

As Introduced

**130th General Assembly
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H. B. No. 13

Representative Reece

**Cosponsors: Representatives Letson, Driehaus, Strahorn, Hagan, R., Lundy,
Pillich, Boyd, Williams, Antonio, Cera, Celebrezze, Clyde**

—

A B I L L

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

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

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

Sec. 3503.19. (A) Persons qualified to register or to change 13
their registration because of a change of address or change of 14
name may register or change their registration in person at any 15
state or local office of a designated agency, at the office of the 16
registrar or any deputy registrar of motor vehicles, at a public 17
high school or vocational school, at a public library, at the 18

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

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

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

Any state or local office of a designated agency, the office 46
of the registrar or any deputy registrar of motor vehicles, a 47
public high school or vocational school, a public library, or the 48
office of a county treasurer shall date stamp a registration 49
application or change of name or change of address form it 50

receives using a date stamp that does not disclose the identity of 51
the state or local office that receives the registration. 52

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

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

(2)(a) An applicant may return the applicant's completed 73
registration form in person or by mail to any state or local 74
office of a designated agency, to a public high school or 75
vocational school, to a public library, to the office of a county 76
treasurer, to the office of the secretary of state, or to the 77
office of a board of elections. An applicant who is eligible to 78
vote as a uniformed services voter or an overseas voter in 79
accordance with 42 U.S.C. 1973ff-6 also may return the applicant's 80
completed voter registration form electronically to the office of 81
the secretary of state or to the board of elections of the county 82

in which the person's voting residence is located pursuant to 83
section 3503.191 of the Revised Code. 84

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

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

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

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

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

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

The notification shall be by nonforwardable mail. If the mail 130
is returned to the board, it shall investigate and cause the 131
notification to be delivered to the correct address. 132

(2) If, after investigating as required under division (C)(1) 133
of this section, the board is unable to verify the voter's correct 134
address, it shall cause the voter's name in the official 135
registration list and in the poll list or signature pollbook to be 136
marked to indicate that the voter's notification was returned to 137
the board. 138

At the first election at which a voter whose name has been so 139
marked appears to vote, the voter shall be required to provide 140
identification to the election officials and to vote by 141
provisional ballot under section 3505.181 of the Revised Code. If 142
the provisional ballot is counted ~~pursuant to division (B)(3) of~~ 143
under section 3505.183 of the Revised Code, the board shall 144

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

(3) If a notice of the disposition of an otherwise valid 153
registration application is sent by nonforwardable mail and is 154
returned undelivered, the person shall be registered as provided 155
in division (C)(2) of this section and sent a confirmation notice 156
by forwardable mail. If the person fails to respond to the 157
confirmation notice, update the person's registration, or vote by 158
provisional ballot as provided in division (C)(2) of this section 159
in any election during the period of two federal elections 160
subsequent to the mailing of the confirmation notice, the person's 161
registration shall be canceled. 162

Sec. 3505.181. (A) All of the following individuals shall be 163
permitted to cast a provisional ballot at an election: 164

(1) An individual who declares that the individual is a 165
registered voter in the jurisdiction in which the individual 166
desires to vote and that the individual is eligible to vote in an 167
election, but the name of the individual does not appear on the 168
official list of eligible voters for the polling place or an 169
election official asserts that the individual is not eligible to 170
vote; 171

(2) An individual who has a social security number and 172
provides to the election officials the last four digits of the 173
individual's social security number as permitted by division 174
(A)(2) of section 3505.18 of the Revised Code; 175

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

(4) An individual who does not have any of the forms of identification required under division (A)(1) of section 3505.18 of the Revised Code, who cannot provide the last four digits of the individual's social security number under division (A)(2) of that section because the individual does not have a social security number, and who has executed an affirmation as permitted under division (A)(4) of that section;

(5) An individual whose name in the poll list or signature pollbook has been marked under section 3509.09 or 3511.13 of the Revised Code as having requested an absent voter's ballot or an armed service absent voter's ballot for that election and who appears to vote at the polling place;

(6) An individual whose notification of registration has been returned undelivered to the board of elections and whose name in the official registration list and in the poll list or signature pollbook has been marked under division (C)(2) of section 3503.19 of the Revised Code;

(7) An individual who is challenged under section 3505.20 of the Revised Code and the election officials determine that the person is ineligible to vote or are unable to determine the person's eligibility to vote;

(8) An individual whose application or challenge hearing has been postponed until after the day of the election under division (D)(1) of section 3503.24 of the Revised Code;

(9) An individual who changes the individual's name and

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

(10) An individual whose signature, in the opinion of the 213
precinct officers under section 3505.22 of the Revised Code, is 214
not that of the person who signed that name in the registration 215
forms; 216

(11) An individual who is challenged under section 3513.20 of 217
the Revised Code who refuses to make the statement required under 218
that section or who a majority of the precinct officials find 219
lacks any of the qualifications to make the individual a qualified 220
elector; 221

(12) An individual who does not have any of the forms of 222
identification required under division (A)(1) of section 3505.18 223
of the Revised Code, who cannot provide the last four digits of 224
the individual's social security number under division (A)(2) of 225
that section because the person does not have a social security 226
number, and who declines to execute an affirmation as permitted 227
under division (A)(4) of that section; 228

(13) An individual who has but declines to provide to the 229
precinct election officials any of the forms of identification 230
required under division (A)(1) of section 3501.18 of the Revised 231
Code or who has a social security number but declines to provide 232
to the precinct election officials the last four digits of the 233
individual's social security number. 234

(B) An individual who is eligible to cast a provisional 235
ballot under division (A) of this section shall be permitted to 236
cast a provisional ballot as follows: 237

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

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

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

(b) Eligible to vote in that election.

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

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

~~(4)~~(5) If the appropriate local election official to whom the ballot or voter or address information is transmitted under division (B)(3) of this section determines that the individual is eligible to vote, the individual's provisional ballot shall be counted as a vote in that election.

~~(5)~~(6)(a) At the time that an individual casts a provisional ballot, the appropriate local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the

system established under division (B)~~(5)~~(6)(b) of this section 269
whether the vote was counted, and, if the vote was not counted, 270
the reason that the vote was not counted. 271

(b) The appropriate state or local election official shall 272
establish a free access system, in the form of a toll-free 273
telephone number, that any individual who casts a provisional 274
ballot may access to discover whether the vote of that individual 275
was counted, and, if the vote was not counted, the reason that the 276
vote was not counted. The free access system established under 277
this division also shall provide to an individual whose 278
provisional ballot was not counted information explaining how that 279
individual may contact the board of elections to register to vote 280
or to resolve problems with the individual's voter registration. 281

The appropriate state or local election official shall 282
establish and maintain reasonable procedures necessary to protect 283
the security, confidentiality, and integrity of personal 284
information collected, stored, or otherwise used by the free 285
access system established under this division. Access to 286
information about an individual ballot shall be restricted to the 287
individual who cast the ballot. 288

~~(6)~~(7) If, at the time that an individual casts a provisional 289
ballot, the individual provides identification in the form of a 290
current and valid photo identification, a military identification, 291
or a copy of a current utility bill, bank statement, government 292
check, paycheck, or other government document, other than a ~~notice~~ 293
~~of an election mailed by a board of elections under section~~ 294
~~3501.19 of the Revised Code or a notice of voter registration~~ 295
mailed by a board of elections under section 3503.19 of the 296
Revised Code, that shows the individual's name and current 297
address, or provides the last four digits of the individual's 298
social security number, ~~or executes an affirmation that the~~ 299
~~elector does not have any of those forms of identification or the~~ 300

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

~~(7)~~(8) If an individual casts a provisional ballot pursuant 315
to division (A)(3), (7), (8), (12), or (13) of this section, the 316
election official shall indicate, on the provisional ballot 317
verification statement required under section 3505.182 of the 318
Revised Code, that the individual is required to provide 319
additional information to the board of elections or that an 320
application or challenge hearing has been postponed with respect 321
to the individual, such that additional information is required 322
for the board of elections to determine the eligibility of the 323
individual who cast the provisional ballot. 324

~~(8)~~(9) During the ten days after the day of an election, an 325
individual who casts a provisional ballot pursuant to division 326
(A)(3), (7), (12), or (13) of this section shall appear at the 327
office of the board of elections and provide to the board any 328
additional information necessary to determine the eligibility of 329
the individual who cast the provisional ballot. 330

(a) For a provisional ballot cast pursuant to division 331
(A)(3), (12), or (13) of this section to be eligible to be 332

counted, the individual who cast that ballot, within ten days 333
after the day of the election, shall do any of the following: 334

(i) Provide to the board of elections proof of the 335
individual's identity in the form of a current and valid photo 336
identification, a military identification, or a copy of a current 337
utility bill, bank statement, government check, paycheck, or other 338
government document, other than ~~a notice of an election mailed by~~ 339
~~a board of elections under section 3501.19 of the Revised Code or~~ 340
a notice of voter registration mailed by a board of elections 341
under section 3503.19 of the Revised Code, that shows the 342
individual's name and current address; 343

(ii) Provide to the board of elections the last four digits 344
of the individual's social security number; 345

(iii) In the case of a provisional ballot executed pursuant 346
to division (A)(12) of this section, execute an affirmation as 347
permitted under division (A)(4) of section 3505.18 of the Revised 348
Code. 349

(b) For a provisional ballot cast pursuant to division (A)(7) 350
of this section to be eligible to be counted, the individual who 351
cast that ballot, within ten days after the day of that election, 352
shall provide to the board of elections any identification or 353
other documentation required to be provided by the applicable 354
challenge questions asked of that individual under section 3505.20 355
of the Revised Code. 356

(C)(1) If an individual declares that the individual is 357
eligible to vote in a jurisdiction other than the jurisdiction in 358
which the individual desires to vote, or if, upon review of the 359
precinct voting location guide using the residential street 360
address provided by the individual, an election official at the 361
polling place at which the individual desires to vote determines 362
that the individual is not eligible to vote in that jurisdiction, 363

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

(2) If the individual refuses to travel to the polling place 375
for the correct jurisdiction or to the office of the board of 376
elections to cast a ballot, the individual shall be permitted to 377
vote a provisional ballot at that jurisdiction in accordance with 378
division (B) of this section. If any of the following apply, the 379
provisional ballot cast by that individual shall not be opened or 380
counted: 381

(a) The individual is not properly registered in that 382
jurisdiction. 383

(b) The individual is not eligible to vote in that election 384
in that jurisdiction. 385

(c) The individual's eligibility to vote in that jurisdiction 386
in that election cannot be established upon examination of the 387
records on file with the board of elections. 388

(D) The appropriate local election official shall cause 389
voting information to be publicly posted at each polling place on 390
the day of each election. 391

(E) As used in this section and sections 3505.182 and 392
3505.183 of the Revised Code: 393

(1) "Jurisdiction" means the precinct in which a person is a 394

legally qualified elector.	395
(2) "Precinct voting location guide" means either of the following:	396
(a) An electronic or paper record that lists the correct jurisdiction and polling place for either each specific residential street address in the county or the range of residential street addresses located in each neighborhood block in the county;	397
(b) Any other method that a board of elections creates that allows a precinct election official or any elector who is at a polling place in that county to determine the correct jurisdiction and polling place of any qualified elector who resides in the county.	398
(3) "Voting information" means all of the following:	399
(a) A sample version of the ballot that will be used for that election;	400
(b) Information regarding the date of the election and the hours during which polling places will be open;	401
(c) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;	402
(d) Instructions for mail-in registrants and first-time voters under applicable federal and state laws;	403
(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;	404
(f) General information on federal and state laws regarding prohibitions against acts of fraud and misrepresentation.	405
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Sec. 3505.182. Each individual who casts a provisional ballot 424
under section 3505.181 of the Revised Code shall execute a written 425
affirmation. The form of the written affirmation, including the 426
poll worker checklist, shall be printed upon the face of the 427
provisional ballot envelope and shall be substantially as follows: 428

"Provisional Ballot Affirmation 429
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STATE OF OHIO 431

I, (Name of provisional voter), solemnly 432
swear or affirm that I am a registered voter in the jurisdiction 433
in which I am voting this provisional ballot and that I am 434
eligible to vote in the election in which I am voting this 435
provisional ballot. 436

I understand that, if the above-provided information is not 437
fully completed and correct, if the board of elections determines 438
that I am not registered to vote, a resident of this precinct, or 439
eligible to vote in this election, or if the board of elections 440
determines that I have already voted in this election, my 441
provisional ballot will not be counted. I further understand that 442
knowingly providing false information is a violation of law and 443
subjects me to possible criminal prosecution. 444

I hereby declare, under penalty of election falsification, 445
that the above statements are true and correct to the best of my 446
knowledge and belief. 447

..... 448

(Signature of Voter) 449

..... 450

(Voter's date of birth) 451

The last four digits of the 452

voter's social security number

..... 453

(To be provided if the voter is 454
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 455
OF THE FIFTH DEGREE. 456

Additional Information For Determining Ballot Validity 457

(May be completed at voter's discretion) 458

Voter's current address: 459

Voter's former address if 460

photo identification does
not contain voter's current
address

Voter's driver's license 461

number or, if not provided
above, the last four digits
of voter's social security
number

(Please circle number type) 462

(Voter may attach a copy of any of the following for 463

identification purposes: a current and valid photo identification, a military identification, or a current utility bill, bank statement, government check, paycheck, or other government document, other than ~~a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code~~ or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the voter's name and current address.)

Reason for voting provisional ballot (Check one): 464
..... Requested, but did not receive, absent voter's ballot 465
..... Other 466

~~Verification Statement~~ 467

~~(To be completed by election official)~~ 468

~~The Provisional Ballot Affirmation printed above was~~ 469
~~subscribed and affirmed before me this day of~~ 470
~~..... (Month), (Year).~~ 471

~~(If applicable, the election official must check the~~ 472
~~following true statement concerning additional information needed~~ 473
~~to determine the eligibility of the provisional voter.)~~ 474

~~..... The provisional voter is required to provide~~ 475
~~additional information to the board of elections.~~ 476

~~..... An application or challenge hearing regarding this~~ 477
~~voter has been postponed until after the election.~~ 478

~~(The election official must check the following true~~ 479
~~statement concerning identification provided by the provisional~~ 480
~~voter, if any.)~~ 481

~~..... The provisional voter provided a current and valid~~ 482
~~photo identification.~~ 483

~~..... The provisional voter provided a current valid photo~~ 484
~~identification, other than a driver's license or a state~~ 485
~~identification card, with the voter's former address instead of~~ 486

~~current address and has provided the election official both the
current and former addresses.~~ 487
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~~..... The provisional voter provided a military
identification or a copy of a current utility bill, bank
statement, government check, paycheck, or other government
document, other than a notice of an election mailed by a board of
elections under section 3501.19 of the Revised Code or a notice of
voter registration mailed by a board of elections under section
3503.19 of the Revised Code, with the voter's name and current
address.~~ 489
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~~..... The provisional voter provided the last four digits of
the voter's social security number.~~ 497
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~~..... The provisional voter is not able to provide a current
and valid photo identification, a military identification, or a
copy of a current utility bill, bank statement, government check,
paycheck, or other government document, other than a notice of an
election mailed by a board of elections under section 3501.19 of
the Revised Code or a notice of voter registration mailed by a
board of elections under section 3503.19 of the Revised Code, with
the voter's name and current address but does have one of these
forms of identification. The provisional voter must provide one of
the foregoing items of identification to the board of elections
within ten days after the election.~~ 499
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~~..... The provisional voter is not able to provide a current
and valid photo identification, a military identification, or a
copy of a current utility bill, bank statement, government check,
paycheck, or other government document, other than a notice of an
election mailed by a board of elections under section 3501.19 of
the Revised Code or a notice of voter registration mailed by a
board of elections under section 3503.19 of the Revised Code, with
the voter's name and current address but does have one of these
forms of identification. Additionally, the provisional voter does~~ 510
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~~have a social security number but is not able to provide the last 519
four digits of the voter's social security number before voting. 520
The provisional voter must provide one of the foregoing items of 521
identification or the last four digits of the voter's social 522
security number to the board of elections within ten days after 523
the election. 524~~

~~..... The provisional voter does not have a current and valid 525
photo identification, a military identification, a copy of a 526
current utility bill, bank statement, government check, paycheck, 527
or other government document with the voter's name and current 528
address, or a social security number, but has executed an 529
affirmation. 530~~

~~..... The provisional voter does not have a current and valid 531
photo identification, a military identification, a copy of a 532
current utility bill, bank statement, government check, paycheck, 533
or other government document with the voter's name and current 534
address, or a social security number, and has declined to execute 535
an affirmation. 536~~

~~..... The provisional voter declined to provide a current and 537
valid photo identification, a military identification, a copy of a 538
current utility bill, bank statement, government check, paycheck, 539
or other government document with the voter's name and current 540
address, or the last four digits of the voter's social security 541
number but does have one of these forms of identification or a 542
social security number. The provisional voter must provide one of 543
the foregoing items of identification or the last four digits of 544
the voter's social security number to the board of elections 545
within ten days after the election. 546~~

~~..... 547~~

~~(Signature of Election Official)" 548~~

Poll Worker Checklist 549

The Provisional Ballot Affirmation of (Print 550

<u>voter's name) was subscribed and affirmed before me on</u>	551
<u>.....(Month) /(Day) /(Year).</u>	552
<u>1. Reason for voting provisionally - Why is this voter casting a</u>	553
<u>provisional ballot?</u>	554
<u>..... Voter's name does not appear on the official precinct</u>	555
<u>list</u>	556
<u>..... Voter requested an absent voter's ballot but did not</u>	557
<u>receive one</u>	558
<u>..... Voter is otherwise not eligible to cast a regular</u>	559
<u>ballot</u>	560
<u>2. ID - Did the voter present identification?</u>	561
<u>..... Yes</u>	562
<u>..... No</u>	563
<u>3. Additional information required? - Is the provisional voter</u>	564
<u>required to provide additional information to the Board of</u>	565
<u>Elections?</u>	566
<u>..... Yes</u>	567
<u>..... No</u>	568
<u>4. Voter information - Did you have the voter complete the voter's</u>	569
<u>portion of this envelope?</u>	570
<u>..... Yes</u>	571
<u>..... No</u>	572
<u>5. Correct precinct - Is the voter voting in his or her correct</u>	573
<u>precinct?</u>	574
<u>..... Yes</u>	575
<u>..... No</u>	576
<u>5a. If no, what is the voter's correct precinct?</u>	577

.....	578
<u>5b. Notice of correct precinct - Have you directed the voter</u>	579
<u>to go to the voter's correct precinct?</u>	580
..... Yes	581
..... No	582
<u>6. Name of this precinct (where voter has appeared to vote)</u>	583
.....	584
<u>X.....</u>	585
<u>Signature of Election Official"</u>	586
In addition to any information required to be included on the	587
written affirmation, an individual casting a provisional ballot	588
may provide additional information to the election official to	589
assist the board of elections in determining the individual's	590
eligibility to vote in that election, including the date and	591
location at which the individual registered to vote, if known.	592
If the individual declines to execute the affirmation, an	593
appropriate local election official shall comply with division	594
(B) (6) (7) of section 3505.181 of the Revised Code.	595
Sec. 3505.183. (A) When the ballot boxes are delivered to the	596
board of elections from the precincts, the board shall separate	597
the provisional ballot envelopes from the rest of the ballots.	598
Teams of employees of the board consisting of one member of each	599
major political party shall place the sealed provisional ballot	600
envelopes in a secure location within the office of the board. The	601
sealed provisional ballot envelopes shall remain in that secure	602
location until the validity of those ballots is determined under	603
division (B) of this section. While the provisional ballot is	604
stored in that secure location, and prior to the counting of the	605
provisional ballots, if the board receives information regarding	606

the validity of a specific provisional ballot under division (B) 607
of this section, the board may note, on the sealed provisional 608
ballot envelope for that ballot, whether the ballot is valid and 609
entitled to be counted. 610

(B)(1) To determine whether a provisional ballot is valid and 611
entitled to be counted, the board shall examine its records and 612
determine whether the individual who cast the provisional ballot 613
is registered and eligible to vote in the applicable election. The 614
board shall examine the information contained in the written 615
affirmation executed by the individual who cast the provisional 616
ballot under division (B)(2) of section 3505.181 of the Revised 617
Code. If the individual declines to execute such an affirmation, 618
the individual's name, written by either the individual or the 619
election official at the direction of the individual, shall be 620
included in a written affirmation in order for the provisional 621
ballot to be eligible to be counted; otherwise, the following 622
information shall be included in the written affirmation in order 623
for the provisional ballot to be eligible to be counted: 624

(a) The individual's name and signature; 625

(b) A statement that the individual is a registered voter in 626
the jurisdiction in which the provisional ballot is being voted; 627

(c) A statement that the individual is eligible to vote in 628
the election in which the provisional ballot is being voted. 629

(2) In addition to the information required to be included in 630
an affirmation under division (B)(1) of this section, in 631
determining whether a provisional ballot is valid and entitled to 632
be counted, the board also shall examine any additional 633
information for determining ballot validity provided by the 634
provisional voter on the affirmation, provided by the provisional 635
voter to an election official under section 3505.182 of the 636
Revised Code, or provided to the board of elections during the ten 637

days after the day of the election under division (B)~~(8)~~(9) of 638
section 3505.181 of the Revised Code, to assist the board in 639
determining the individual's eligibility to vote. 640

(3) If, in examining a provisional ballot affirmation and 641
additional information under divisions (B)(1) and (2) of this 642
section and comparing the information required under division 643
(B)(1) of this section with the elector's information in the 644
statewide voter registration database, the board determines that 645
all of the following apply, the provisional ballot envelope shall 646
be opened, and the ballot shall be placed in a ballot box to be 647
counted: 648

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

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

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

(d) The last four digits of the elector's social security 658
number or the elector's driver's license number or state 659
identification number are not different from the last four digits 660
of the elector's social security number or the elector's driver's 661
license number or state identification number contained in the 662
statewide voter registration database. 663

(e) If applicable, the individual provided any additional 664
information required under division (B)~~(8)~~(9) of section 3505.181 665
of the Revised Code within ten days after the day of the election. 666

(f) If applicable, the hearing conducted under division (B) 667
of section 3503.24 of the Revised Code after the day of the 668

election resulted in the individual's inclusion in the official 669
registration list. 670

(4)(a) ~~If~~ Except as otherwise provided in division (C) of 671
this section, if, in examining a provisional ballot affirmation 672
and additional information under divisions (B)(1) and (2) of this 673
section and comparing the information required under division 674
(B)(1) of this section with the elector's information in the 675
statewide voter registration database, the board determines that 676
any of the following applies, the provisional ballot envelope 677
shall not be opened, and the ballot shall not be counted: 678

(i) The individual named on the affirmation is not qualified 679
or is not properly registered to vote. 680

(ii) The individual named on the affirmation is not eligible 681
to cast a ballot in the precinct or for the election in which the 682
individual cast the provisional ballot. 683

(iii) The individual did not provide all of the information 684
required under division (B)(1) of this section in the affirmation 685
that the individual executed at the time the individual cast the 686
provisional ballot. 687

(iv) The individual has already cast a ballot for the 688
election in which the individual cast the provisional ballot. 689

(v) If applicable, the individual did not provide any 690
additional information required under division (B)(8) of section 691
3505.181 of the Revised Code within ten days after the day of the 692
election. 693

(vi) If applicable, the hearing conducted under division (B) 694
of section 3503.24 of the Revised Code after the day of the 695
election did not result in the individual's inclusion in the 696
official registration list. 697

(vii) The individual failed to provide a current and valid 698

photo identification, a military identification, a copy of a 699
current utility bill, bank statement, government check, paycheck, 700
or other government document, other than ~~a notice of an election~~ 701
~~mailed by a board of elections under section 3501.19 of the~~ 702
~~Revised Code~~ or a notice of voter registration mailed by a board 703
of elections under section 3503.19 of the Revised Code, with the 704
voter's name and current address, or the last four digits of the 705
individual's social security number or to execute an affirmation 706
under division (A) of section 3505.18 or division (B) of section 707
3505.181 of the Revised Code. 708

(viii) The last four digits of the elector's social security 709
number or the elector's driver's license number or state 710
identification number are different from the last four digits of 711
the elector's social security number or the elector's driver's 712
license number or state identification number contained in the 713
statewide voter registration database. 714

(b) If, in examining a provisional ballot affirmation and 715
additional information under divisions (B)(1) and (2) of this 716
section and comparing the information required under division 717
(B)(1) of this section with the elector's information in the 718
statewide voter registration database, the board is unable to 719
determine either of the following, the provisional ballot envelope 720
shall not be opened, and the ballot shall not be counted: 721

(i) Whether the individual named on the affirmation is 722
qualified or properly registered to vote; 723

(ii) Whether the individual named on the affirmation is 724
eligible to cast a ballot in the precinct or for the election in 725
which the individual cast the provisional ballot. 726

(C)(1) If a provisional voter cast a ballot in a precinct in 727
which the provisional voter is not registered and eligible to vote 728
and the election officials failed to direct the provisional voter 729

to the correct precinct, the election officials shall remake that 730
provisional voter's ballot. The election official shall be deemed 731
to have failed to direct the provisional voter to the correct 732
precinct if the election official did not complete that checklist 733
or did not correctly complete that checklist. 734

(2) A board of elections that remakes a provisional ballot 735
under division (C)(1) of this section shall remake the provisional 736
ballot on a ballot for the appropriate precinct to reflect the 737
offices, questions, and issues for which the provisional voter was 738
eligible to cast a ballot and for which the provisional voter 739
attempted to cast a provisional ballot. The remade ballot shall be 740
counted for each office, question, and issue for which the 741
provisional voter was eligible to vote. 742

(D)(1) For each provisional ballot rejected under division 743
(B)(4) of this section, the board shall record the name of the 744
provisional voter who cast the ballot, the identification number 745
of the provisional ballot envelope, the names of the election 746
officials who determined the validity of that ballot, the date and 747
time that the determination was made, and the reason that the 748
ballot was not counted. 749

(2) Provisional ballots that are rejected under division 750
(B)(4) of this section shall not be counted but shall be preserved 751
in their provisional ballot envelopes unopened until the time 752
provided by section 3505.31 of the Revised Code for the 753
destruction of all other ballots used at the election for which 754
ballots were provided, at which time they shall be destroyed. 755

~~(D)~~(E) Provisional ballots that the board determines are 756
eligible to be counted under division (B)(3) or (C) of this 757
section shall be counted in the same manner as provided for other 758
ballots under section 3505.27 of the Revised Code. No provisional 759
ballots shall be counted in a particular county until the board 760
determines the eligibility to be counted of all provisional 761

ballots cast in that county under division (B) of this section for 762
that election. Observers, as provided in section 3505.21 of the 763
Revised Code, may be present at all times that the board is 764
determining the eligibility of provisional ballots to be counted 765
and counting those provisional ballots determined to be eligible. 766
No person shall recklessly disclose the count or any portion of 767
the count of provisional ballots in such a manner as to jeopardize 768
the secrecy of any individual ballot. 769

~~(E)~~(F)(1) Except as otherwise provided in division ~~(E)~~(F)(2) 770
of this section, nothing in this section shall prevent a board of 771
elections from examining provisional ballot affirmations and 772
additional information under divisions (B)(1) and (2) of this 773
section to determine the eligibility of provisional ballots to be 774
counted during the ten days after the day of an election. 775

(2) A board of elections shall not examine the provisional 776
ballot affirmation and additional information under divisions 777
(B)(1) and (2) of this section of any provisional ballot for which 778
an election official has indicated under division (B)~~(7)~~(8) of 779
section 3505.181 of the Revised Code that additional information 780
is required for the board of elections to determine the 781
eligibility of the individual who cast that provisional ballot 782
until the individual provides any information required under 783
division (B)~~(8)~~(9) of section 3505.181 of the Revised Code, until 784
any hearing required to be conducted under section 3503.24 of the 785
Revised Code with regard to the provisional voter is held, or 786
until the eleventh day after the day of the election, whichever is 787
earlier. 788

Section 2. That existing sections 3503.19, 3505.181, 789
3505.182, and 3505.183 of the Revised Code are hereby repealed. 790