFFICIAL ELECTION UNIFORMED SERVICES OR 5824
OVERSEAS ABSENT VOTER'S BALLOTS -- VIA AIR MAIL." Three blank 5825
lines shall be printed in the upper left corner on the face of the 5826
envelope for the use by the voter in placing the voter's complete 5827
military, naval, or mailing address on these lines, and beneath 5828
these lines there shall be printed a box beside the words "check 5829
if out-of-country." The voter shall check this box if the voter 5830
will be outside the United States on the day of the election. The 5831
official title and the post-office address of the ~~director~~ board 5832
to ~~whom~~ which the envelope shall be returned shall be printed on 5833
the face of such envelope in the lower right portion below the 5834
bottom parallel line. 5835

(C) On the back of each identification envelope and each 5836
return envelope shall be printed the following: 5837

"Instructions to voter: 5838

If the flap on this envelope is so firmly stuck to the back 5839
of the envelope when received by you as to require forcible 5840
opening in order to use it, open the envelope in the manner least 5841
injurious to it, and, after marking your ballots and enclosing 5842
same in the envelope for mailing them to ~~the director~~ of the board 5843
of elections, reclose the envelope in the most practicable way, by 5844
sealing or otherwise, and sign the blank form printed below. 5845

The flap on this envelope was firmly stuck to the back of the 5846
envelope when received, and required forced opening before sealing 5847
and mailing. 5848

.....	5849
(Signature of voter)"	5850
(D) Division (C) of this section does not apply when absent voter's ballots are sent electronically, including by facsimile machine.	5851 5852 5853
Sec. 3511.06. The return envelope provided for in section 3511.05 of the Revised Code shall be of such size that the identification envelope can be conveniently placed within it for returning the identification envelope to the director <u>board of elections</u> . The envelope in which the two envelopes and the uniformed services or overseas absent voter's ballots are mailed to the elector shall have two parallel lines, each one quarter of an inch in width, printed across its face, paralleling the top, with an intervening space of one-quarter of an inch between such lines. The top line shall be one and one-quarter inches from the top of the envelope. Between the parallel lines shall be printed: "official uniformed services or overseas absent voter's balloting material--via air mail." The appropriate return address of the director of the board of elections shall be printed in the upper left corner on the face of such envelope. Several blank lines shall be printed on the face of such envelope in the lower right portion, below the bottom parallel line, for writing in the name and address of the elector to whom such envelope is mailed.	5854 5855 5856 5857 5858 5859 5860 5861 5862 5863 5864 5865 5866 5867 5868 5869 5870 5871
Sec. 3511.07. When mailing unsealed identification envelopes and unsealed return envelopes to persons, the director of the board of elections shall insert a sheet of waxed paper or other appropriate insert between the gummed flap and the back of each of such envelopes to minimize the possibility that the flap may become firmly stuck to the back of the envelope by reason of moisture, humid atmosphere, or other conditions to which they may be subjected. If the flap on either of such envelopes should be so	5872 5873 5874 5875 5876 5877 5878 5879

firmly stuck to the back of the envelope when it is received by 5880
the voter as to require forcible opening of the envelope in order 5881
to use it, the voter shall open such envelope in the manner least 5882
injurious to it, and, after marking ~~his~~ the voter's ballots and 5883
enclosing them in the envelope for mailing to the ~~director~~ board, 5884
~~he~~ the voter shall reclose such envelope in the most practicable 5885
way, by sealing it or otherwise, and shall sign the blank form 5886
printed on the back of such envelope. 5887

Sec. 3511.08. The ~~director of the~~ board of elections shall 5888
keep a record of the name and address of each person to whom the 5889
~~director~~ board mails or delivers uniformed services or overseas 5890
absent voter's ballots, the kinds of ballots so mailed or 5891
delivered, and the name and address of the person who made the 5892
application for such ballots. After the ~~director~~ board has mailed 5893
or delivered such ballots, the ~~director~~ board shall not mail or 5894
deliver additional ballots of the same kind to such person 5895
pursuant to a subsequent request unless such subsequent request 5896
contains the statement that an earlier request had been sent to 5897
the ~~director~~ board prior to the thirtieth day before the election 5898
and that the uniformed services or overseas absent voter's ballots 5899
so requested had not been received by such person prior to the 5900
fifteenth day before the election, and provided that the ~~director~~ 5901
board has not received an identification envelope purporting to 5902
contain marked uniformed services or overseas absent voter's 5903
ballots from such person. 5904

Sec. 3511.09. Upon receiving uniformed services or overseas 5905
absent voter's ballots, the elector shall cause the questions on 5906
the face of the identification envelope to be answered, and, by 5907
writing the elector's usual signature in the proper place on the 5908
identification envelope, the elector shall declare under penalty 5909
of election falsification that the answers to those questions are 5910

true and correct to the best of the elector's knowledge and 5911
belief. Then, the elector shall note whether there are any voting 5912
marks on the ballot. If there are any voting marks, the ballot 5913
shall be returned immediately to the board of elections; 5914
otherwise, the elector shall cause the ballot to be marked, folded 5915
separately so as to conceal the markings on it, deposited in the 5916
identification envelope, and securely sealed in the identification 5917
envelope. The elector then shall cause the identification envelope 5918
to be placed within the return envelope, sealed in the return 5919
envelope, and mailed to ~~the director of~~ the board of elections to 5920
~~whom~~ which it is addressed, postage prepaid. If the elector does 5921
not provide the elector's driver's license number or ~~the last four~~ 5922
~~digits of~~ the elector's social security number on the statement of 5923
voter on the identification envelope, the elector also shall 5924
include in the return envelope with the identification envelope a 5925
copy of the elector's current valid photo identification, a copy 5926
of a military identification, a copy of a United States passport, 5927
or a copy of a current utility bill, bank statement, government 5928
check, paycheck, or other government document, other than a ~~notice~~ 5929
~~of an election mailed by a board of elections under section~~ 5930
~~3501.19 of the Revised Code or~~ a notice of voter registration 5931
mailed by a board of elections under section 3503.19 of the 5932
Revised Code, that shows the name and address of the elector. Each 5933
elector who will be outside the United States on the day of the 5934
election shall check the box on the return envelope indicating 5935
this fact and shall mail the return envelope to the ~~director~~ board 5936
prior to the close of the polls on election day. 5937

Every uniformed services or overseas absent voter's ballot 5938
identification envelope shall be accompanied by the following 5939
statement in boldface capital letters: WHOEVER COMMITS ELECTION 5940
FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE. 5941

Sec. 3511.10. If, on or after the ~~thirty-fifth~~ sixteenth day 5942

~~and before the day of a general or primary election through six~~ 5943
~~p.m. on the last Friday before the close of the polls on the day~~ 5944
~~of a general or primary~~ that election, a valid application for 5945
uniformed services or overseas absent voter's ballots is delivered 5946
to ~~the director of the~~ office of the board of elections ~~at the~~ 5947
~~office of the board~~ by a person making the application on the 5948
person's own behalf, the ~~director~~ board shall forthwith deliver to 5949
the person all uniformed services or overseas absent voter's 5950
ballots then ready for use, together with an identification 5951
envelope. The person shall then immediately retire to a voting 5952
booth in the office of the board, and mark the ballots. The person 5953
shall then fold each ballot separately so as to conceal the 5954
person's markings thereon, and deposit all of the ballots in the 5955
identification envelope and securely seal it. Thereupon the person 5956
shall fill in answers to the questions on the face of the 5957
identification envelope, and by writing the person's usual 5958
signature in the proper place thereon, the person shall declare 5959
under penalty of election falsification that the answers to those 5960
questions are true and correct to the best of that person's 5961
knowledge and belief. The person shall then deliver the 5962
identification envelope to the ~~director~~ board. If thereafter, and 5963
before the third day preceding such election, the board provides 5964
additional separate official issue or special election ballots, as 5965
provided for in section 3511.04 of the Revised Code, the ~~director~~ 5966
board shall promptly, and not later than twelve noon of the third 5967
day preceding the day of election, mail such additional ballots to 5968
such person at the address specified by that person for that 5969
purpose. 5970

In the event any person serving in the armed forces of the 5971
United States is discharged after the closing date of 5972
registration, and that person or that person's spouse, or both, 5973
meets all the other qualifications set forth in section 3511.01 of 5974
the Revised Code, the person or spouse shall be permitted to vote 5975

prior to the date of the election in the office of the board in 5976
the person's or spouse's county, as set forth in this section. 5977

Sec. 3511.11. (A) Upon receipt of any return envelope bearing 5978
the designation "Official Election Uniformed Services or Overseas 5979
Absent Voter's Ballot" prior to the eleventh day after the day of 5980
any election, ~~the director~~ of the board of elections shall open it 5981
but shall not open the identification envelope contained in it. 5982
If, upon so opening the return envelope, the ~~director~~ board finds 5983
ballots in it that are not enclosed in and properly sealed in the 5984
identification envelope, the ~~director~~ board shall not look at the 5985
markings upon the ballots and shall promptly place them in the 5986
identification envelope and promptly seal it. If, upon so opening 5987
the return envelope, the ~~director~~ board finds that ballots are 5988
enclosed in the identification envelope but that it is not 5989
properly sealed, the ~~director~~ board shall not look at the markings 5990
upon the ballots and shall promptly seal the identification 5991
envelope. 5992

(B) Uniformed services or overseas absent voter's ballots 5993
delivered to the ~~director~~ board not later than the close of the 5994
polls on election day shall be counted in the manner provided in 5995
section 3509.06 of the Revised Code. 5996

(C) A return envelope that indicates that the voter will be 5997
outside of the United States on the day of an election is not 5998
required to be postmarked in order for a uniformed services or 5999
overseas absent voter's ballot contained in it to be valid. Except 6000
as otherwise provided in this division, whether or not the return 6001
envelope containing the ballot is postmarked or contains an 6002
illegible postmark, a uniformed services or overseas absent 6003
voter's ballot that is received after the close of the polls on 6004
election day through the tenth day after the election day and that 6005
is delivered in a return envelope that indicates that the voter 6006

will be outside the United States on the day of the election shall 6007
be counted on the eleventh day after the election day at the 6008
office of the board of elections in the manner provided in 6009
divisions (C) and (D) of section 3509.06 of the Revised Code. 6010
However, if a return envelope containing a uniformed services or 6011
overseas absent voter's ballot is so received and so indicates, 6012
but it is postmarked, or the identification envelope in it is 6013
signed, after the close of the polls on election day, the 6014
uniformed services or overseas absent voter's ballot shall not be 6015
counted. 6016

(D)(1) Except as otherwise provided in division (D)(2) of 6017
this section, any return envelope containing a uniformed services 6018
or overseas absent voter's ballot that is postmarked within the 6019
United States prior to the day of the election shall be delivered 6020
to the ~~director~~ board prior to the eleventh day after the 6021
election. Uniformed services or overseas absent voter's ballots 6022
delivered in envelopes postmarked prior to the day of the election 6023
that are received after the close of the polls on election day 6024
through the tenth day thereafter shall be counted on the eleventh 6025
day at the board of elections in the manner provided in divisions 6026
(C) and (D) of section 3509.06 of the Revised Code. Any such 6027
ballots that are received by the ~~director~~ board later than the 6028
tenth day following the election shall not be counted, but shall 6029
be kept by the board in the sealed identification envelopes as 6030
provided in division (A) of this section. 6031

(2) Division (D)(1) of this section shall not apply to any 6032
mail that is postmarked using a postage evidencing system, 6033
including a postage meter, as defined in 39 C.F.R. 501.1. 6034

(E) The following types of uniformed services or overseas 6035
absent voter's ballots shall not be counted: 6036

(1) Uniformed services or overseas absent voter's ballots 6037
contained in return envelopes that bear the designation "Official 6038

Election Uniformed Services or Overseas Absent Voter's Ballots," 6039
that are received by the ~~director~~ board after the close of the 6040
polls on the day of the election, and that either are postmarked, 6041
or contain an identification envelope that is signed, on or after 6042
election day; 6043

(2) Uniformed services or overseas absent voter's ballots 6044
contained in return envelopes that bear that designation, that do 6045
not indicate they are from voters who will be outside the United 6046
States on the day of the election, and that are received after the 6047
tenth day following the election; 6048

(3) Uniformed services or overseas absent voter's ballots 6049
contained in return envelopes that bear that designation, that are 6050
received by the ~~director~~ board within ten days after the day of 6051
the election, and that were postmarked before the day of the 6052
election using a postage evidencing system, including a postage 6053
meter, as defined in 39 C.F.R. 501.1. 6054

The uncounted ballots shall be preserved in their 6055
identification envelopes unopened until the time provided by 6056
section 3505.31 of the Revised Code for the destruction of all 6057
other ballots used at the election for which ballots were 6058
provided, at which time they shall be destroyed. 6059

Sec. 3511.13. (A) The poll list or signature pollbook for 6060
each precinct shall identify each registered elector in that 6061
precinct who has requested a uniformed services or overseas absent 6062
voter's ballot for that election. 6063

(B)(1) If a registered elector appears to vote in that 6064
precinct and that elector has requested a uniformed services or 6065
overseas absent voter's ballot for that election but the ~~director~~ 6066
board of elections has not received a sealed identification 6067
envelope purporting to contain that elector's voted uniformed 6068
services or overseas absent voter's ballots for that election, the 6069

elector shall be permitted to cast a provisional ballot under 6070
section 3505.181 of the Revised Code in that precinct on the day 6071
of that election. 6072

(2) If a registered elector appears to vote in that precinct 6073
and that elector has requested a uniformed services or overseas 6074
absent voter's ballot for that election and the ~~director~~ board has 6075
received a sealed identification envelope purporting to contain 6076
that elector's voted uniformed services or overseas absent voter's 6077
ballots for that election, the elector shall be permitted to cast 6078
a provisional ballot under section 3505.181 of the Revised Code in 6079
that precinct on the day of that election. 6080

(C)(1) In counting uniformed services or overseas absent 6081
voter's ballots under section 3511.11 of the Revised Code, the 6082
board of elections shall compare the signature of each elector 6083
from whom the ~~director~~ board has received a sealed identification 6084
envelope purporting to contain that elector's voted uniformed 6085
services or overseas absent voter's ballots for that election to 6086
the signature on the elector's registration form. Except as 6087
otherwise provided in division (C)(3) of this section, if the 6088
board of elections determines that the uniformed services or 6089
overseas absent voter's ballot in the sealed identification 6090
envelope is valid, it shall be counted. If the board of elections 6091
determines that the signature on the sealed identification 6092
envelope purporting to contain the elector's voted uniformed 6093
services or overseas absent voter's ballot does not match the 6094
signature on the elector's registration form, the ballot shall be 6095
set aside and the board shall examine, during the time prior to 6096
the beginning of the official canvass, the poll list or signature 6097
pollbook from the precinct in which the elector is registered to 6098
vote to determine if the elector also cast a provisional ballot 6099
under section 3505.181 of the Revised Code in that precinct on the 6100
day of the election. 6101

(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, 6133
100 Stat. 924, 42 U.S.C. 1973ff, et seq., as amended. 6134

Sec. 3513.02. If, in any odd-numbered year, no ~~valid~~ 6135
~~declaration of candidacy is filed~~ candidate is certified to appear 6136
on the ballot for nomination as a candidate of a political party 6137
for election to any of the offices to be voted for at the general 6138
election to be held in such year, or if the number of persons 6139
~~filing such declarations of candidacy~~ certified as candidates to 6140
appear on the ballot for ~~nominations~~ nomination as candidates of 6141
one political party for election to such offices does not exceed, 6142
as to any such office, the number of candidates which such 6143
political party is entitled to nominate as its candidates for 6144
election to such office, then no primary election shall be held 6145
for the purpose of nominating party candidates of such party for 6146
election to offices to be voted for at such general election and 6147
no primary ballots shall be provided for such party. If, however, 6148
the only office for which there are more ~~valid declarations of~~ 6149
~~candidacy filed~~ candidates certified to appear on the ballot than 6150
the number to be nominated by a political party, is the office of 6151
councilperson in a ward, a primary election shall be held for such 6152
party only in the ward or wards in which there is a contest, and 6153
only the names of the candidates for the office of councilperson 6154
in such ward shall appear on the primary ballot of such political 6155
party. 6156

The election officials whose duty it would have been to 6157
provide for and conduct the holding of such primary election, 6158
declare the results thereof, and issue certificates of nomination 6159
to the persons entitled thereto if such primary election had been 6160
held shall declare each of such persons to be nominated as of the 6161
date of the ninetieth day before the primary election, issue 6162
appropriate certificates of nomination to each of them, and 6163
certify their names to the proper election officials, in order 6164

that their names may be printed on the official ballots provided 6165
for use in the succeeding general election in the same manner as 6166
though such primary election had been held and such persons had 6167
been nominated at such election. 6168

Sec. 3513.131. In the event two or more persons with 6169
identical surnames run for the same office in a primary election 6170
on the same ballot, the names of the candidates shall be 6171
differentiated on the ballot by varying combinations of first and 6172
middle names and initials. Within twenty-four hours after the 6173
final date for filing declarations of candidacy or petitions for 6174
candidacy, the director of the board of elections for local, 6175
municipal, county, general, or special elections, or the director 6176
of the board of elections of the most populous county for 6177
district, general, or special elections, or the secretary of state 6178
for state-wide general and special elections shall notify the 6179
persons with identical given names and surnames that the names of 6180
such persons will be differentiated on the ballot. If one of the 6181
candidates is an incumbent who is a candidate to succeed ~~himself~~ 6182
self for the office ~~he~~ the incumbent occupies, ~~he~~ the incumbent 6183
shall have first choice of the name by which ~~he~~ the incumbent is 6184
designated on the ballot. If an incumbent does not make a choice 6185
within two days after notification or if none of the candidates is 6186
an incumbent, the board of elections within three days after 6187
notification shall designate the names by which the candidates are 6188
identified on the ballot. In case of a district candidate the 6189
board of elections in the most populous county shall make the 6190
determination. In case of state-wide candidates, or in the case 6191
any board of elections fails to make a designation within three 6192
days after notification, the secretary of state shall immediately 6193
make the determination. 6194

"Notification" as required by this section shall be by the 6195
director of the board of elections or secretary of state by 6196

~~special delivery or telegram~~ certified mail at the candidate's 6197
address listed in ~~his~~ the candidate's declaration or petition of 6198
candidacy. 6199

Sec. 3513.18. Party primaries shall be held at the same place 6200
and time, but there shall be separate pollbooks, and tally sheets, 6201
~~and ballot boxes~~ provided at each polling place for each party 6202
participating in the election, ~~and the ballot of each voter shall~~ 6203
~~be placed in the ballot box of the party with which he is~~ 6204
affiliated. ~~Each ballot box shall be plainly marked with the name~~ 6205
~~of the political party whose ballots are to be placed therein, by~~ 6206
~~letters pasted or printed thereon or by a card attached thereto,~~ 6207
~~or both, and so placed that the designation may be easily seen and~~ 6208
~~read by the voter.~~ 6209

If a special election on a question or issue is held on the 6210
day of a primary election, there shall be provided in the 6211
pollbooks pages on which shall be recorded the names of all 6212
electors voting on said question or issue and not voting in such 6213
primary. It shall not be necessary for electors desiring to vote 6214
only on the question or issue to declare their political 6215
affiliation. 6216

Sec. 3513.19. (A) It is the duty of any ~~judge of elections~~ 6217
precinct election official, whenever any ~~judge of elections~~ such 6218
official doubts that a person attempting to vote at a primary 6219
election is legally entitled to vote at that election, to 6220
challenge the right of that person to vote. The right of a person 6221
to vote at a primary election may be challenged upon the following 6222
grounds: 6223

(1) That the person whose right to vote is challenged is not 6224
a legally qualified elector; 6225

(2) That the person has received or has been promised some 6226

valuable reward or consideration for the person's vote; 6227

(3) That the person is not affiliated with or is not a member 6228
of the political party whose ballot the person desires to vote. 6229
Such party affiliation shall be determined by examining the 6230
elector's voting record for the current year and the immediately 6231
preceding two calendar years as shown on the voter's registration 6232
card, using the standards of affiliation specified in the seventh 6233
paragraph of section 3513.05 of the Revised Code. Division (A)(3) 6234
of this section and the seventh paragraph of section 3513.05 of 6235
the Revised Code do not prohibit a person who holds an elective 6236
office for which candidates are nominated at a party primary 6237
election from doing any of the following: 6238

(a) If the person voted as a member of a different political 6239
party at any primary election within the current year and the 6240
immediately preceding two calendar years, being a candidate for 6241
nomination at a party primary held during the times specified in 6242
division (C)(2) of section 3513.191 of the Revised Code provided 6243
that the person complies with the requirements of that section; 6244

(b) Circulating the person's own petition of candidacy for 6245
party nomination in the primary election. 6246

(B) When the right of a person to vote is challenged upon the 6247
ground set forth in division (A)(3) of this section, membership in 6248
or political affiliation with a political party shall be 6249
determined by the person's statement, made under penalty of 6250
election falsification, that the person desires to be affiliated 6251
with and supports the principles of the political party whose 6252
primary ballot the person desires to vote. 6253

Sec. 3513.21. At the close of the polls in a primary 6254
election, the ~~judges of precinct~~ election officials shall proceed 6255
without delay to canvass the vote, sign and seal it, and make 6256
returns thereof to the board of elections forthwith on the forms 6257

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.

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.

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.

Sec. 3513.30. (A)(1) If only one valid declaration of candidacy is filed for nomination as a candidate of a political party for an office and that candidate dies 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 6288
under section 3513.052 of the Revised Code, and the vacancy so 6289
created has not been filled. 6290

(2) A vacancy may be filled under division (A)(1)(a) and a 6291
selection may be made under division (A)(1)(b) of this section by 6292
the appropriate committee of the political party in the same 6293
manner as provided in divisions (A) to (E) of section 3513.31 of 6294
the Revised Code for the filling of similar vacancies created by 6295
withdrawals or disqualifications under section 3513.052 of the 6296
Revised Code after the primary election, except that the 6297
certification required under that section may not be filed with 6298
the secretary of state, or with a board of the most populous 6299
county of a district, or with the board of a county in which the 6300
major portion of the population of a subdivision is located, later 6301
than four p.m. of the tenth day before the day of such primary 6302
election, or with any other board later than four p.m. of the 6303
fifth day before the day of such primary election. 6304

(3) If only one valid declaration of candidacy is filed for 6305
nomination as a candidate of a political party for an office and 6306
that candidate dies on or after the tenth day before the day of 6307
the primary election, that candidate is considered to have 6308
received the nomination of that candidate's political party at 6309
that primary election, and, for purposes of filling the vacancy so 6310
created, that candidate's death shall be treated as if that 6311
candidate died on the day after the day of the primary election. 6312

(B) Any person filing a declaration of candidacy may withdraw 6313
as such candidate at any time prior to the primary election. The 6314
withdrawal shall be effected and the statement of withdrawal shall 6315
be filed in accordance with the procedures prescribed in division 6316
(D) of this section for the withdrawal of persons nominated in a 6317
primary election or by nominating petition. 6318

(C) A person who is named the first choice for president of 6319

the United States by a candidate for delegate or alternate to a 6320
national convention of a political party may withdraw consent for 6321
the selection of the person as such first choice no later than 6322
four p.m. of the fortieth day before the day of the presidential 6323
primary election. Withdrawal of consent shall be for the entire 6324
slate of candidates for delegates and alternates who named such 6325
person as their presidential first choice and shall constitute 6326
withdrawal from the primary election by such delegates and 6327
alternates. The withdrawal shall be made in writing and delivered 6328
to the secretary of state. If the withdrawal is delivered to the 6329
secretary of state on or before the seventieth day before the day 6330
of the primary election, the boards of elections shall remove both 6331
the name of the withdrawn first choice and the names of such 6332
withdrawn candidates from the ballots according to the directions 6333
of the secretary of state. If the withdrawal is delivered to the 6334
secretary of state after the seventieth day before the day of the 6335
primary election, the board of elections shall not remove the name 6336
of the withdrawn first choice and the names of the withdrawn 6337
candidates from the ballots. The board of elections shall post a 6338
notice at each polling location on the day of the primary 6339
election, and shall enclose with each absent voter's ballot given 6340
or mailed after the candidate withdraws, a notice that votes for 6341
the withdrawn first choice or the withdrawn candidates will be 6342
void and will not be counted. If such names are not removed from 6343
all ballots before the day of the election, the votes for the 6344
withdrawn first choice or the withdrawn candidates are void and 6345
shall not be counted. 6346

(D) Any person nominated in a primary election or by 6347
nominating petition as a candidate for election at the next 6348
general election may withdraw as such candidate at any time prior 6349
to the general election. Such withdrawal may be effected by the 6350
filing of a written statement by such candidate announcing the 6351
candidate's withdrawal and requesting that the candidate's name 6352

not be printed on the ballots. If such candidate's declaration of
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candidacy or nominating petition was filed with the secretary of
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state, the candidate's statement of withdrawal shall be addressed
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to and filed with the secretary of state. If such candidate's
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declaration of candidacy or nominating petition was filed with a
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board of elections, the candidate's statement of withdrawal shall
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be addressed to and filed with such board. 6359

(E) When a person withdraws under division (B) or (D) of this
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section on or before the seventieth day before the day of the
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~~primary~~ election at which the person's candidacy is to appear on
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the ballot, the board of elections shall remove the name of the
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withdrawn candidate from the ballots according to the directions
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of the secretary of state. When a person withdraws under division
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(B) or (D) of this section after the seventieth day before the day
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of the ~~primary~~ election at which the person's candidacy is to
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appear on the ballot, the board of elections shall not remove the
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name of the withdrawn candidate from the ballots. The board of
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elections shall post a notice at each polling place on the day of
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the ~~primary~~ election, and shall enclose with each absent voter's
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ballot given or mailed after the candidate withdraws, a notice
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that votes for the withdrawn candidate will be void and will not
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be counted. If the name is not removed from all ballots before the
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day of the election, the votes for the withdrawn candidate are
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void and shall not be counted. 6376

Sec. 3513.31. (A) If a person nominated in a primary election
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as a candidate for election at the next general election, whose
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candidacy is to be submitted to the electors of the entire state,
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withdraws as that candidate or is disqualified as that candidate
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under section 3513.052 of the Revised Code, the vacancy in the
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party nomination so created may be filled by the state central
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committee of the major political party that made the nomination at
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the primary election, if the committee's chairperson and secretary
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certify the name of the person selected to fill the vacancy by the 6385
time specified in this division, at a meeting called for that 6386
purpose. The meeting shall be called by the chairperson of that 6387
committee, who shall give each member of the committee at least 6388
two days' notice of the time, place, and purpose of the meeting. 6389
If a majority of the members of the committee are present at the 6390
meeting, a majority of those present may select a person to fill 6391
the vacancy. The chairperson and secretary of the meeting shall 6392
certify in writing and under oath to the secretary of state, not 6393
later than the eighty-sixth day before the day of the general 6394
election, the name of the person selected to fill the vacancy. The 6395
certification must be accompanied by the written acceptance of the 6396
nomination by the person whose name is certified. A vacancy that 6397
may be filled by an intermediate or minor political party shall be 6398
filled in accordance with the party's rules by authorized 6399
officials of the party. Certification must be made as in the 6400
manner provided for a major political party. 6401

(B) If a person nominated in a primary election as a party 6403
candidate for election at the next general election, whose 6404
candidacy is to be submitted to the electors of a district 6405
comprised of more than one county but less than all of the 6406
counties of the state, withdraws as that candidate or is 6407
disqualified as that candidate under section 3513.052 of the 6408
Revised Code, the vacancy in the party nomination so created may 6409
be filled by a district committee of the major political party 6410
that made the nomination at the primary election, if the 6411
committee's chairperson and secretary certify the name of the 6412
person selected to fill the vacancy by the time specified in this 6413
division, at a meeting called for that purpose. The district 6414
committee shall consist of the chairperson and secretary of the 6415
county central committee of such political party in each county in 6416
the district. The district committee shall be called by the 6417

chairperson of the county central committee of such political 6418
party of the most populous county in the district, who shall give 6419
each member of the district committee at least two days' notice of 6420
the time, place, and purpose of the meeting. If a majority of the 6421
members of the district committee are present at the district 6422
committee meeting, a majority of those present may select a person 6423
to fill the vacancy. The chairperson and secretary of the meeting 6424
shall certify in writing and under oath to the board of elections 6425
of the most populous county in the district, not later than four 6426
p.m. of the eighty-sixth day before the day of the general 6427
election, the name of the person selected to fill the vacancy. The 6428
certification must be accompanied by the written acceptance of the 6429
nomination by the person whose name is certified. A vacancy that 6430
may be filled by an intermediate or minor political party shall be 6431
filled in accordance with the party's rules by authorized 6432
officials of the party. Certification must be made as in the 6433
manner provided for a major political party. 6434

(C) If a person nominated in a primary election as a party 6435
candidate for election at the next general election, whose 6436
candidacy is to be submitted to the electors of a county, 6437
withdraws as that candidate or is disqualified as that candidate 6438
under section 3513.052 of the Revised Code, the vacancy in the 6439
party nomination so created may be filled by the county central 6440
committee of the major political party that made the nomination at 6441
the primary election, or by the county executive committee if so 6442
authorized, if the committee's chairperson and secretary certify 6443
the name of the person selected to fill the vacancy by the time 6444
specified in this division, at a meeting called for that purpose. 6445
The meeting shall be called by the chairperson of that committee, 6446
who shall give each member of the committee at least two days' 6447
notice of the time, place, and purpose of the meeting. If a 6448
majority of the members of the committee are present at the 6449
meeting, a majority of those present may select a person to fill 6450

the vacancy. The chairperson and secretary of the meeting shall 6451
certify in writing and under oath to the board of that county, not 6452
later than four p.m. of the eighty-sixth day before the day of the 6453
general election, the name of the person selected to fill the 6454
vacancy. The certification must be accompanied by the written 6455
acceptance of the nomination by the person whose name is 6456
certified. A vacancy that may be filled by an intermediate or 6457
minor political party shall be filled in accordance with the 6458
party's rules by authorized officials of the party. Certification 6459
must be made as in the manner provided for a major political 6460
party. 6461

(D) If a person nominated in a primary election as a party 6462
candidate for election at the next general election, whose 6463
candidacy is to be submitted to the electors of a district within 6464
a county, withdraws as that candidate or is disqualified as that 6465
candidate under section 3513.052 of the Revised Code, the vacancy 6466
in the party nomination so created may be filled by a district 6467
committee consisting of those members of the county central 6468
committee or, if so authorized, those members of the county 6469
executive committee in that county of the major political party 6470
that made the nomination at the primary election who represent the 6471
precincts or the wards and townships within the district, if the 6472
committee's chairperson and secretary certify the name of the 6473
person selected to fill the vacancy by the time specified in this 6474
division, at a meeting called for that purpose. The district 6475
committee meeting shall be called by the chairperson of the county 6476
central committee or executive committee, as appropriate, who 6477
shall give each member of the district committee at least two 6478
days' notice of the time, place, and purpose of the meeting. If a 6479
majority of the members of the district committee are present at 6480
the district committee meeting, a majority of those present may 6481
select a person to fill the vacancy. The chairperson and secretary 6482
of the district committee meeting shall certify in writing and 6483

under oath to the board of the county, not later than four p.m. of 6484
the eighty-sixth day before the day of the general election, the 6485
name of the person selected to fill the vacancy. The certification 6486
must be accompanied by the written acceptance of the nomination by 6487
the person whose name is certified. A vacancy that may be filled 6488
by an intermediate or minor political party shall be filled in 6489
accordance with the party's rules by authorized officials of the 6490
party. Certification must be made as in the manner provided for a 6491
major political party. 6492

(E) If a person nominated in a primary election as a party 6493
candidate for election at the next general election, whose 6494
candidacy is to be submitted to the electors of a subdivision 6495
within a county, withdraws as that candidate or is disqualified as 6496
that candidate under section 3513.052 of the Revised Code, the 6497
vacancy in the party nomination so created may be filled by a 6498
subdivision committee consisting of those members of the county 6499
central committee or, if so authorized, those members of the 6500
county executive committee in that county of the major political 6501
party that made the nomination at that primary election who 6502
represent the precincts or the wards and townships within that 6503
subdivision, if the committee's chairperson and secretary certify 6504
the name of the person selected to fill the vacancy by the time 6505
specified in this division, at a meeting called for that purpose. 6506

The subdivision committee meeting shall be called by the 6507
chairperson of the county central committee or executive 6508
committee, as appropriate, who shall give each member of the 6509
subdivision committee at least two days' notice of the time, 6510
place, and purpose of the meeting. If a majority of the members of 6511
the subdivision committee are present at the subdivision committee 6512
meeting, a majority of those present may select a person to fill 6513
the vacancy. The chairperson and secretary of the subdivision 6514
committee meeting shall certify in writing and under oath to the 6515

board of the county, not later than four p.m. of the eighty-sixth 6516
day before the day of the general election, the name of the person 6517
selected to fill the vacancy. The certification must be 6518
accompanied by the written acceptance of the nomination by the 6519
person whose name is certified. A vacancy that may be filled by an 6520
intermediate or minor political party shall be filled in 6521
accordance with the party's rules by authorized officials of the 6522
party. Certification must be made in the manner provided for a 6523
major political party. 6524

(F) If a person nominated by petition as an independent or 6525
nonpartisan candidate for election at the next general election 6526
withdraws as that candidate or is disqualified as that candidate 6527
under section 3513.052 of the Revised Code, the vacancy so created 6528
may be filled by a majority of the committee of five, as 6529
designated on the candidate's nominating petition, if a member of 6530
that committee certifies in writing and under oath to the election 6531
officials with whom the candidate filed the candidate's nominating 6532
petition, not later than the eighty-sixth day before the day of 6533
the general election, the name of the person selected to fill the 6534
vacancy. The certification shall be accompanied by the written 6535
acceptance of the nomination by the person whose name is certified 6536
and shall be made in the manner provided for a major political 6537
party. 6538

(G) If a person nominated in a primary election as a party 6539
candidate for election at the next general election dies, the 6540
vacancy so created may be filled by the same committee in the same 6541
manner as provided in this section for the filling of similar 6542
vacancies created by withdrawals or disqualifications under 6543
section 3513.052 of the Revised Code, except that the 6544
certification, when filling a vacancy created by death, may not be 6545
filed with the secretary of state, or with a board of the most 6546
populous county of a district, or with the board of a county in 6547

which the major portion of the population of a subdivision is 6548
located, later than four p.m. of the tenth day before the day of 6549
such general election, or with any other board later than four 6550
p.m. of the fifth day before the day of such general election. 6551

(H) If a person nominated by petition as an independent or 6552
nonpartisan candidate for election at the next general election 6553
dies prior to the tenth day before the day of that general 6554
election, the vacancy so created may be filled by a majority of 6555
the committee of five designated in the nominating petition to 6556
represent the candidate named in it. To fill the vacancy a member 6557
of the committee shall, not later than four p.m. of the fifth day 6558
before the day of the general election, file with the election 6559
officials with whom the petition nominating the person was filed, 6560
a certificate signed and sworn to under oath by a majority of the 6561
members, designating the person they select to fill the vacancy. 6562
The certification must be accompanied by the written acceptance of 6563
the nomination by the person whose name is so certified. 6564

(I) If a person holding an elective office dies ~~or~~, resigns, 6565
retires, is removed, or otherwise vacates that office subsequent 6566
to the one hundred fifteenth day before the day of a primary 6567
election and prior to the eighty-sixth day before the day of the 6568
next general election, and if, under the laws of this state, a 6569
person may be elected at that general election to fill the 6570
unexpired term ~~of the person who has died or resigned~~, the 6571
appropriate committee of each political party, acting as in the 6572
case of a vacancy in a party nomination, as provided in divisions 6573
(A) to (D) of this section, may select a person as the party 6574
candidate for election for such unexpired term at that general 6575
election, and certify the person's name to the appropriate 6576
election official not later than four p.m. on the eighty-sixth day 6577
before the day of that general election, or on the tenth day 6578
following the day on which the vacancy occurs, whichever is later. 6579

When the vacancy occurs on or subsequent to the eighty-sixth day 6580
and prior to the fifty-sixth day before the general election, the 6581
appropriate committee may select a person as the party candidate 6582
and certify the person's name, as provided in the preceding 6583
sentence, not later than four p.m. on the fiftieth day before the 6584
general election. Thereupon the name shall be printed as the party 6585
candidate under proper titles and in the proper place on the 6586
proper ballots for use at the election. If a person has been 6587
nominated in a primary election, the authorized committee of that 6588
political party shall not select and certify a person as the party 6589
candidate. 6590

(J) Each person desiring to become an independent candidate 6591
to fill the unexpired term shall file a statement of candidacy and 6592
nominating petition, as provided in section 3513.261 of the 6593
Revised Code, with the appropriate election official not later 6594
than four p.m. on the tenth day following the day on which the 6595
vacancy occurs, provided that when the vacancy occurs fewer than 6596
six days before the fifty-sixth day before the general election, 6597
the deadline for filing shall be four p.m. on the fiftieth day 6598
before the general election. The nominating petition shall contain 6599
at least seven hundred fifty signatures and no more than one 6600
thousand five hundred signatures of qualified electors of the 6601
district, political subdivision, or portion of a political 6602
subdivision in which the office is to be voted upon, or the amount 6603
provided for in section 3513.257 of the Revised Code, whichever is 6604
less. 6605

(K) When a person nominated as a candidate by a political 6606
party in a primary election or by nominating petition for an 6607
elective office for which candidates are nominated at a party 6608
primary election withdraws, dies, or is disqualified under section 6609
3513.052 of the Revised Code prior to the general election, the 6610
appropriate committee of any other major political party or 6611

committee of five that has not nominated a candidate for that 6612
office, or whose nominee as a candidate for that office has 6613
withdrawn, died, or been disqualified without the vacancy so 6614
created having been filled, may, acting as in the case of a 6615
vacancy in a party nomination or nomination by petition as 6616
provided in divisions (A) to (F) of this section, whichever is 6617
appropriate, select a person as a candidate of that party or of 6618
that committee of five for election to the office. 6619

Sec. 3515.04. At the time and place fixed for making a 6620
recount, the board of elections, in the presence of all observers 6621
who may be in attendance, shall open the sealed containers 6622
containing the ballots to be recounted, and shall recount them. ~~If~~ 6623
~~a county used punch card ballots and if a chad is attached to a~~ 6624
~~punch card ballot by three or four corners, the voter shall be~~ 6625
~~deemed by the board not to have recorded a candidate, question, or~~ 6626
~~issue choice at the particular position on the ballot, and a vote~~ 6627
~~shall not be counted at that particular position on the ballot in~~ 6628
~~the recount.~~ Ballots shall be handled only by the members of the 6629
board or by the director or other employees of the board. 6630
Observers shall be permitted to see the ballots, but they shall 6631
not be permitted to touch them, and the board shall not permit the 6632
counting or tabulation of votes shown on the ballots for any 6633
nomination, or for election to any office or position, or upon any 6634
question or issue, other than the votes shown on such ballots for 6635
the nomination, election, question, or issue concerning which a 6636
recount of ballots was applied for. 6637

At any time before the ballots from all of the precincts 6638
listed in an application for the recount or involved in a recount 6639
pursuant to section 3515.011 of the Revised Code have been 6640
recounted, the applicant or declared losing candidate or nominee 6641
or each of the declared losing candidates or nominees entitled to 6642
file a request prior to the commencement of a recount, as provided 6643

in section 3515.03 of the Revised Code, may file with the board a 6644
written request to stop the recount and not recount the ballots 6645
from the precincts so listed that have not been recounted prior to 6646
the time of the request. If, upon the request, the board finds 6647
that results of the votes in the precincts recounted, if 6648
substituted for the results of the votes in those precincts as 6649
shown in the abstract of the votes in those precincts, would not 6650
cause the applicant, if a person for whom votes were cast for 6651
nomination or election, to be declared nominated or elected or if 6652
an election upon a question or issue would not cause a result 6653
contrary to the result as declared prior to such recount, it shall 6654
grant the request and shall not recount the ballots of the 6655
precincts listed in the application for recount that have not been 6656
recounted prior to that time. If the board finds otherwise, it 6657
shall deny the request and shall continue to recount ballots until 6658
the ballots from all of the precincts listed in the application 6659
for recount have been recounted; provided that, if the request is 6660
denied, it may be renewed from time to time. Upon any such 6661
renewal, the board shall consider and act upon the request in the 6662
same manner as provided in this section in connection with an 6663
original request. 6664

~~As used in this section, "chad" and "punch card ballot" have 6665
the same meanings as in section 3506.16 of the Revised Code. 6666~~

Sec. 3517.01. (A)(1) A political party within the meaning of 6667
Title XXXV of the Revised Code is any group of voters that, at the 6668
most recent regular state election, polled for its candidate for 6669
governor in the state or nominees for presidential electors at 6670
least five per cent of the entire vote cast for that office or 6671
that filed with the secretary of state, subsequent to any election 6672
in which it received less than five per cent of that vote, a 6673
petition signed by qualified electors equal in number to at least 6674
one-quarter of one per cent of the total vote for governor or 6675

nominees for presidential electors at the most recent election, 6676
declaring their intention of organizing a political party, the 6677
name of which shall be stated in the declaration, and of 6678
participating in the succeeding primary election, held in 6679
even-numbered years, that occurs more than one hundred ~~twenty~~ days 6680
after the date of filing, and filing a subsequent petition signed 6681
by qualified electors equal in number to at least an additional 6682
one-quarter of one per cent of the total vote for governor or 6683
nominees for presidential electors at the most recent election not 6684
later than ninety days before the day of that primary election. No 6685

No such group of electors shall assume a name or designation 6686
that is similar, in the opinion of the secretary of state, to that 6687
of an existing political party as to confuse or mislead the voters 6688
at an election. If any political party fails to cast five per cent 6689
of the total vote cast at an election for the office of governor 6690
or president, it shall cease to be a political party. 6691

(2) A campaign committee shall be legally liable for any 6692
debts, contracts, or expenditures incurred or executed in its 6693
name. 6694

(B) Notwithstanding the definitions found in section 3501.01 6695
of the Revised Code, as used in this section and sections 3517.08 6696
to 3517.14, 3517.99, and 3517.992 of the Revised Code: 6697

(1) "Campaign committee" means a candidate or a combination 6698
of two or more persons authorized by a candidate under section 6699
3517.081 of the Revised Code to receive contributions and make 6700
expenditures. 6701

(2) "Campaign treasurer" means an individual appointed by a 6702
candidate under section 3517.081 of the Revised Code. 6703

(3) "Candidate" has the same meaning as in division (H) of 6704
section 3501.01 of the Revised Code and also includes any person 6705
who, at any time before or after an election, receives 6706

contributions or makes expenditures or other use of contributions, 6707
has given consent for another to receive contributions or make 6708
expenditures or other use of contributions, or appoints a campaign 6709
treasurer, for the purpose of bringing about the person's 6710
nomination or election to public office. When two persons jointly 6711
seek the offices of governor and lieutenant governor, "candidate" 6712
means the pair of candidates jointly. "Candidate" does not include 6713
candidates for election to the offices of member of a county or 6714
state central committee, presidential elector, and delegate to a 6715
national convention or conference of a political party. 6716

(4) "Continuing association" means an association, other than 6717
a campaign committee, political party, legislative campaign fund, 6718
political contributing entity, or labor organization, that is 6719
intended to be a permanent organization that has a primary purpose 6720
other than supporting or opposing specific candidates, political 6721
parties, or ballot issues, and that functions on a regular basis 6722
throughout the year. "Continuing association" includes 6723
organizations that are determined to be not organized for profit 6724
under subsection 501 and that are described in subsection 6725
501(c)(3), 501(c)(4), or 501(c)(6) of the Internal Revenue Code. 6726

(5) "Contribution" means a loan, gift, deposit, forgiveness 6727
of indebtedness, donation, advance, payment, or transfer of funds 6728
or anything of value, including a transfer of funds from an inter 6729
vivos or testamentary trust or decedent's estate, and the payment 6730
by any person other than the person to whom the services are 6731
rendered for the personal services of another person, which 6732
contribution is made, received, or used for the purpose of 6733
influencing the results of an election. Any loan, gift, deposit, 6734
forgiveness of indebtedness, donation, advance, payment, or 6735
transfer of funds or of anything of value, including a transfer of 6736
funds from an inter vivos or testamentary trust or decedent's 6737
estate, and the payment by any campaign committee, political 6738

action committee, legislative campaign fund, political party, 6739
political contributing entity, or person other than the person to 6740
whom the services are rendered for the personal services of 6741
another person, that is made, received, or used by a state or 6742
county political party, other than moneys a state or county 6743
political party receives from the Ohio political party fund 6744
pursuant to section 3517.17 of the Revised Code and the moneys a 6745
state or county political party may receive under sections 6746
3517.101, 3517.1012, and 3517.1013 of the Revised Code, shall be 6747
considered to be a "contribution" for the purpose of section 6748
3517.10 of the Revised Code and shall be included on a statement 6749
of contributions filed under that section. 6750

"Contribution" does not include any of the following: 6751

(a) Services provided without compensation by individuals 6752
volunteering a portion or all of their time on behalf of a person; 6753

(b) Ordinary home hospitality; 6754

(c) The personal expenses of a volunteer paid for by that 6755
volunteer campaign worker; 6756

(d) Any gift given to a state or county political party 6757
pursuant to section 3517.101 of the Revised Code. As used in 6758
division (B)(5)(d) of this section, "political party" means only a 6759
major political party; 6760

(e) Any contribution as defined in section 3517.1011 of the 6761
Revised Code that is made, received, or used to pay the direct 6762
costs of producing or airing an electioneering communication; 6763

(f) Any gift given to a state or county political party for 6764
the party's restricted fund under division (A)(2) of section 6765
3517.1012 of the Revised Code; 6766

(g) Any gift given to a state political party for deposit in 6767
a Levin account pursuant to section 3517.1013 of the Revised Code. 6768

As used in this division, "Levin account" has the same meaning as 6769
in that section. 6770

(h) Any donation given to a transition fund under section 6771
3517.1014 of the Revised Code. 6772

(6) "Expenditure" means the disbursement or use of a 6773
contribution for the purpose of influencing the results of an 6774
election or of making a charitable donation under division (G) of 6775
section 3517.08 of the Revised Code. Any disbursement or use of a 6776
contribution by a state or county political party is an 6777
expenditure and shall be considered either to be made for the 6778
purpose of influencing the results of an election or to be made as 6779
a charitable donation under division (G) of section 3517.08 of the 6780
Revised Code and shall be reported on a statement of expenditures 6781
filed under section 3517.10 of the Revised Code. During the thirty 6782
days preceding a primary or general election, any disbursement to 6783
pay the direct costs of producing or airing a broadcast, cable, or 6784
satellite communication that refers to a clearly identified 6785
candidate shall be considered to be made for the purpose of 6786
influencing the results of that election and shall be reported as 6787
an expenditure or as an independent expenditure under section 6788
3517.10 or 3517.105 of the Revised Code, as applicable, except 6789
that the information required to be reported regarding 6790
contributors for those expenditures or independent expenditures 6791
shall be the same as the information required to be reported under 6792
divisions (D)(1) and (2) of section 3517.1011 of the Revised Code. 6793

As used in this division, "broadcast, cable, or satellite 6794
communication" and "refers to a clearly identified candidate" have 6795
the same meanings as in section 3517.1011 of the Revised Code. 6796

(7) "Personal expenses" includes, but is not limited to, 6797
ordinary expenses for accommodations, clothing, food, personal 6798
motor vehicle or airplane, and home telephone. 6799

(8) "Political action committee" means a combination of two or more persons, the primary or major purpose of which is to support or oppose any candidate, political party, or issue, or to influence the result of any election through express advocacy, and that is not a political party, a campaign committee, a political contributing entity, or a legislative campaign fund. "Political action committee" does not include either of the following:

(a) A continuing association that makes disbursements for the direct costs of producing or airing electioneering communications and that does not engage in express advocacy;

(b) A political club that is formed primarily for social purposes and that consists of one hundred members or less, has officers and periodic meetings, has less than two thousand five hundred dollars in its treasury at all times, and makes an aggregate total contribution of one thousand dollars or less per calendar year.

(9) "Public office" means any state, county, municipal, township, or district office, except an office of a political party, that is filled by an election and the offices of United States senator and representative.

(10) "Anything of value" has the same meaning as in section 1.03 of the Revised Code.

(11) "Beneficiary of a campaign fund" means a candidate, a public official or employee for whose benefit a campaign fund exists, and any other person who has ever been a candidate or public official or employee and for whose benefit a campaign fund exists.

(12) "Campaign fund" means money or other property, including contributions.

(13) "Public official or employee" has the same meaning as in section 102.01 of the Revised Code.

(14) "Caucus" means all of the members of the house of 6831
representatives or all of the members of the senate of the general 6832
assembly who are members of the same political party. 6833

(15) "Legislative campaign fund" means a fund that is 6834
established as an auxiliary of a state political party and 6835
associated with one of the houses of the general assembly. 6836

(16) "In-kind contribution" means anything of value other 6837
than money that is used to influence the results of an election or 6838
is transferred to or used in support of or in opposition to a 6839
candidate, campaign committee, legislative campaign fund, 6840
political party, political action committee, or political 6841
contributing entity and that is made with the consent of, in 6842
coordination, cooperation, or consultation with, or at the request 6843
or suggestion of the benefited candidate, committee, fund, party, 6844
or entity. The financing of the dissemination, distribution, or 6845
 republication, in whole or part, of any broadcast or of any 6846
written, graphic, or other form of campaign materials prepared by 6847
the candidate, the candidate's campaign committee, or their 6848
authorized agents is an in-kind contribution to the candidate and 6849
an expenditure by the candidate. 6850

(17) "Independent expenditure" means an expenditure by a 6851
person advocating the election or defeat of an identified 6852
candidate or candidates, that is not made with the consent of, in 6853
coordination, cooperation, or consultation with, or at the request 6854
or suggestion of any candidate or candidates or of the campaign 6855
committee or agent of the candidate or candidates. As used in 6856
division (B)(17) of this section: 6857

(a) "Person" means an individual, partnership, unincorporated 6858
business organization or association, political action committee, 6859
political contributing entity, separate segregated fund, 6860
association, or other organization or group of persons, but not a 6861
labor organization or a corporation unless the labor organization 6862

or corporation is a political contributing entity. 6863

(b) "Advocating" means any communication containing a message 6864
advocating election or defeat. 6865

(c) "Identified candidate" means that the name of the 6866
candidate appears, a photograph or drawing of the candidate 6867
appears, or the identity of the candidate is otherwise apparent by 6868
unambiguous reference. 6869

(d) "Made in coordination, cooperation, or consultation with, 6870
or at the request or suggestion of, any candidate or the campaign 6871
committee or agent of the candidate" means made pursuant to any 6872
arrangement, coordination, or direction by the candidate, the 6873
candidate's campaign committee, or the candidate's agent prior to 6874
the publication, distribution, display, or broadcast of the 6875
communication. An expenditure is presumed to be so made when it is 6876
any of the following: 6877

(i) Based on information about the candidate's plans, 6878
projects, or needs provided to the person making the expenditure 6879
by the candidate, or by the candidate's campaign committee or 6880
agent, with a view toward having an expenditure made; 6881

(ii) Made by or through any person who is, or has been, 6882
authorized to raise or expend funds, who is, or has been, an 6883
officer of the candidate's campaign committee, or who is, or has 6884
been, receiving any form of compensation or reimbursement from the 6885
candidate or the candidate's campaign committee or agent; 6886

(iii) Except as otherwise provided in division (D) of section 6887
3517.105 of the Revised Code, made by a political party in support 6888
of a candidate, unless the expenditure is made by a political 6889
party to conduct voter registration or voter education efforts. 6890

(e) "Agent" means any person who has actual oral or written 6891
authority, either express or implied, to make or to authorize the 6892
making of expenditures on behalf of a candidate, or means any 6893

person who has been placed in a position with the candidate's 6894
campaign committee or organization such that it would reasonably 6895
appear that in the ordinary course of campaign-related activities 6896
the person may authorize expenditures. 6897

(18) "Labor organization" means a labor union; an employee 6898
organization; a federation of labor unions, groups, locals, or 6899
other employee organizations; an auxiliary of a labor union, 6900
employee organization, or federation of labor unions, groups, 6901
locals, or other employee organizations; or any other bona fide 6902
organization in which employees participate and that exists for 6903
the purpose, in whole or in part, of dealing with employers 6904
concerning grievances, labor disputes, wages, hours, and other 6905
terms and conditions of employment. 6906

(19) "Separate segregated fund" means a separate segregated 6907
fund established pursuant to the Federal Election Campaign Act. 6908

(20) "Federal Election Campaign Act" means the "Federal 6909
Election Campaign Act of 1971," 86 Stat. 11, 2 U.S.C.A. 431, et 6910
seq., as amended. 6911

(21) "Restricted fund" means the fund a state or county 6912
political party must establish under division (A)(1) of section 6913
3517.1012 of the Revised Code. 6914

(22) "Electioneering communication" has the same meaning as 6915
in section 3517.1011 of the Revised Code. 6916

(23) "Express advocacy" means a communication that contains 6917
express words advocating the nomination, election, or defeat of a 6918
candidate or that contains express words advocating the adoption 6919
or defeat of a question or issue, as determined by a final 6920
judgment of a court of competent jurisdiction. 6921

(24) "Political committee" has the same meaning as in section 6922
3517.1011 of the Revised Code. 6923

(25) "Political contributing entity" means any entity, 6924
including a corporation or labor organization, that may lawfully 6925
make contributions and expenditures and that is not an individual 6926
or a political action committee, continuing association, campaign 6927
committee, political party, legislative campaign fund, designated 6928
state campaign committee, or state candidate fund. For purposes of 6929
this division, "lawfully" means not prohibited by any section of 6930
the Revised Code, or authorized by a final judgment of a court of 6931
competent jurisdiction. 6932

Sec. 3517.012. (A) When a petition meeting the requirements 6933
of division (A)(1)(a) of section 3517.01 of the Revised Code 6934
declaring the intention to organize a political party is filed 6935
with the secretary of state, the new party comes into legal 6936
existence on the date of filing and is entitled to hold a primary 6937
election as set out in section 3513.01 of the Revised Code, at the 6938
primary election, held in even-numbered years that occurs more 6939
than one hundred ~~twenty~~ days after the date of filing. 6940

(B) When a petition meeting the requirements of division 6941
(A)(1)(b) of section 3517.01 of the Revised Code declaring the 6942
intention to organize a political party is filed with the 6943
secretary of state, the new party comes into legal existence on 6944
the date of filing and is entitled to certify the names of 6945
candidates for president and vice-president for the general 6946
election ballot, as specified in division (B)(3) of section 6947
3505.10 of the Revised Code, at the general election, held in the 6948
year in which a presidential primary election is conducted, that 6949
occurs more than eighty days after the date of filing. 6950

Sec. 3517.211. (A) No elected official of a county, township, 6951
municipal corporation, board of education, governing board of an 6952
educational service center, or other local political subdivision 6953
shall, during the ninety days before that elected official's name 6954

appears on the ballot at an election, produce or disseminate any 6955
mass mailing or any form of advertising from the official's office 6956
that includes the name or photograph of the elected official. A 6957
document or any form of advertising produced or disseminated 6958
during the ninety-day restricted period may include the name of 6959
the office the official holds, but shall not include the name or 6960
photograph of the official. 6961

(B) No violation of division (A) of this section occurs, and 6962
no fine shall be imposed under section 3517.992 of the Revised 6963
Code, if an elected official who is subject to the provisions of 6964
division (A) of this section sends out normal office 6965
correspondence using office letterhead that is issued on a regular 6966
schedule throughout the year during the ninety days before the 6967
date of any election at which the elected official's name will 6968
appear on the ballot. 6969

Sec. 3517.992. This section establishes penalties only with 6970
respect to acts or failures to act that occur on and after August 6971
24, 1995. 6972

(A)(1) A candidate whose campaign committee violates division 6973
(A), (B), (C), (D), or (V) of section 3517.13 of the Revised Code, 6974
or a treasurer of a campaign committee who violates any of those 6975
divisions, shall be fined not more than one hundred dollars for 6976
each day of violation. 6977

(2) Whoever violates division (E) or (X)(5) of section 6978
3517.13 or division (E)(1) of section 3517.1014 of the Revised 6979
Code shall be fined not more than one hundred dollars for each day 6980
of violation. 6981

(B) A political party that violates division (F)(1) of 6982
section 3517.101 of the Revised Code shall be fined not more than 6983
one hundred dollars for each day of violation. 6984

(C) Whoever violates division (F)(2) of section 3517.101, 6985
division (G) of section 3517.13, or division (E)(2) or (3) of 6986
section 3517.1014 of the Revised Code shall be fined not more than 6987
ten thousand dollars or, if the offender is a person who was 6988
nominated or elected to public office, shall forfeit the 6989
nomination or the office to which the offender was elected, or 6990
both. 6991

(D) Whoever violates division (F) of section 3517.13 of the 6992
Revised Code shall be fined not more than three times the amount 6993
contributed. 6994

(E) Whoever violates division (H) of section 3517.13 of the 6995
Revised Code shall be fined not more than one hundred dollars. 6996

(F) Whoever violates division (O), (P), or (Q) of section 6997
3517.13 of the Revised Code is guilty of a misdemeanor of the 6998
first degree. 6999

(G) A state or county committee of a political party that 7000
violates division (B)(1) of section 3517.18 of the Revised Code 7001
shall be fined not more than twice the amount of the improper 7002
expenditure. 7003

(H) A state or county political party that violates division 7004
(G) of section 3517.101 of the Revised Code shall be fined not 7005
more than twice the amount of the improper expenditure or use. 7006

(I)(1) Any individual who violates division (B)(1) of section 7007
3517.102 of the Revised Code and knows that the contribution the 7008
individual makes violates that division shall be fined an amount 7009
equal to three times the amount contributed in excess of the 7010
amount permitted by that division. 7011

(2) Any political action committee that violates division 7012
(B)(2) of section 3517.102 of the Revised Code shall be fined an 7013
amount equal to three times the amount contributed in excess of 7014
the amount permitted by that division. 7015

(3) Any campaign committee that violates division (B)(3) or 7016
(5) of section 3517.102 of the Revised Code shall be fined an 7017
amount equal to three times the amount contributed in excess of 7018
the amount permitted by that division. 7019

(4)(a) Any legislative campaign fund that violates division 7020
(B)(6) of section 3517.102 of the Revised Code shall be fined an 7021
amount equal to three times the amount transferred or contributed 7022
in excess of the amount permitted by that division, as applicable. 7023

(b) Any state political party, county political party, or 7024
state candidate fund of a state political party or county 7025
political party that violates division (B)(6) of section 3517.102 7026
of the Revised Code shall be fined an amount equal to three times 7027
the amount transferred or contributed in excess of the amount 7028
permitted by that division, as applicable. 7029

(c) Any political contributing entity that violates division 7030
(B)(7) of section 3517.102 of the Revised Code shall be fined an 7031
amount equal to three times the amount contributed in excess of 7032
the amount permitted by that division. 7033

(5) Any political party that violates division (B)(4) of 7034
section 3517.102 of the Revised Code shall be fined an amount 7035
equal to three times the amount contributed in excess of the 7036
amount permitted by that division. 7037

(6) Notwithstanding divisions (I)(1), (2), (3), (4), and (5) 7038
of this section, no violation of division (B) of section 3517.102 7039
of the Revised Code occurs, and the secretary of state shall not 7040
refer parties to the Ohio elections commission, if the amount 7041
transferred or contributed in excess of the amount permitted by 7042
that division meets either of the following conditions: 7043

(a) It is completely refunded within five business days after 7044
it is accepted. 7045

(b) It is completely refunded on or before the tenth business 7046

day after notification to the recipient of the excess transfer or 7047
contribution by the board of elections or the secretary of state 7048
that a transfer or contribution in excess of the permitted amount 7049
has been received. 7050

(J)(1) Any campaign committee that violates division (C)(1), 7051
(2), (3), or (6) of section 3517.102 of the Revised Code shall be 7052
fined an amount equal to three times the amount accepted in excess 7053
of the amount permitted by that division. 7054

(2)(a) Any county political party that violates division 7055
(C)(4)(a)(ii) or (iii) of section 3517.102 of the Revised Code 7056
shall be fined an amount equal to three times the amount accepted. 7057

(b) Any county political party that violates division 7058
(C)(4)(a)(i) of section 3517.102 of the Revised Code shall be 7059
fined an amount from its state candidate fund equal to three times 7060
the amount accepted in excess of the amount permitted by that 7061
division. 7062

(c) Any state political party that violates division 7063
(C)(4)(b) of section 3517.102 of the Revised Code shall be fined 7064
an amount from its state candidate fund equal to three times the 7065
amount accepted in excess of the amount permitted by that 7066
division. 7067

(3) Any legislative campaign fund that violates division 7068
(C)(5) of section 3517.102 of the Revised Code shall be fined an 7069
amount equal to three times the amount accepted in excess of the 7070
amount permitted by that division. 7071

(4) Any political action committee or political contributing 7072
entity that violates division (C)(7) of section 3517.102 of the 7073
Revised Code shall be fined an amount equal to three times the 7074
amount accepted in excess of the amount permitted by that 7075
division. 7076

(5) Notwithstanding divisions (J)(1), (2), (3), and (4) of 7077

this section, no violation of division (C) of section 3517.102 of 7078
the Revised Code occurs, and the secretary of state shall not 7079
refer parties to the Ohio elections commission, if the amount 7080
transferred or contributed in excess of the amount permitted to be 7081
accepted by that division meets either of the following 7082
conditions: 7083

(a) It is completely refunded within five business days after 7084
its acceptance. 7085

(b) It is completely refunded on or before the tenth business 7086
day after notification to the recipient of the excess transfer or 7087
contribution by the board of elections or the secretary of state 7088
that a transfer or contribution in excess of the permitted amount 7089
has been received. 7090

(K)(1) Any legislative campaign fund that violates division 7091
(F)(1) of section 3517.102 of the Revised Code shall be fined 7092
twenty-five dollars for each day of violation. 7093

(2) Any legislative campaign fund that violates division 7094
(F)(2) of section 3517.102 of the Revised Code shall give to the 7095
treasurer of state for deposit into the state treasury to the 7096
credit of the Ohio elections commission fund all excess 7097
contributions not disposed of as required by division (E) of 7098
section 3517.102 of the Revised Code. 7099

(L) Whoever violates section 3517.105 of the Revised Code 7100
shall be fined one thousand dollars. 7101

(M)(1) Whoever solicits a contribution in violation of 7102
section 3517.092 or violates division (B) of section 3517.09 of 7103
the Revised Code is guilty of a misdemeanor of the first degree. 7104

(2) Whoever knowingly accepts a contribution in violation of 7105
division (B) or (C) of section 3517.092 of the Revised Code shall 7106
be fined an amount equal to three times the amount accepted in 7107
violation of either of those divisions and shall return to the 7108

contributor any amount so accepted. Whoever unknowingly accepts a 7109
contribution in violation of division (B) or (C) of section 7110
3517.092 of the Revised Code shall return to the contributor any 7111
amount so accepted. 7112

(N) Whoever violates division (S) of section 3517.13 of the 7113
Revised Code shall be fined an amount equal to three times the 7114
amount of funds transferred or three times the value of the assets 7115
transferred in violation of that division. 7116

(O) Any campaign committee that accepts a contribution or 7117
contributions in violation of section 3517.108 of the Revised 7118
Code, uses a contribution in violation of that section, or fails 7119
to dispose of excess contributions in violation of that section 7120
shall be fined an amount equal to three times the amount accepted, 7121
used, or kept in violation of that section. 7122

(P) Any political party, state candidate fund, legislative 7123
candidate fund, or campaign committee that violates division (T) 7124
of section 3517.13 of the Revised Code shall be fined an amount 7125
equal to three times the amount contributed or accepted in 7126
violation of that section. 7127

(Q) A treasurer of a committee or another person who violates 7128
division (U) of section 3517.13 of the Revised Code shall be fined 7129
not more than two hundred fifty dollars. 7130

(R) Whoever violates division (I) or (J) of section 3517.13 7131
of the Revised Code shall be fined not more than one thousand 7132
dollars. Whenever a person is found guilty of violating division 7133
(I) or (J) of section 3517.13 of the Revised Code, the contract 7134
awarded in violation of either of those divisions shall be 7135
rescinded if its terms have not yet been performed. 7136

(S) A candidate whose campaign committee violates or a 7137
treasurer of a campaign committee who violates section 3517.081 of 7138
the Revised Code, and a candidate whose campaign committee 7139

violates or a treasurer of a campaign committee or another person 7140
who violates division (C) of section 3517.10 of the Revised Code, 7141
shall be fined not more than five hundred dollars. 7142

(T) A candidate whose campaign committee violates or a 7143
treasurer of a committee who violates division (B) of section 7144
3517.09 of the Revised Code, or a candidate whose campaign 7145
committee violates or a treasurer of a campaign committee or 7146
another person who violates division (C) of section 3517.09 of the 7147
Revised Code shall be fined not more than one thousand dollars. 7148

(U) Whoever violates section 3517.20 of the Revised Code 7149
shall be fined not more than five hundred dollars. 7150

(V) Whoever violates section 3517.21 or 3517.22 of the 7151
Revised Code shall be imprisoned for not more than six months or 7152
fined not more than five thousand dollars, or both. 7153

(W) A campaign committee that is required to file a 7154
declaration of no limits under division (D)(2) of section 3517.103 7155
of the Revised Code that, before filing that declaration, accepts 7156
a contribution or contributions that exceed the limitations 7157
prescribed in section 3517.102 of the Revised Code, shall return 7158
that contribution or those contributions to the contributor. 7159

(X) Any campaign committee that fails to file the declaration 7160
of filing-day finances required by division (F) of section 7161
3517.109 of the Revised Code or the declaration of primary-day 7162
finances or declaration of year-end finances required by division 7163
(E) of section 3517.1010 of the Revised Code shall be fined 7164
twenty-five dollars for each day of violation. 7165

(Y)(1) Any campaign committee that fails to dispose of excess 7166
funds or excess aggregate contributions under division (B) of 7167
section 3517.109 of the Revised Code in the manner required by 7168
division (C) of that section or under division (B) of section 7169
3517.1010 of the Revised Code in the manner required by division 7170

(C) of that section shall give to the treasurer of state for 7171
deposit into the Ohio elections commission fund created under 7172
division (I) of section 3517.152 of the Revised Code all funds not 7173
disposed of pursuant to those divisions. 7174

(2) Any treasurer of a transition fund that fails to dispose 7175
of assets remaining in the transition fund as required under 7176
division (H)(1) or (2) of section 3517.1014 of the Revised Code 7177
shall give to the treasurer of state for deposit into the Ohio 7178
elections commission fund all assets not disposed of pursuant to 7179
that division. 7180

(Z) Any individual, campaign committee, political action 7181
committee, political contributing entity, legislative campaign 7182
fund, political party, treasurer of a transition fund, or other 7183
entity that violates any provision of sections 3517.09 to 3517.12 7184
of the Revised Code for which no penalty is provided for under any 7185
other division of this section shall be fined not more than one 7186
thousand dollars. 7187

(AA)(1) Whoever knowingly violates division (W)(1) of section 7188
3517.13 of the Revised Code shall be fined an amount equal to 7189
three times the amount contributed, expended, or promised in 7190
violation of that division or ten thousand dollars, whichever 7191
amount is greater. 7192

(2) Whoever knowingly violates division (W)(2) of section 7193
3517.13 of the Revised Code shall be fined an amount equal to 7194
three times the amount solicited or accepted in violation of that 7195
division or ten thousand dollars, whichever amount is greater. 7196

(BB) Whoever knowingly violates division (C) or (D) of 7197
section 3517.1011 of the Revised Code shall be fined not more than 7198
ten thousand dollars plus not more than one thousand dollars for 7199
each day of violation. 7200

(CC)(1) Subject to division (CC)(2) of this section, whoever 7201

violates division (H) of section 3517.1011 of the Revised Code 7202
shall be fined an amount up to three times the amount disbursed 7203
for the direct costs of airing the communication made in violation 7204
of that division. 7205

(2) Whoever has been ordered by the Ohio elections commission 7206
or by a court of competent jurisdiction to cease making 7207
communications in violation of division (H) of section 3517.1011 7208
of the Revised Code who again violates that division shall be 7209
fined an amount equal to three times the amount disbursed for the 7210
direct costs of airing the communication made in violation of that 7211
division. 7212

(DD)(1) Any corporation or labor organization that violates 7213
division (X)(3)(a) of section 3517.13 of the Revised Code shall be 7214
fined an amount equal to three times the amount given in excess of 7215
the amount permitted by that division. 7216

(2) Any state or county political party that violates 7217
division (X)(3)(b) of section 3517.13 of the Revised Code shall be 7218
fined an amount equal to three times the amount accepted in excess 7219
of the amount permitted by that division. 7220

(EE)(1) Any campaign committee or person who violates 7221
division (C)(1)(b) or (c) of section 3517.1014 of the Revised Code 7222
shall be fined an amount equal to three times the amount donated 7223
in excess of the amount permitted by that division. 7224

(2) Any officeholder or treasurer of a transition fund who 7225
violates division (C)(3)(a) or (b) of section 3517.1014 of the 7226
Revised Code shall be fined an amount equal to three times the 7227
amount accepted in excess of the amount permitted by that 7228
division. 7229

(FF) Whoever violates division (A) of section 3517.211 of the 7230
Revised Code shall be fined an amount equal to at least three 7231
times the cost of producing and disseminating the document or paid 7232

for the advertising, which amount shall be paid to the political 7233
subdivision the elected official of which produced or disseminated 7234
the document or paid for the advertising, and such person shall be 7235
subject to any applicable penalties for any other violations of 7236
this chapter the person may have committed. 7237

Sec. 3519.01. (A) Only one proposal of law or constitutional 7238
amendment to be proposed by initiative petition shall be contained 7239
in an initiative petition to enable the voters to vote on that 7240
proposal separately. A petition shall include the text of any 7241
existing statute or constitutional provision that would be amended 7242
or repealed if the proposed law or constitutional amendment is 7243
adopted. 7244

Whoever seeks to propose a law or constitutional amendment by 7245
initiative petition shall, by a written petition signed by one 7246
thousand qualified electors, submit the proposed law or 7247
constitutional amendment and a summary of it to the attorney 7248
general for examination. Within ten days after the receipt of the 7249
written petition and the summary of it, the attorney general shall 7250
conduct an examination of the summary. If, in the opinion of the 7251
attorney general, the summary is a fair and truthful statement of 7252
the proposed law or constitutional amendment, the attorney general 7253
shall so certify and then forward the submitted petition to the 7254
Ohio ballot board for its approval under division (A) of section 7255
3505.062 of the Revised Code. If the Ohio ballot board returns the 7256
submitted petition to the attorney general with its certification 7257
as described in that division, the attorney general shall then 7258
file with the secretary of state a verified copy of the proposed 7259
law or constitutional amendment together with its summary and the 7260
attorney general's certification. 7261

Whenever the Ohio ballot board divides an initiative petition 7262
into individual petitions containing only one proposed law or 7263

constitutional amendment under division (A) of section 3505.062 of 7264
the Revised Code resulting in the need for the petitioners to 7265
resubmit to the attorney general appropriate summaries for each of 7266
the individual petitions arising from the board's division of the 7267
initiative petition, the attorney general shall review the 7268
resubmitted summaries, within ten days after their receipt, to 7269
determine if they are a fair and truthful statement of the 7270
respective proposed laws or constitutional amendments and, if so, 7271
certify them. These resubmissions shall contain no new 7272
explanations or arguments. Then, the attorney general shall file 7273
with the secretary of state a verified copy of each of the 7274
proposed laws or constitutional amendments together with their 7275
respective summaries and the attorney general's certification of 7276
each. 7277

(B)(1) Whoever seeks to file a referendum petition against 7278
any law, section, or item in any law shall, by a written petition 7279
signed by one thousand qualified electors, submit the measure to 7280
be referred and a summary of it to the secretary of state and, on 7281
the same day or within one business day before or after that day, 7282
submit a copy of the petition, measure, and summary to the 7283
attorney general. 7284

(2) Not later than ten business days after receiving the 7285
petition, measure, and summary, the secretary of state shall do 7286
both of the following: 7287

(a) Have the validity of the signatures on the petition 7288
verified; 7289

(b) After comparing the text of the measure to be referred 7290
with the copy of the enrolled act on file in the secretary of 7291
state's office containing the law, section, or item of law, 7292
determine whether the text is correct and, if it is, so certify. 7293

(3) Not later than ten business days after receiving a copy 7294

of the petition, measure, and summary, the attorney general shall 7295
examine the summary and, if in the attorney general's opinion, the 7296
summary is a fair and truthful statement of the measure to be 7297
referred, so certify. 7298

(C) Any person who is aggrieved by a certification decision 7299
under division (A) or (B) of this section may challenge the 7300
certification or failure to certify of the attorney general in the 7301
supreme court, which shall have exclusive, original jurisdiction 7302
in all challenges of those certification decisions. 7303

~~Sec. 3519.16. The circulator of any part petition, the 7304
committee interested in the petition, or any elector may file with 7305
the board of elections a protest against the board's findings made 7306
pursuant to section 3519.15 of the Revised Code. Protests shall be 7307
in writing and shall specify reasons for the protest. Protests for 7308
all initiative and referendum petitions other than those to be 7309
voted on by electors throughout the entire state shall be filed 7310
not later than four p.m. of the seventy fourth day before the day 7311
of the election. Once a protest is filed, the board shall proceed 7312
to establish the sufficiency or insufficiency of the signatures 7313
and of the verification of those signatures in an action before 7314
the court of common pleas in the county. The action shall be 7315
brought within three days after the protest is filed, and it shall 7316
be heard forthwith by a judge of that court, whose decision shall 7317
be certified to the board. The signatures that are adjudged 7318
sufficient or the part petitions that are adjudged properly 7319
verified shall be included with the others by the board, and those 7320
found insufficient and all those part petitions that are adjudged 7321
not properly verified shall not be included. (A) Pursuant to 7322
Section 1g of Article II, Ohio Constitution, the supreme court of 7323
Ohio shall have original, exclusive jurisdiction in all challenges 7324
to initiative and referendum petitions. 7325~~

(B) The petitioner of any petition shall include upon each part-petition filed with the secretary of state a designation of the county in which the part-petition was circulated and a number for each part-petition. In any county where part-petitions are circulated, each part-petition shall be numbered sequentially. Upon the filing of the petition with the secretary of state, the petitioner of any petition shall also file the following:

(1) An electronic copy of the petition filed along with a verification that the electronic copy is a true representation of the original paper petition filed with the secretary of state;

(2) A summary of the number of part-petitions filed per county and the number of signatures on each part-petition;

(3) An index of the electronic copy.

(C) For a request made under Chapter 149. of the Revised Code for the inspection or copying of the original petition filed with the secretary of state, the request is fulfilled when the secretary of state provides inspection of or copies of the electronic copy filed by the circulator of the petition. This section applies from the time of the initial filing of the petition with the secretary of state and remains applicable until the part-petitions are returned to the secretary of state from the local board of elections after a determination of sufficiency of the petition pursuant to section 3519.15 of the Revised Code.

(D) Discrepancies between the electronic copy filed under division (B)(1) of this section and the original paper petitions as filed with the secretary of state shall not render the petition invalid. Discrepancies between a filed electronic copy and the original paper petition, if the product of fraud, shall be subject to criminal penalties under section 3599.36 of the Revised Code.

(E) 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~~ 7357
~~the case of an initiated law to be presented to the general~~ 7358
~~assembly, the boards shall promptly check and return the petitions~~ 7359
~~together with their report.~~ The secretary of state shall notify, 7360
by certified mail, the chairperson each member of the committee in 7361
charge of the circulation as to the sufficiency or insufficiency 7362
of the petition and the extent of the insufficiency. 7363

If the petition is found insufficient because of an 7364
insufficient number of valid signatures, the committee shall be 7365
allowed ten additional days after the ~~notification by first member~~ 7366
of the committee receives notice of the petition's insufficiency 7367
by certified mail from the secretary of state for the filing of 7368
additional signatures to the petition. No additional signatures 7369
may be collected by the circulator of the petition until the 7370
secretary of state determines the sufficiency of the signatures 7371
that the circulator originally filed with the secretary of state. 7372
The part-petitions of the supplementary petition that appear to 7373
the secretary of state to be properly verified, upon their receipt 7374
by the secretary of state, shall forthwith be forwarded to the 7375
boards of the several counties together with the part-petitions of 7376
the original petition that have been properly verified. They shall 7377
be immediately examined and passed upon as to the validity and 7378
sufficiency of the signatures on them by each of the boards and 7379
returned within five days to the secretary of state with the 7380
report of each board. No signature on a supplementary 7381
part-petition that is the same as a signature on an original 7382
part-petition shall be counted. The number of signatures in both 7383
the original and supplementary petitions, properly verified, shall 7384
be used by the secretary of state in determining the total number 7385
of signatures to the petition that the secretary of state shall 7386
record and announce. If they are sufficient, the amendment, 7387
proposed law, or law shall be placed on the ballot as required by 7388
law. If the petition is found insufficient, the secretary of state 7389

shall notify the committee in charge of the circulation of the 7390
petition. 7391

Sec. 3599.07. No ~~judge of elections~~ precinct election 7392
official, observer, or police officer admitted into the polling 7393
rooms at the election, at any time while the polls are open, shall 7394
have in the individual's possession, distribute, or give out any 7395
ballot or ticket to any person on any pretense during the 7396
receiving, counting, or certifying of the votes, or have any 7397
ballot or ticket in the individual's possession or control, except 7398
in the proper discharge of the individual's official duty in 7399
receiving, counting, or canvassing the votes. This section does 7400
not prevent the lawful exercise by a ~~judge of elections~~ precinct 7401
election official or observer of the individual right to vote at 7402
such election. 7403

Sec. 3599.17. (A) No elections official serving as a 7404
registrar or ~~judge of elections~~ precinct election official shall 7405
do any of the following: 7406

(1) Fail to appear before the board of elections, or its 7407
representative, after notice has been served personally upon the 7408
official or left at the official's usual place of residence, for 7409
examination as to the official's qualifications; 7410

(2) Fail to appear at the polling place to which the official 7411
is assigned at the hour and during the hours set for the 7412
registration or election; 7413

(3) Fail to take the oath prescribed by section 3501.31 of 7414
the Revised Code, unless excused by such board; 7415

(4) Refuse or sanction the refusal of another registrar or 7416
~~judge of elections~~ precinct election official to administer an 7417
oath required by law; 7418

(5) Fail to send notice to the board of the appointment of a 7419

judge precinct election official to fill a vacancy;	7420
(6) Act as registrar or judge precinct election official	7421
without having been appointed and having received a certificate of	7422
appointment, except a judge precinct election official appointed	7423
to fill a vacancy caused by absence or removal;	7424
(7) Fail in any other way to perform any duty imposed by law.	7425
(B) Whoever violates division (A) of this section is guilty	7426
of a misdemeanor of the first degree.	7427
Sec. 3599.19. (A) No judge of elections <u>precinct election</u>	7428
<u>official</u> shall knowingly do any of the following:	7429
(1) Unlawfully open or permit to be opened the sealed package	7430
containing registration lists, ballots, blanks, pollbooks, and	7431
other papers and material to be used in an election;	7432
(2) Unlawfully misplace, carry away, negligently lose or	7433
permit to be taken from the judge precinct election official , fail	7434
to deliver, or destroy any such packages, papers, or material;	7435
(3) Receive or sanction the reception of a ballot from a	7436
person not a qualified elector or from a person who refused to	7437
answer a question in accordance with the election law;	7438
(4) Refuse to receive or sanction the rejection of a ballot	7439
from a person, knowing that person to be a qualified elector;	7440
(5) Permit a fraudulent ballot to be placed in the ballot	7441
box;	7442
(6) Place or permit to be placed in any ballot box any ballot	7443
known by the judge precinct election official to be improperly or	7444
falsely marked;	7445
(7) Count or permit to be counted any illegal or fraudulent	7446
ballot;	7447
(8) Mislead an elector who is physically unable to prepare	7448

the elector's ballot, mark a ballot for such elector otherwise 7449
than as directed by that elector, or disclose to any person, 7450
except when legally required to do so, how such elector voted; 7451

(9) Alter or mark or permit any alteration or marking on any 7452
ballot when counting the ballots; 7453

(10) Unlawfully count or tally or sanction the wrongful 7454
counting or tallying of votes; 7455

(11) After the counting of votes commences, as required by 7456
law, postpone or sanction the postponement of the counting of 7457
votes, adjourn at any time or to any place, or remove the ballot 7458
box from the place of voting, or from the custody or presence of 7459
all the ~~judges of such elections~~ precinct election officials; 7460

(12) Permit any ballot to remain or to be in the ballot box 7461
at the opening of the polls, or to be put in the box during the 7462
counting of the ballots, or to be left in the box without being 7463
counted; 7464

(13) Admit or sanction the admission to the polling room at 7465
an election during the receiving, counting, and certifying of 7466
votes of any person not qualified by law to be so admitted; 7467

(14) Refuse to admit or sanction the refusal to admit any 7468
person, upon lawful request for admission, who is legally 7469
qualified to be present; 7470

(15) Permit or sanction the counting of the ballots contrary 7471
to the manner prescribed by law; 7472

(16) Neglect or unlawfully execute any duty enjoined upon the 7473
~~judge~~ precinct election official by law. 7474

(B) Whoever violates division (A) of this section is guilty 7475
of a misdemeanor of the first degree. 7476

Sec. 3599.31. No officer of the law shall fail to obey 7477

forthwith an order of the ~~presiding judge~~ voting location manager 7478
and aid in enforcing a lawful order of the ~~presiding judges~~ voting 7479
location manager at an election, against persons unlawfully 7480
congregating or loitering within one hundred feet of a polling 7481
place, hindering or delaying an elector from reaching or leaving 7482
the polling place, soliciting or attempting, within one hundred 7483
feet of the polling place, to influence an elector in casting the 7484
elector's vote, or interfering with the registration of voters or 7485
casting and counting of the ballots. 7486

Whoever violates this section is guilty of a misdemeanor of 7487
the first degree. 7488

Sec. 4301.32. The privilege of local option as to the sale of 7489
intoxicating liquors is hereby conferred upon the electors of an 7490
election precinct named by the petition authorized by section 7491
4301.33 of the Revised Code. 7492

Upon the request of an elector, a board of elections of a 7493
county that encompasses an election precinct shall furnish to the 7494
elector a copy of the instructions prepared by the secretary of 7495
state under division ~~(P)~~(A)(16) of section 3501.05 of the Revised 7496
Code and, within fifteen days after the request, with a 7497
certificate indicating the number of valid signatures that will be 7498
required upon a petition to hold a special election in that 7499
precinct on a question specified in section 4301.35 or 4301.351 of 7500
the Revised Code. 7501

Sec. 4301.334. (A) The privilege of local option conferred by 7502
section 4301.324 of the Revised Code may be exercised if, not 7503
later than four p.m. of the ninetieth day before the day of a 7504
general or primary election, a petition and other information 7505
required by division (B) of this section are presented to the 7506
board of elections of the county in which the community facility 7507

named in the petition is located. The petition shall be signed by 7508
electors of the municipal corporation or unincorporated area of 7509
the township in which the community facility is located equal in 7510
number to at least ten per cent of the total number of votes cast 7511
in the municipal corporation or unincorporated area of the 7512
township in which the community facility is located for the office 7513
of governor at the most recent general election for that office 7514
and shall contain both of the following: 7515

(1) A notice that the petition is for the submission of the 7516
question set forth in section 4301.356 of the Revised Code and a 7517
statement indicating whether the hours of Sunday sales sought in 7518
the local option election are between ten a.m. and midnight or 7519
between eleven a.m. and midnight; 7520

(2) The name and address of the community facility for which 7521
the local option election is sought and, if the community facility 7522
is a community entertainment district, the boundaries of the 7523
district. 7524

(B) Upon the request of a petitioner, a board of elections of 7525
a county shall furnish to the petitioner a copy of the 7526
instructions prepared by the secretary of state under division 7527
~~(P)~~(A)(16) of section 3501.05 of the Revised Code and, within 7528
fifteen days after the request, a certificate indicating the 7529
number of valid signatures that will be required on a petition to 7530
hold an election in the municipal corporation or unincorporated 7531
area of the township in which the community facility is located on 7532
the question specified in section 4301.356 of the Revised Code. 7533

The petitioner shall, not less than thirty days before the 7534
petition-filing deadline for an election on the question specified 7535
in section 4301.356 of the Revised Code, specify to the division 7536
of liquor control the name and address of the community facility 7537
for which the election is sought and, if the community facility is 7538
a community entertainment district, the boundaries of the 7539

district, the municipal corporation or unincorporated area of a 7540
township in which the election is sought, and the filing deadline. 7541
The division shall, within a reasonable period of time and not 7542
later than ten days before the filing deadline, supply the 7543
petitioner with the name and address of any permit holder for or 7544
within the community facility. 7545

The petitioner shall file the name and address of any permit 7546
holder who would be affected by the election at the time the 7547
petitioner files the petition with the board of elections. Within 7548
five days after receiving the petition, the board shall give 7549
notice by certified mail to any permit holder within the community 7550
facility that it has received the petition. Failure of the 7551
petitioner to supply the name and address of any permit holder for 7552
or within the community facility as furnished to the petitioner by 7553
the division invalidates the petition. 7554

(C) Not later than the seventy-eighth day before the day of 7555
the next general or primary election, whichever occurs first, the 7556
board shall examine and determine the sufficiency of the 7557
signatures on the petition. If the board finds that the petition 7558
is valid, it shall order the holding of an election in the 7559
municipal corporation or unincorporated area of a township on the 7560
day of the next general or primary election, whichever occurs 7561
first, for the submission of the question set forth in section 7562
4301.356 of the Revised Code. 7563

(D) A petition filed with a board of elections under this 7564
section shall be open to public inspection under rules adopted by 7565
the board. 7566

(E) An elector who is eligible to vote on the question set 7567
forth in section 4301.356 of the Revised Code or any permit holder 7568
for or within the community facility may, not later than four p.m. 7569
of the seventy-fourth day before the day of the election at which 7570
the question will be submitted to the electors, file a written 7571

protest against the local option petition with the board of 7572
elections with which the petition was filed. Upon the filing of 7573
the protest, the board shall promptly fix a time and place for 7574
hearing the protest and shall mail notice of the time and place to 7575
the person who filed the petition and to the person who filed the 7576
protest. At the time and place fixed, the board shall hear the 7577
protest and determine the validity of the petition. 7578

Sec. 4303.29. (A) No permit, other than an H permit, shall be 7579
issued to a firm or partnership unless all the members of the firm 7580
or partnership are citizens of the United States. No permit, other 7581
than an H permit, shall be issued to an individual who is not a 7582
citizen of the United States. No permit, other than an E or H 7583
permit, shall be issued to any corporation organized under the 7584
laws of any country, territory, or state other than this state 7585
until it has furnished the division of liquor control with 7586
evidence that it has complied with the laws of this state relating 7587
to the transaction of business in this state. 7588

The division may refuse to issue any permit to or refuse to 7589
renew any permit of any person convicted of any felony that is 7590
reasonably related to the person's fitness to operate a liquor 7591
permit business in this state. No holder of a permit shall sell, 7592
assign, transfer, or pledge the permit without the written consent 7593
of the division. 7594

(B)(1) No D-3 permit shall be issued to any club unless the 7595
club has been continuously engaged in the activity specified in 7596
section 4303.15 of the Revised Code, as a qualification for that 7597
class of permit, for two years at the time the permit is issued. 7598

(2)(a) Subject to division (B)(2)(b) of this section, upon 7599
application by properly qualified persons, one C-1 and C-2 permit 7600
shall be issued for each one thousand population or part of that 7601
population, and one D-1 and D-2 permit shall be issued for each 7602

two thousand population or part of that population, in each 7603
municipal corporation and in the unincorporated area of each 7604
township. 7605

Subject to division (B)(2)(b) of this section, not more than 7606
one D-3, D-4, or D-5 permit shall be issued for each two thousand 7607
population or part of that population in any municipal corporation 7608
and in the unincorporated area of any township, except that, in 7609
any city of a population of fifty-five thousand or more, one D-3 7610
permit may be issued for each fifteen hundred population or part 7611
of that population. 7612

(b)(i) Division (B)(2)(a) of this section does not prohibit 7613
the transfer of location or the transfer of ownership and location 7614
of a C-1, C-2, D-1, D-2, D-3, or D-5 permit from a municipal 7615
corporation or the unincorporated area of a township in which the 7616
number of permits of that class exceeds the number of such permits 7617
authorized to be issued under division (B)(2)(a) of this section 7618
to an economic development project located in another municipal 7619
corporation or the unincorporated area of another township in 7620
which no additional permits of that class may be issued to the 7621
applicant under division (B)(2)(a) of this section, but the 7622
transfer of location or transfer of ownership and location of the 7623
permit may occur only if the applicant notifies the municipal 7624
corporation or township to which the location of the permit will 7625
be transferred regarding the transfer and that municipal 7626
corporation or township acknowledges in writing to the division of 7627
liquor control, at the time the application for the transfer of 7628
location or transfer of ownership and location of the permit is 7629
filed, that the transfer will be to an economic development 7630
project. This acknowledgment by the municipal corporation or 7631
township does not prohibit it from requesting a hearing under 7632
section 4303.26 of the Revised Code. The applicant is eligible to 7633
apply for and receive the transfer of location of the permit under 7634

division (B)(2)(b) of this section if all permits of that class 7635
that may be issued under division (B)(2)(a) of this section in the 7636
applicable municipal corporation or unincorporated area of the 7637
township have already been issued or if the number of applications 7638
filed for permits of that class in that municipal corporation or 7639
the unincorporated area of that township exceed the number of 7640
permits of that class that may be issued there under division 7641
(B)(2)(a) of this section. 7642

A permit transferred under division (B)(2)(b) of this section 7643
may be subsequently transferred to a different owner at the same 7644
location, or to the same owner or a different owner at a different 7645
location in the same municipal corporation or in the 7646
unincorporated area of the same township, as long as the same or 7647
new location meets the economic development project criteria set 7648
forth in this section. 7649

(ii) Factors that shall be used to determine the designation 7650
of an economic development project include, but are not limited 7651
to, architectural certification of the plans and the cost of the 7652
project, the number of jobs that will be created by the project, 7653
projected earnings of the project, projected tax revenues for the 7654
political subdivisions in which the project will be located, and 7655
the amount of financial investment in the project. The 7656
superintendent of liquor control shall determine whether the 7657
existing or proposed business that is seeking a permit described 7658
in division (B)(2)(b) of this section qualifies as an economic 7659
development project and, if the superintendent determines that it 7660
so qualifies, shall designate the business as an economic 7661
development project. 7662

(3) Nothing in this section shall be construed to restrict 7663
the issuance of a permit to a municipal corporation for use at a 7664
municipally owned airport at which commercial airline companies 7665
operate regularly scheduled flights on which space is available to 7666

the public. A municipal corporation applying for a permit for such 7667
a municipally owned airport is exempt, in regard to that 7668
application, from the population restrictions contained in this 7669
section and from population quota restrictions contained in any 7670
rule of the liquor control commission. A municipal corporation 7671
applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a 7672
municipally owned airport is subject to section 4303.31 of the 7673
Revised Code. 7674

(4) Nothing in this section shall be construed to prohibit 7675
the issuance of a D permit to the board of trustees of a soldiers' 7676
memorial for a premises located at a soldiers' memorial 7677
established pursuant to Chapter 345. of the Revised Code. An 7678
application for a D permit by the board for those premises is 7679
exempt from the population restrictions contained in this section 7680
and from the population quota restrictions contained in any rule 7681
of the liquor control commission. The location of a D permit 7682
issued to the board for those premises shall not be transferred. A 7683
board of trustees of a soldiers' memorial applying for a D-1, D-2, 7684
D-3, D-4, or D-5 permit for the soldiers' memorial is subject to 7685
section 4303.31 of the Revised Code. 7686

(5) Nothing in this section shall be construed to restrict 7687
the issuance of a permit for a premises located at a golf course 7688
owned by a municipal corporation, township, or county, owned by a 7689
park district created under Chapter 1545. of the Revised Code, or 7690
owned by the state. The location of such a permit issued on or 7691
after September 26, 1984, for a premises located at such a golf 7692
course shall not be transferred. Any application for such a permit 7693
is exempt from the population quota restrictions contained in this 7694
section and from the population quota restrictions contained in 7695
any rule of the liquor control commission. A municipal 7696
corporation, township, county, park district, or state agency 7697
applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a golf 7698

course is subject to section 4303.31 of the Revised Code. 7699

(6) As used in division (B)(6) of this section, "fair" has 7700
the same meaning as in section 991.01 of the Revised Code; "state 7701
fairgrounds" means the property that is held by the state for the 7702
purpose of conducting fairs, expositions, and exhibits and that is 7703
maintained and managed by the Ohio expositions commission under 7704
section 991.03 of the Revised Code; "capitol square" has the same 7705
meaning as in section 105.41 of the Revised Code; and "Ohio 7706
judicial center" means the site of the Ohio supreme court and its 7707
grounds. 7708

Nothing in this section shall be construed to restrict the 7709
issuance of one or more D permits to one or more applicants for 7710
all or a part of the state fairgrounds, capitol square, or the 7711
Ohio judicial center. An application for a D permit for the state 7712
fairgrounds, capitol square, or the Ohio judicial center is exempt 7713
from the population quota restrictions contained in this section 7714
and from the population quota restrictions contained in any rule 7715
of the liquor control commission. The location of a D permit 7716
issued for the state fairgrounds, capitol square, or the Ohio 7717
judicial center shall not be transferred. An applicant for a D-1, 7718
D-2, D-3, or D-5 permit for the state fairgrounds is not subject 7719
to section 4303.31 of the Revised Code. 7720

Pursuant to section 1711.09 of the Revised Code, the holder 7721
of a D permit issued for the state fairgrounds shall not deal in 7722
spirituous liquor at the state fairgrounds during, or for one week 7723
before or for three days after, any fair held at the state 7724
fairgrounds. 7725

(7) Nothing in this section shall be construed to prohibit 7726
the issuance of a D permit for a premises located at a zoological 7727
park at which sales have been approved in an election held under 7728
former section 4301.356 of the Revised Code. An application for a 7729
D permit for such a premises is exempt from the population 7730

restrictions contained in this section, from the population quota 7731
restrictions contained in any rule of the liquor control 7732
commission, and from section 4303.31 of the Revised Code. The 7733
location of a D permit issued for a premises at such a zoological 7734
park shall not be transferred, and no quota or other restrictions 7735
shall be placed on the number of D permits that may be issued for 7736
a premises at such a zoological park. 7737

(C)(1) No D-3, D-4, D-5, or D-5a permit shall be issued in 7738
any election precinct in any municipal corporation or in any 7739
election precinct in the unincorporated area of any township, in 7740
which at the November, 1933, election a majority of the electors 7741
voting thereon in the municipal corporation or in the 7742
unincorporated area of the township voted against the repeal of 7743
Section 9 of Article XV, Ohio Constitution, unless the sale of 7744
spirituous liquor by the glass is authorized by a majority vote of 7745
the electors voting on the question in the precinct at an election 7746
held pursuant to this section or by a majority vote of the 7747
electors of the precinct voting on question (C) at a special local 7748
option election held in the precinct pursuant to section 4301.35 7749
of the Revised Code. Upon the request of an elector, the board of 7750
elections of the county that encompasses the precinct shall 7751
furnish the elector with a copy of the instructions prepared by 7752
the secretary of state under division ~~(P)~~(A)(16) of section 7753
3501.05 of the Revised Code and, within fifteen days after the 7754
request, a certificate of the number of signatures required for a 7755
valid petition under this section. 7756

Upon the petition of thirty-five per cent of the total number 7757
of voters voting in any such precinct for the office of governor 7758
at the preceding general election, filed with the board of 7759
elections of the county in which such precinct is located not 7760
later than ninety days before a general election, the board shall 7761
prepare ballots and hold an election at such general election upon 7762

the question of allowing spirituous liquor to be sold by the glass 7763
in such precinct. The ballots shall be approved in form by the 7764
secretary of state. The results of the election shall be certified 7765
by the board to the secretary of state, who shall certify the 7766
results to the division. 7767

(2) No holder of a class D-3 permit issued for a boat or 7768
vessel shall sell spirituous liquor in any precinct, in which the 7769
election provided for in this section may be held, unless the sale 7770
of spirituous liquor by the drink has been authorized by vote of 7771
the electors as provided in this section or in section 4301.35 of 7772
the Revised Code. 7773

(D) Any holder of a C or D permit whose permit premises were 7774
purchased in 1986 or 1987 by the state or any state agency for 7775
highway purposes shall be issued the same permit at another 7776
location notwithstanding any quota restrictions contained in this 7777
chapter or in any rule of the liquor control commission. 7778

Sec. 4305.14. (A) The following questions regarding the sale 7779
of beer by holders of C or D permits may be presented to the 7780
qualified electors of an election precinct: 7781

(1) "Shall the sale of beer as defined in section 4305.08 of 7782
the Revised Code under permits which authorize sale for 7783
off-premises consumption only be permitted within this precinct?" 7784

(2) "Shall the sale of beer as defined in section 4305.08 of 7785
the Revised Code under permits which authorize sale for 7786
on-premises consumption only, and under permits which authorize 7787
sale for both on-premises and off-premises consumption, be 7788
permitted in this precinct?" 7789

The exact wording of the question as submitted and form of 7790
ballot as printed shall be determined by the board of elections in 7791
the county wherein the election is held, subject to approval of 7792

the secretary of state. 7793

Upon the request of an elector, a board of elections of a 7794
county that encompasses an election precinct shall furnish to the 7795
elector a copy of the instructions prepared by the secretary of 7796
state under division ~~(P)~~(A)(16) of section 3501.05 of the Revised 7797
Code and, within fifteen days after the request, with a 7798
certificate indicating the number of valid signatures that will be 7799
required on a petition to hold a special election in that precinct 7800
on either or both of the questions specified in this section. 7801

The board shall provide to a petitioner, at the time the 7802
petitioner takes out a petition, the names of the streets and, if 7803
appropriate, the address numbers of residences and business 7804
establishments within the precinct in which the election is 7805
sought, and a form prescribed by the secretary of state for 7806
notifying affected permit holders of the circulation of a petition 7807
for an election for the submission of one or more of the questions 7808
specified in division (A) of this section. The petitioner shall, 7809
not less than fifty-five days before the petition-filing deadline 7810
for an election provided for in this section, file with the 7811
division of liquor control the information regarding names of 7812
streets and, if appropriate, address numbers of residences and 7813
business establishments provided by the board of elections, and 7814
specify to the division the precinct that is concerned or that 7815
would be affected by the results of the election and the filing 7816
deadline. The division shall, within a reasonable period of time 7817
and not later than twenty-five days before the filing deadline, 7818
supply the petitioner with a list of the names and addresses of 7819
permit holders who would be affected by the election. The list 7820
shall contain a heading with the following words: "liquor permit 7821
holders who would be affected by the question(s) set forth on a 7822
petition for a local option election." 7823

Within five days after receiving from the division the list 7824

of liquor permit holders who would be affected by the question or 7825
questions set forth on a petition for local option election, the 7826
petitioner shall, using the form provided by the board of 7827
elections, notify by certified mail each permit holder whose name 7828
appears on that list. The form for notifying affected permit 7829
holders shall require the petitioner to state the petitioner's 7830
name and street address and shall contain a statement that a 7831
petition is being circulated for an election for the submission of 7832
the question or questions specified in division (B) of this 7833
section. The form shall require the petitioner to state the 7834
question or questions to be submitted as they appear on the 7835
petition. 7836

The petitioner shall attach a copy of the list provided by 7837
the division to each petition paper. A part petition paper 7838
circulated at any time without the list of affected permit holders 7839
attached to it is invalid. 7840

At the time of filing the petition with the board of 7841
elections, the petitioner shall provide to the board of elections 7842
the list supplied by the division and an affidavit certifying that 7843
the petitioner notified all affected permit holders on the list in 7844
the manner and within the time required in this section and that, 7845
at the time each signer of the petition signed the petition, the 7846
petition paper contained a copy of the list of affected permit 7847
holders. 7848

Within five days after receiving a petition calling for an 7849
election for the submission of the question or questions set forth 7850
in this section, the board of elections shall give notice by 7851
certified mail that it has received the petition to all liquor 7852
permit holders whose names appear on the list of affected permit 7853
holders filed by the petitioner. Failure of the petitioner to 7854
supply the affidavit required by this section and a complete and 7855
accurate list of liquor permit holders invalidates the entire 7856

petition. The board of elections shall provide to a permit holder 7857
who would be affected by a proposed local option election, on the 7858
permit holder's request, the names of the streets, and, if 7859
appropriate, the address numbers of residences and business 7860
establishments within the precinct in which the election is sought 7861
and that would be affected by the results of the election. The 7862
board may charge a reasonable fee for this information when 7863
provided to the petitioner and the permit holder. 7864

Upon presentation not later than four p.m. of the ninetieth 7865
day before the day of a general or primary election, of a petition 7866
to the board of elections of the county wherein such election is 7867
sought to be held, requesting the holding of such election on 7868
either or both of the questions specified in this section, signed 7869
by qualified electors of the precinct concerned equal in number to 7870
thirty-five per cent of the total number of votes cast in the 7871
precinct concerned for the office of governor at the preceding 7872
general election for that office, such board shall submit the 7873
question or questions specified in the petition to the electors of 7874
the precinct concerned, on the day of the next general or primary 7875
election, whichever occurs first. 7876

(B) The board shall proceed as follows: 7877

(1) Such board shall, upon the filing of a petition under 7878
this section, but not later than the seventy-eighth day before the 7879
day of the election for which the question or questions on the 7880
petition would qualify for submission to the electors of the 7881
precinct, examine and determine the sufficiency of the signatures 7882
and review, examine, and determine the validity of such petition 7883
and, in case of overlapping precinct petitions presented within 7884
that period, determine which of the petitions shall govern the 7885
further proceedings of the board. In the case where the board 7886
determines that two or more overlapping petitions are valid, the 7887
earlier petition shall govern. The board shall certify the 7888

sufficiency of signatures contained in the petition as of the time 7889
of filing and the validity of the petition as of the time of 7890
certification as described in division (C)(1) of this section if 7891
the board finds the petition to be both sufficient and valid. 7892

(2) If the petition contains sufficient signatures and is 7893
valid, and, in case of overlapping precinct petitions, after the 7894
board has determined the governing petition, the board shall order 7895
the holding of a special election in the precinct for the 7896
submission of the question or questions specified in the petition, 7897
on the day of the next general or primary election, whichever 7898
occurs first. 7899

(3) All petitions filed with a board of elections under this 7900
section shall be open to public inspection under rules adopted by 7901
the board. 7902

(C) Protest against a local option petition may be filed by 7903
any qualified elector eligible to vote on the question or 7904
questions specified in the petition or by a permit holder in the 7905
precinct as described in the petition, not later than four p.m. of 7906
the seventy-fourth day before the day of such general or primary 7907
election for which the petition qualified. Such protest shall be 7908
in writing and shall be filed with the election officials with 7909
whom the petition was filed. Upon filing of such protest the 7910
election officials with whom it is filed shall promptly fix the 7911
time for hearing it, and shall forthwith mail notice of the filing 7912
of the protest and the time for hearing it to the person who filed 7913
the petition which is protested and to the person who filed the 7914
protest. At the time and place fixed, the election officials shall 7915
hear the protest and determine the validity of the petition. 7916

(D) If a majority of the electors voting on the question in 7917
the precinct vote "yes" on question (1) or (2) as set forth in 7918
division (A) of this section, the sale of beer as specified in 7919
that question shall be permitted in the precinct and no subsequent 7920

election shall be held in the precinct under this section on the 7921
same question for a period of at least four years from the date of 7922
the most recent election. 7923

If a majority of the electors voting on the question in the 7924
precinct vote "no" on question (1) or (2) as set forth in division 7925
(A) of this section, no C or D permit holder shall sell beer as 7926
specified in that question within the precinct during the period 7927
the election is in effect and no subsequent election shall be held 7928
in the precinct under this section on the same question for a 7929
period of at least four years from the date of the most recent 7930
election. 7931

Section 2. That existing sections 2101.44, 3501.01, 3501.02, 7932
3501.05, 3501.051, 3501.053, 3501.11, 3501.13, 3501.17, 3501.18, 7933
3501.20, 3501.22, 3501.26, 3501.27, 3501.28, 3501.29, 3501.30, 7934
3501.301, 3501.31, 3501.32, 3501.33, 3501.35, 3501.37, 3501.38, 7935
3503.02, 3503.06, 3503.10, 3503.14, 3503.15, 3503.16, 3503.18, 7936
3503.19, 3503.21, 3503.24, 3503.26, 3503.28, 3504.02, 3504.04, 7937
3504.05, 3505.07, 3505.08, 3505.11, 3505.13, 3505.16, 3505.17, 7938
3505.18, 3505.181, 3505.182, 3505.183, 3505.20, 3505.21, 3505.23, 7939
3505.24, 3505.26, 3505.28, 3505.29, 3505.30, 3505.31, 3506.05, 7940
3506.12, 3506.15, 3509.01, 3509.03, 3509.031, 3509.04, 3509.05, 7941
3509.06, 3509.07, 3509.08, 3509.09, 3511.02, 3511.04, 3511.05, 7942
3511.06, 3511.07, 3511.08, 3511.09, 3511.10, 3511.11, 3511.13, 7943
3511.14, 3513.02, 3513.131, 3513.18, 3513.19, 3513.21, 3513.30, 7944
3513.31, 3515.04, 3517.01, 3517.012, 3517.992, 3519.01, 3519.16, 7945
3599.07, 3599.17, 3599.19, 3599.31, 4301.32, 4301.334, 4303.29, 7946
and 4305.14 and sections 3503.29, 3504.01, and 3506.16 of the 7947
Revised Code are hereby repealed. 7948

Section 3. A board of elections shall rearrange and combine 7949
precincts within the applicable county as necessary to comply with 7950
the minimum precinct size requirements established in section 7951

3501.18 of the Revised Code, as amended by this act, not later
than December 31, 2011.

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