

**As Reported by the House Policy and Legislative Oversight
Committee**

**130th General Assembly
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Am. Sub. S. B. No. 109

Senator Obhof

Cosponsors: Senators Eklund, Faber, Hite, LaRose, Peterson

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A B I L L

To amend sections 2101.44, 3501.01, 3501.05,	1
3501.051, 3501.06, 3501.11, 3501.13, 3501.17,	2
3501.22, 3501.26, 3501.27, 3501.28, 3501.29,	3
3501.30, 3501.31, 3501.32, 3501.33, 3501.35,	4
3501.37, 3503.02, 3503.26, 3505.07, 3505.08,	5
3505.16, 3505.17, 3505.18, 3505.20, 3505.21,	6
3505.23, 3505.24, 3505.26, 3505.29, 3505.30,	7
3505.31, 3506.05, 3506.12, 3506.15, 3509.01,	8
3509.06, 3513.131, 3513.18, 3513.19, 3513.21,	9
3515.04, 3517.106, 3517.11, 3599.07, 3599.17,	10
3599.19, and 3599.31, to enact sections 3501.021	11
and 3506.021, and to repeal section 3506.16 of the	12
Revised Code to revise the law regarding election	13
administration, ballots, and candidates.	14

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

Section 1. That sections 2101.44, 3501.01, 3501.05, 3501.051,	15
3501.06, 3501.11, 3501.13, 3501.17, 3501.22, 3501.26, 3501.27,	16
3501.28, 3501.29, 3501.30, 3501.31, 3501.32, 3501.33, 3501.35,	17
3501.37, 3503.02, 3503.26, 3505.07, 3505.08, 3505.16, 3505.17,	18
3505.18, 3505.20, 3505.21, 3505.23, 3505.24, 3505.26, 3505.29,	19

3505.30, 3505.31, 3506.05, 3506.12, 3506.15, 3509.01, 3509.06, 20
3513.131, 3513.18, 3513.19, 3513.21, 3515.04, 3517.106, 3517.11, 21
3599.07, 3599.17, 3599.19, and 3599.31 be amended and sections 22
3501.021 and 3506.021 of the Revised Code be enacted to read as 23
follows: 24

Sec. 2101.44. The election upon the question of combining the 25
probate court and the court of common pleas shall be conducted as 26
provided for the election of county officers. 27

The board of ~~election~~ elections shall provide separate 28
ballots, ~~ballot boxes~~, tally sheets, blanks, stationery, and all 29
such other supplies as may be necessary in the conduct of such 30
election. 31

Ballots shall be printed with an affirmative and negative 32
statement thereon, as follows: 33

	The probate court and the court of common pleas shall be combined.	34 35
	The probate court and the court of common pleas shall not be combined.	36

Returns of said election shall be made and canvassed at the 37
same time and in the same manner as an election for county 38
officers. The board shall certify the result of said election to 39
the secretary of state, to the probate judge of said county, and 40
to the judge of the court of common pleas, and such result shall 41
be spread upon the journal of the probate court and of the court 42
of common pleas. 43
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If a majority of the votes cast at such an election are in 45

favor of combining said courts, such courts shall stand combined 46
upon determination of the fact that a majority of the persons 47
voting upon the question of the combination of such courts voted 48
in favor of such combination. 49

Sec. 3501.01. As used in the sections of the Revised Code 50
relating to elections and political communications: 51

(A) "General election" means the election held on the first 52
Tuesday after the first Monday in each November. 53

(B) "Regular municipal election" means the election held on 54
the first Tuesday after the first Monday in November in each 55
odd-numbered year. 56

(C) "Regular state election" means the election held on the 57
first Tuesday after the first Monday in November in each 58
even-numbered year. 59

(D) "Special election" means any election other than those 60
elections defined in other divisions of this section. A special 61
election may be held only on the first Tuesday after the first 62
Monday in February, May, August, or November, or on the day 63
authorized by a particular municipal or county charter for the 64
holding of a primary election, except that in any year in which a 65
presidential primary election is held, no special election shall 66
be held in February or May, except as authorized by a municipal or 67
county charter, but may be held on the first Tuesday after the 68
first Monday in March. 69

(E)(1) "Primary" or "primary election" means an election held 70
for the purpose of nominating persons as candidates of political 71
parties for election to offices, and for the purpose of electing 72
persons as members of the controlling committees of political 73
parties and as delegates and alternates to the conventions of 74
political parties. Primary elections shall be held on the first 75

Tuesday after the first Monday in May of each year except in years 76
in which a presidential primary election is held. 77

(2) "Presidential primary election" means a primary election 78
as defined by division (E)(1) of this section at which an election 79
is held for the purpose of choosing delegates and alternates to 80
the national conventions of the major political parties pursuant 81
to section 3513.12 of the Revised Code. Unless otherwise 82
specified, presidential primary elections are included in 83
references to primary elections. In years in which a presidential 84
primary election is held, all primary elections shall be held on 85
the first Tuesday after the first Monday in March except as 86
otherwise authorized by a municipal or county charter. 87

(F) "Political party" means any group of voters meeting the 88
requirements set forth in section 3517.01 of the Revised Code for 89
the formation and existence of a political party. 90

(1) "Major political party" means any political party 91
organized under the laws of this state whose candidate for 92
governor or nominees for presidential electors received no less 93
than twenty per cent of the total vote cast for such office at the 94
most recent regular state election. 95

(2) "Intermediate political party" means any political party 96
organized under the laws of this state whose candidate for 97
governor or nominees for presidential electors received less than 98
twenty per cent but not less than ten per cent of the total vote 99
cast for such office at the most recent regular state election. 100

(3) "Minor political party" means any political party 101
organized under the laws of this state whose candidate for 102
governor or nominees for presidential electors received less than 103
ten per cent but not less than five per cent of the total vote 104
cast for such office at the most recent regular state election or 105
which has filed with the secretary of state, subsequent to any 106

election in which it received less than five per cent of such 107
vote, a petition signed by qualified electors equal in number to 108
at least one per cent of the total vote cast for such office in 109
the last preceding regular state election, except that a newly 110
formed political party shall be known as a minor political party 111
until the time of the first election for governor or president 112
which occurs not less than twelve months subsequent to the 113
formation of such party, after which election the status of such 114
party shall be determined by the vote for the office of governor 115
or president. 116

(G) "Dominant party in a precinct" or "dominant political 117
party in a precinct" means that political party whose candidate 118
for election to the office of governor at the most recent regular 119
state election at which a governor was elected received more votes 120
than any other person received for election to that office in such 121
precinct at such election. 122

(H) "Candidate" means any qualified person certified in 123
accordance with the provisions of the Revised Code for placement 124
on the official ballot of a primary, general, or special election 125
to be held in this state, or any qualified person who claims to be 126
a write-in candidate, or who knowingly assents to being 127
represented as a write-in candidate by another at either a 128
primary, general, or special election to be held in this state. 129

(I) "Independent candidate" means any candidate who claims 130
not to be affiliated with a political party, and whose name has 131
been certified on the office-type ballot at a general or special 132
election through the filing of a statement of candidacy and 133
nominating petition, as prescribed in section 3513.257 of the 134
Revised Code. 135

(J) "Nonpartisan candidate" means any candidate whose name is 136
required, pursuant to section 3505.04 of the Revised Code, to be 137
listed on the nonpartisan ballot, including all candidates for 138

judicial office, for member of any board of education, for 139
municipal or township offices in which primary elections are not 140
held for nominating candidates by political parties, and for 141
offices of municipal corporations having charters that provide for 142
separate ballots for elections for these offices. 143

(K) "Party candidate" means any candidate who claims to be a 144
member of a political party, whose name has been certified on the 145
office-type ballot at a general or special election through the 146
filing of a declaration of candidacy and petition of candidate, 147
and who has won the primary election of the candidate's party for 148
the public office the candidate seeks or is selected by party 149
committee in accordance with section 3513.31 of the Revised Code. 150

(L) "Officer of a political party" includes, but is not 151
limited to, any member, elected or appointed, of a controlling 152
committee, whether representing the territory of the state, a 153
district therein, a county, township, a city, a ward, a precinct, 154
or other territory, of a major, intermediate, or minor political 155
party. 156

(M) "Question or issue" means any question or issue certified 157
in accordance with the Revised Code for placement on an official 158
ballot at a general or special election to be held in this state. 159

(N) "Elector" or "qualified elector" means a person having 160
the qualifications provided by law to be entitled to vote. 161

(O) "Voter" means an elector who votes at an election. 162

(P) "Voting residence" means that place of residence of an 163
elector which shall determine the precinct in which the elector 164
may vote. 165

(Q) "Precinct" means a district within a county established 166
by the board of elections of such county within which all 167
qualified electors having a voting residence therein may vote at 168
the same polling place. 169

(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 of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor;

(3) Director of a board of elections;

(4) Deputy director of a board of elections;

(5) Member of a board of elections;

(6) Employees of a board of elections;

(7) Precinct ~~polling place judges~~ election officials;

(8) Employees appointed by the boards of elections on a temporary or part-time basis.

(V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who wishes to change the applicant's residence or name of the status of the application; the information necessary to complete or update the application, if any; and if the application is complete, the precinct in which the applicant is to vote.

(W) "Confirmation notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, to a registered elector to confirm the registered elector's current address.

(X) "Designated agency" means an office or agency in the state that provides public assistance or that provides state-funded programs primarily engaged in providing services to persons with disabilities and that is required by the National Voter Registration Act of 1993 to implement a program designed and administered by the secretary of state for registering voters, or any other public or government office or agency that implements a program designed and administered by the secretary of state for registering voters, including the department of job and family services, the program administered under section 3701.132 of the Revised Code by the department of health, the department of mental health, the department of developmental disabilities, the rehabilitation services commission, and any other agency the secretary of state designates. "Designated agency" does not include public high schools and vocational schools, public libraries, or the office of a county treasurer.

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

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

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

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

(2) It shows the current address of the individual to whom it

was issued, which shall conform to the address in the poll list or signature pollbook, except for a driver's license or a state identification card issued under section 4507.50 of the Revised Code, which may show either the current or former address of the individual to whom it was issued, regardless of whether that address conforms to the address in the poll list or signature pollbook.

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

(4) It includes an expiration date that has not passed.

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

Sec. 3501.021. Notwithstanding any provision of the Revised Code to the contrary, a political subdivision or other entity that certifies a question or issue to a board of elections for placement on the ballot shall make that certification in paper form. A board of elections shall not accept such a certification in electronic form.

Sec. 3501.05. The secretary of state shall do all of the following:

(A) Appoint all members of boards of elections;

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

(C) Prepare rules and instructions for the conduct of elections;

(D) Publish and furnish to the boards from time to time a sufficient number of indexed copies of all election laws then in force;

(E) Edit and issue all pamphlets concerning proposed laws or amendments required by law to be submitted to the voters;	259 260
(F) Prescribe the form of registration cards, blanks, and records;	261 262
(G) 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;	263 264 265 266
(H) 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;	267 268 269
(I) 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;	270 271 272 273 274
(J) Except as otherwise provided in division (I)(2)(b) of section 3501.38 of the Revised Code, give final approval to ballot language for any local question or issue approved and transmitted by boards of elections under section 3501.11 of the Revised Code;	275 276 277 278
(K) Receive all initiative and referendum petitions on state questions and issues and determine and certify to the sufficiency of those petitions;	279 280 281
(L) Require such reports from the several boards as are provided by law, or as the secretary of state considers necessary;	282 283
(M) Compel the observance by election officers in the several counties of the requirements of the election laws;	284 285
(N)(1) Except as otherwise provided in division (N)(2) of this section, investigate the administration of election laws, frauds, and irregularities in elections in any county, and report	286 287 288

violations of election laws to the attorney general or prosecuting attorney, or both, for prosecution; 289
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(2) On and after August 24, 1995, report a failure to comply with or a violation of a provision in sections 3517.08 to 3517.13, 3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised Code, whenever the secretary of state has or should have knowledge of a failure to comply with or a violation of a provision in one of those sections, by filing a complaint with the Ohio elections commission under section 3517.153 of the Revised Code; 291
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(O) Make an annual report to the governor containing the results of elections, the cost of elections in the various counties, a tabulation of the votes in the several political subdivisions, and other information and recommendations relative to elections the secretary of state considers desirable; 299
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(P) Prescribe and distribute to boards of elections a list of instructions indicating all legal steps necessary to petition successfully for local option elections under sections 4301.32 to 4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 304
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(Q) Adopt rules pursuant to Chapter 119. of the Revised Code for the removal by boards of elections of ineligible voters from the statewide voter registration database and, if applicable, from the poll list or signature pollbook used in each precinct, which rules shall provide for all of the following: 308
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(1) A process for the removal of voters who have changed residence, which shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 and the National Voter Registration Act of 1993, including a program that uses the national change of address service provided by the United States postal system through its licensees; 313
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(2) A process for the removal of ineligible voters under 319

section 3503.21 of the Revised Code;	320
(3) A uniform system for marking or removing the name of a voter who is ineligible to vote from the statewide voter registration database and, if applicable, from the poll list or signature pollbook used in each precinct and noting the reason for that mark or removal.	321 322 323 324 325
(R) Prescribe a general program for registering voters or updating voter registration information, such as name and residence changes, by boards of elections, designated agencies, offices of deputy registrars of motor vehicles, public high schools and vocational schools, public libraries, and offices of county treasurers consistent with the requirements of section 3503.09 of the Revised Code;	326 327 328 329 330 331 332
(S) Prescribe a program of distribution of voter registration forms through boards of elections, designated agencies, offices of the registrar and deputy registrars of motor vehicles, public high schools and vocational schools, public libraries, and offices of county treasurers;	333 334 335 336 337
(T) To the extent feasible, provide copies, at no cost and upon request, of the voter registration form in post offices in this state;	338 339 340
(U) Adopt rules pursuant to section 111.15 of the Revised Code for the purpose of implementing the program for registering voters through boards of elections, designated agencies, and the offices of the registrar and deputy registrars of motor vehicles consistent with this chapter;	341 342 343 344 345
(V) Establish the full-time position of Americans with Disabilities Act coordinator within the office of the secretary of state to do all of the following:	346 347 348
(1) Assist the secretary of state with ensuring that there is equal access to polling places for persons with disabilities;	349 350

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

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

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

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

(Y) Publish a report on a web site of the office of the secretary of state not later than one month after the completion of the canvass of the election returns for each primary and general election, identifying, by county, the number of absent voter's ballots cast and the number of those ballots that were counted, and the number of provisional ballots cast and the number of those ballots that were counted, for that election. The secretary of state shall maintain the information on the web site in an archive format for each subsequent election.

(Z) Conduct voter education outlining voter identification, 383
absent voters ballot, provisional ballot, and other voting 384
requirements; 385

(AA) Establish a procedure by which a registered elector may 386
make available to a board of elections a more recent signature to 387
be used in the poll list or signature pollbook produced by the 388
board of elections of the county in which the elector resides; 389

(BB) Disseminate information, which may include all or part 390
of the official explanations and arguments, by means of direct 391
mail or other written publication, broadcast, or other means or 392
combination of means, as directed by the Ohio ballot board under 393
division (F) of section 3505.062 of the Revised Code, in order to 394
inform the voters as fully as possible concerning each proposed 395
constitutional amendment, proposed law, or referendum; 396

(CC) Be the single state office responsible for the 397
implementation of the "Uniformed and Overseas Citizens Absentee 398
Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 1973ff, 399
et seq., as amended, in this state. The secretary of state may 400
delegate to the boards of elections responsibilities for the 401
implementation of that act, including responsibilities arising 402
from amendments to that act made by the "Military and Overseas 403
Voter Empowerment Act," Subtitle H of the "National Defense 404
Authorization Act for Fiscal Year 2010," Pub. L. No. 111-84, 123 405
Stat. 3190. 406

(DD) Adopt rules, under Chapter 119. of the Revised Code, to 407
establish procedures and standards for determining when a board of 408
elections shall be placed under the official oversight of the 409
secretary of state, placing a board of elections under the 410
official oversight of the secretary of state, a board that is 411
under official oversight to transition out of official oversight, 412
and the secretary of state to supervise a board of elections that 413
is under official oversight of the secretary of state. 414

(EE) Perform other duties required by law. 415

Whenever a primary election is held under section 3513.32 of 416
the Revised Code or a special election is held under section 417
3521.03 of the Revised Code to fill a vacancy in the office of 418
representative to congress, the secretary of state shall establish 419
a deadline, notwithstanding any other deadline required under the 420
Revised Code, by which any or all of the following shall occur: 421
the filing of a declaration of candidacy and petitions or a 422
statement of candidacy and nominating petition together with the 423
applicable filing fee; the filing of protests against the 424
candidacy of any person filing a declaration of candidacy or 425
nominating petition; the filing of a declaration of intent to be a 426
write-in candidate; the filing of campaign finance reports; the 427
preparation of, and the making of corrections or challenges to, 428
precinct voter registration lists; the receipt of applications for 429
absent voter's ballots or ~~armed-service~~ uniformed services or 430
overseas absent voter's ballots; the supplying of election 431
materials to precincts by boards of elections; the holding of 432
hearings by boards of elections to consider challenges to the 433
right of a person to appear on a voter registration list; and the 434
scheduling of programs to instruct or reinstruct election 435
officers. 436

In the performance of the secretary of state's duties as the 437
chief election officer, the secretary of state may administer 438
oaths, issue subpoenas, summon witnesses, compel the production of 439
books, papers, records, and other evidence, and fix the time and 440
place for hearing any matters relating to the administration and 441
enforcement of the election laws. 442

In any controversy involving or arising out of the adoption 443
of registration or the appropriation of funds for registration, 444
the secretary of state may, through the attorney general, bring an 445
action in the name of the state in the court of common pleas of 446

the county where the cause of action arose or in an adjoining 447
county, to adjudicate the question. 448

In any action involving the laws in Title XXXV of the Revised 449
Code wherein the interpretation of those laws is in issue in such 450
a manner that the result of the action will affect the lawful 451
duties of the secretary of state or of any board of elections, the 452
secretary of state may, on the secretary of state's motion, be 453
made a party. 454

The secretary of state may apply to any court that is hearing 455
a case in which the secretary of state is a party, for a change of 456
venue as a substantive right, and the change of venue shall be 457
allowed, and the case removed to the court of common pleas of an 458
adjoining county named in the application or, if there are cases 459
pending in more than one jurisdiction that involve the same or 460
similar issues, the court of common pleas of Franklin county. 461

Public high schools and vocational schools, public libraries, 462
and the office of a county treasurer shall implement voter 463
registration programs as directed by the secretary of state 464
pursuant to this section. 465

Sec. 3501.051. (A) Notwithstanding any other section of the 466
Revised Code, the secretary of state may authorize, in one or more 467
precincts in one or more counties, a program allowing individuals 468
under the age of eighteen to enter the polling place and vote in a 469
simulated election held at the same time as a general election. 470
Any individual working in or supervising at a simulated election 471
may enter the polling place and remain within it during the entire 472
period the polls are open. 473

(B) A program established under division (A) of this section 474
shall require all of the following: 475

(1) That the duties imposed on ~~judges~~ of precinct election 476

officials and peace officers under section 3501.33 of the Revised Code be performed by those ~~judges~~ officials and officers in regard to simulated elections and all activities related to simulated elections;

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

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

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

Sec. 3501.06. (A) There shall be in each county of the state a board of elections consisting of four qualified electors of the county, who shall be appointed by the secretary of state, as the secretary's representatives, ~~to serve for the term of four years.~~

(B)(1) On the first day of March in ~~even-numbered~~ the years 2014 and 2016, the secretary of state shall appoint two of such board members, ~~one~~ for a term of three years. One of ~~whom~~ those board members shall be from the political party which cast the highest number of votes for the office of governor at the most recent regular state election, and the other shall be from the political party which cast the next highest number of votes for the office of governor at such election.

(2) Beginning in 2017, on the first day of March in odd-numbered years, the secretary of state shall appoint two of such board members for a term of four years. One of those board members shall be from the political party which cast the highest

number of votes for the office of governor at the most recent 507
regular state election, and the other shall be from the political 508
party which cast the next highest number of votes for the office 509
of governor at such election. Thereafter, all appointments shall 510
be made on the first day of March in odd-numbered years for a term 511
of four years. 512

(C) All vacancies filled for unexpired terms and all 513
appointments to new terms shall be made from the political party 514
to which the vacating or outgoing member belonged, unless there is 515
a third political party which cast a greater number of votes in 516
the state at the most recent regular state election for the office 517
of governor than did the party to which the retiring member 518
belonged, in which event the vacancy shall be filled from such 519
third party. 520

Sec. 3501.11. Each board of elections shall exercise by a 521
majority vote all powers granted to the board by Title XXXV of the 522
Revised Code, shall perform all the duties imposed by law, and 523
shall do all of the following: 524

(A) Establish, define, provide, rearrange, and combine 525
election precincts; 526

(B) Fix and provide the places for registration and for 527
holding primaries and elections; 528

(C) Provide for the purchase, preservation, and maintenance 529
of booths, ballot boxes, books, maps, flags, blanks, cards of 530
instructions, and other forms, papers, and equipment used in 531
registration, nominations, and elections; 532

(D) Appoint and remove its director, deputy director, and 533
employees and all registrars, ~~judges~~ precinct election officials, 534
and other officers of elections, fill vacancies, and designate the 535
ward or district and precinct in which each shall serve; 536

(E) Make and issue rules and instructions, not inconsistent with law or the rules, directives, or advisories issued by the secretary of state, as it considers necessary for the guidance of election officers and voters;	537 538 539 540
(F) Advertise and contract for the printing of all ballots and other supplies used in registrations and elections;	541 542
(G) Provide for the issuance of all notices, advertisements, and publications concerning elections, except as otherwise provided in division (G) of section 3501.17 and divisions (F) and (G) of section 3505.062 of the Revised Code;	543 544 545 546
(H) Provide for the delivery of ballots, pollbooks, and other required papers and material to the polling places;	547 548
(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.	549 550 551 552 553 554 555 556
(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;	557 558 559 560 561 562 563
(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;	564 565 566 567

(L) Receive the returns of elections, canvass the returns,	568
make abstracts of them, and transmit those abstracts to the proper	569
authorities;	570
(M) Issue certificates of election on forms to be prescribed	571
by the secretary of state;	572
(N) Make an annual report to the secretary of state, on the	573
form prescribed by the secretary of state, containing a statement	574
of the number of voters registered, elections held, votes cast,	575
appropriations received, expenditures made, and other data	576
required by the secretary of state;	577
(O) Prepare and submit to the proper appropriating officer a	578
budget estimating the cost of elections for the ensuing fiscal	579
year;	580
(P) Perform other duties as prescribed by law or the rules,	581
directives, or advisories of the secretary of state;	582
(Q) Investigate and determine the residence qualifications of	583
electors;	584
(R) Administer oaths in matters pertaining to the	585
administration of the election laws;	586
(S) Prepare and submit to the secretary of state, whenever	587
the secretary of state requires, a report containing the names and	588
residence addresses of all incumbent county, municipal, township,	589
and board of education officials serving in their respective	590
counties;	591
(T) Establish and maintain a voter registration database of	592
all qualified electors in the county who offer to register;	593
(U) Maintain voter registration records, make reports	594
concerning voter registration as required by the secretary of	595
state, and remove ineligible electors from voter registration	596
lists in accordance with law and directives of the secretary of	597

state; 598

(V) Give approval to ballot language for any local question 599
or issue and transmit the language to the secretary of state for 600
the secretary of state's final approval; 601

(W) Prepare and cause the following notice to be displayed in 602
a prominent location in every polling place: 603

"NOTICE 604

Ohio law prohibits any person from voting or attempting to 605
vote more than once at the same election. 606

Violators are guilty of a felony of the fourth degree and 607
shall be imprisoned and additionally may be fined in accordance 608
with law." 609

(X) In all cases of a tie vote or a disagreement in the 610
board, if no decision can be arrived at, the director or 611
chairperson shall submit the matter in controversy, not later than 612
fourteen days after the tie vote or the disagreement, to the 613
secretary of state, who shall summarily decide the question, and 614
the secretary of state's decision shall be final. 615

(Y) Assist each designated agency, deputy registrar of motor 616
vehicles, public high school and vocational school, public 617
library, and office of a county treasurer in the implementation of 618
a program for registering voters at all voter registration 619
locations as prescribed by the secretary of state. Under this 620
program, each board of elections shall direct to the appropriate 621
board of elections any voter registration applications for persons 622
residing outside the county where the board is located within five 623
days after receiving the applications. 624

(Z) On any day on which an elector may vote in person at the 625
office of the board or at another site designated by the board, 626
consider the board or other designated site a polling place for 627
that day. All requirements or prohibitions of law that apply to a 628

polling place shall apply to the office of the board or other 629
designated site on that day. 630

(AA) Perform any duties with respect to voter registration 631
and voting by uniformed services and overseas voters that are 632
delegated to the board by law or by the rules, directives, or 633
advisories of the secretary of state. 634

Sec. 3501.13. (A) The director of the board of elections 635
shall keep a full and true record of the proceedings of the board 636
and of all moneys received and expended; file and preserve in the 637
board's office all orders and records pertaining to the 638
administration of registrations, primaries, and elections; receive 639
and have the custody of all books, papers, and property belonging 640
to the board; and perform other duties in connection with the 641
office of director and the proper conduct of elections as the 642
board determines. 643

(B) Before entering upon the duties of the office, the 644
director shall subscribe to an oath that the director will support 645
the Constitution of the United States and the Ohio Constitution, 646
perform all the duties of the office to the best of the director's 647
ability, enforce the election laws, and preserve all records, 648
documents, and other property pertaining to the conduct of 649
elections placed in the director's custody. 650

(C) The director may administer oaths to persons required by 651
law to file certificates or other papers with the board, to ~~judges~~ 652
~~of elections~~ precinct election officials, to witnesses who are 653
called to testify before the board, and to voters filling out 654
blanks at the board's offices. Except as otherwise provided by 655
state or federal law, the records of the board and papers and 656
books filed in its office are public records and open to 657
inspection under such reasonable regulations as shall be 658
established by the board. The following notice shall be posted in 659

a prominent place at each board office: 660

"Except as otherwise provided by state or federal law, 661
records filed in this office of the board of elections are open to 662
public inspection during normal office hours, pursuant to the 663
following reasonable regulations: (the board shall here list its 664
regulations). Whoever prohibits any person from inspecting the 665
public records of this board is subject to the penalties of 666
section 3599.161 of the Revised Code." 667

(D) Upon receipt of a written declaration of intent to retire 668
as provided for in section 145.38 of the Revised Code, the 669
director shall provide a copy to each member of the board of 670
elections. 671

Sec. 3501.17. (A) The expenses of the board of elections 672
shall be paid from the county treasury, in pursuance of 673
appropriations by the board of county commissioners, in the same 674
manner as other county expenses are paid. If the board of county 675
commissioners fails to appropriate an amount sufficient to provide 676
for the necessary and proper expenses of the board of elections 677
pertaining to the conduct of elections, the board of elections may 678
apply to the court of common pleas within the county, which shall 679
fix the amount necessary to be appropriated and the amount shall 680
be appropriated. Payments shall be made upon vouchers of the board 681
of elections certified to by its chairperson or acting chairperson 682
and the director or deputy director, upon warrants of the county 683
auditor. 684

The board of elections shall not incur any obligation 685
involving the expenditure of money unless there are moneys 686
sufficient in the funds appropriated therefor to meet the 687
obligation. If the board of elections requests a transfer of funds 688
from one of its appropriation items to another, the board of 689
county commissioners shall adopt a resolution providing for the 690

transfer except as otherwise provided in section 5705.40 of the Revised Code. The expenses of the board of elections shall be apportioned among the county and the various subdivisions as provided in this section, and the amount chargeable to each subdivision shall be withheld by the county auditor from the moneys payable thereto at the time of the next tax settlement. At the time of submitting budget estimates in each year, the board of elections shall submit to the taxing authority of each subdivision, upon the request of the subdivision, an estimate of the amount to be withheld from the subdivision during the next fiscal year.

A board of township trustees may, by resolution, request that the county auditor withhold expenses charged to the township from a specified township fund that is to be credited with revenue at a tax settlement. The resolution shall specify the tax levy ballot issue, the date of the election on the levy issue, and the township fund from which the expenses the board of elections incurs related to that ballot issue shall be withheld.

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

are paid. 723

(C) The compensation of ~~judges of elections~~ precinct election 724
officials and intermittent employees in the board's offices; the 725
cost of renting, moving, heating, and lighting polling places and 726
of placing and removing ballot boxes and other fixtures and 727
equipment thereof, including voting machines, marking devices, and 728
automatic tabulating equipment; the cost of printing and 729
delivering ballots, cards of instructions, registration lists 730
required under section 3503.23 of the Revised Code, and other 731
election supplies, including the supplies required to comply with 732
division (H) of section 3506.01 of the Revised Code; the cost of 733
contractors engaged by the board to prepare, program, test, and 734
operate voting machines, marking devices, and automatic tabulating 735
equipment; and all other expenses of conducting primaries and 736
elections in the odd-numbered years shall be charged to the 737
subdivisions in and for which such primaries or elections are 738
held. The charge for each primary or general election in 739
odd-numbered years for each subdivision shall be determined in the 740
following manner: first, the total cost of all chargeable items 741
used in conducting such elections shall be ascertained; second, 742
the total charge shall be divided by the number of precincts 743
participating in such election, in order to fix the cost per 744
precinct; third, the cost per precinct shall be prorated by the 745
board of elections to the subdivisions conducting elections for 746
the nomination or election of offices in such precinct; fourth, 747
the total cost for each subdivision shall be determined by adding 748
the charges prorated to it in each precinct within the 749
subdivision. 750

(D) The entire cost of special elections held on a day other 751
than the day of a primary or general election, both in 752
odd-numbered or in even-numbered years, shall be charged to the 753
subdivision. Where a special election is held on the same day as a 754

primary or general election in an even-numbered year, the 755
subdivision submitting the special election shall be charged only 756
for the cost of ballots and advertising. Where a special election 757
is held on the same day as a primary or general election in an 758
odd-numbered year, the subdivision submitting the special election 759
shall be charged for the cost of ballots and advertising for such 760
special election, in addition to the charges prorated to such 761
subdivision for the election or nomination of candidates in each 762
precinct within the subdivision, as set forth in the preceding 763
paragraph. 764

(E) Where a special election is held on the day specified by 765
division (E) of section 3501.01 of the Revised Code for the 766
holding of a primary election, for the purpose of submitting to 767
the voters of the state constitutional amendments proposed by the 768
general assembly, and a subdivision conducts a special election on 769
the same day, the entire cost of the special election shall be 770
divided proportionally between the state and the subdivision based 771
upon a ratio determined by the number of issues placed on the 772
ballot by each, except as otherwise provided in division (G) of 773
this section. Such proportional division of cost shall be made 774
only to the extent funds are available for such purpose from 775
amounts appropriated by the general assembly to the secretary of 776
state. If a primary election is also being conducted in the 777
subdivision, the costs shall be apportioned as otherwise provided 778
in this section. 779

(F) When a precinct is open during a general, primary, or 780
special election solely for the purpose of submitting to the 781
voters a statewide ballot issue, the state shall bear the entire 782
cost of the election in that precinct and shall reimburse the 783
county for all expenses incurred in opening the precinct. 784

(G)(1) The state shall bear the entire cost of advertising in 785
newspapers statewide ballot issues, explanations of those issues, 786

and arguments for or against those issues, as required by Section 787
1g of Article II and Section 1 of Article XVI, Ohio Constitution, 788
and any other section of law. Appropriations made to the 789
controlling board shall be used to reimburse the secretary of 790
state for all expenses the secretary of state incurs for such 791
advertising under division (G) of section 3505.062 of the Revised 792
Code. 793

(2) There is hereby created in the state treasury the 794
statewide ballot advertising fund. The fund shall receive 795
transfers approved by the controlling board, and shall be used by 796
the secretary of state to pay the costs of advertising state 797
ballot issues as required under division (G)(1) of this section. 798
Any such transfers may be requested from and approved by the 799
controlling board prior to placing the advertising, in order to 800
facilitate timely provision of the required advertising. 801

(H) The cost of renting, heating, and lighting registration 802
places; the cost of the necessary books, forms, and supplies for 803
the conduct of registration; and the cost of printing and posting 804
precinct registration lists shall be charged to the subdivision in 805
which such registration is held. 806

(I) At the request of a majority of the members of the board 807
of elections, the board of county commissioners may, by 808
resolution, establish an elections revenue fund. Except as 809
otherwise provided in this division, the purpose of the fund shall 810
be to accumulate revenue withheld by or paid to the county under 811
this section for the payment of any expense related to the duties 812
of the board of elections specified in section 3501.11 of the 813
Revised Code, upon approval of a majority of the members of the 814
board of elections. The fund shall not accumulate any revenue 815
withheld by or paid to the county under this section for the 816
compensation of the members of the board of elections or of the 817
director, deputy director, or other regular employees in the 818

board's offices, other than compensation for overtime worked. 819

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 820
Revised Code, the board of county commissioners may, by 821
resolution, transfer money to the elections revenue fund from any 822
other fund of the political subdivision from which such payments 823
lawfully may be made. Following an affirmative vote of a majority 824
of the members of the board of elections, the board of county 825
commissioners may, by resolution, rescind an elections revenue 826
fund established under this division. If an elections revenue fund 827
is rescinded, money that has accumulated in the fund shall be 828
transferred to the county general fund. 829

(J) As used in this section: 830

(1) "Political subdivision" and "subdivision" mean any board 831
of county commissioners, board of township trustees, legislative 832
authority of a municipal corporation, board of education, or any 833
other board, commission, district, or authority that is empowered 834
to levy taxes or permitted to receive the proceeds of a tax levy, 835
regardless of whether the entity receives tax settlement moneys as 836
described in division (A) of this section; 837

(2) "Statewide ballot issue" means any ballot issue, whether 838
proposed by the general assembly or by initiative or referendum, 839
that is submitted to the voters throughout the state. 840

Sec. 3501.22. (A) On or before the fifteenth day of September 841
in each year, the board of elections by a majority vote shall, 842
after careful examination and investigation as to their 843
qualifications, appoint for each election precinct four residents 844
of the county in which the precinct is located, as ~~judges~~ precinct 845
election officials. Except as otherwise provided in division (C) 846
of this section, all ~~judges of precinct~~ election officials shall 847
be qualified electors. The ~~judges~~ precinct election officials 848
shall constitute the election officers of the precinct. Not more 849

than one-half of the total number of ~~judges~~ precinct election 850
officials shall be members of the same political party. The term 851
of such precinct officers shall be for one year. The board may, at 852
any time, designate any number of election officers, not more than 853
one-half of whom shall be members of the same political party, to 854
perform their duties at any precinct in any election. The board 855
may appoint additional officials, equally divided between the two 856
major political parties, when necessary to expedite voting. If the 857
board of elections determines that four precinct election 858
officials are not required in a precinct for a special election, 859
the board of elections may select two of the precinct's election 860
officers, who are not members of the same political party, to 861
serve as the precinct election officials for that precinct in that 862
special election. 863

Vacancies for unexpired terms shall be filled by the board. 864
When new precincts have been created, the board shall appoint 865
~~judges~~ precinct election officials for those precincts for the 866
unexpired term. Any ~~judge~~ precinct election official may be 867
summarily removed from office at any time by the board for neglect 868
of duty, malfeasance, or misconduct in office or for any other 869
good and sufficient reason. 870

Precinct election officials shall perform all of the duties 871
provided by law for receiving the ballots and supplies, opening 872
and closing the polls, and overseeing the casting of ballots 873
during the time the polls are open, and any other duties required 874
by section 3501.26 of the Revised Code. 875

A board of elections may designate two precinct election 876
officials as counting officials to count and tally the votes cast 877
and certify the results of the election at each precinct, and 878
perform other duties as provided by law. To expedite the counting 879
of votes at each precinct, the board may appoint additional 880
officials, not more than one-half of whom shall be members of the 881

same political party. 882

The board shall designate one of the precinct election 883
officials who is a member of the dominant political party to serve 884
as a ~~presiding judge~~ voting location manager, whose duty it is to 885
deliver the returns of the election and all supplies to the office 886
of the board. For these services, the ~~presiding judge~~ voting 887
location manager shall receive additional compensation in an 888
amount, consistent with section 3501.28 of the Revised Code, 889
determined by the board of elections. 890

The board shall issue to each precinct election official a 891
certificate of appointment, which the official shall present to 892
the ~~presiding judge~~ voting location manager at the time the polls 893
are opened. 894

(B) If the board of elections determines that not enough 895
qualified electors in a precinct are available to serve as 896
precinct officers, it may appoint persons to serve as precinct 897
officers at a primary, special, or general election who are at 898
least seventeen years of age and are registered to vote in 899
accordance with section 3503.07 of the Revised Code. 900

(C)(1) A board of elections, in conjunction with the board of 901
education of a city, local, or exempted village school district, 902
the governing authority of a community school established under 903
Chapter 3314. of the Revised Code, or the chief administrator of a 904
nonpublic school may establish a program permitting certain high 905
school students to apply and, if appointed by the board of 906
elections, to serve as precinct officers at a primary, special, or 907
general election. 908

In addition to the requirements established by division 909
(C)(2) of this section, a board of education, governing authority, 910
or chief administrator that establishes a program under this 911
division in conjunction with a board of elections may establish 912

additional criteria that students shall meet to be eligible to 913
participate in that program. 914

(2)(a) To be eligible to participate in a program established 915
under division (C)(1) of this section, a student shall be a United 916
States citizen, a resident of the county, at least seventeen years 917
of age, and enrolled in the senior year of high school. 918

(b) Any student applying to participate in a program 919
established under division (C)(1) of this section, as part of the 920
student's application process, shall declare the student's 921
political party affiliation with the board of elections. 922

(3) No student appointed as a precinct officer pursuant to a 923
program established under division (C)(1) of this section shall be 924
designated as a ~~presiding judge~~ voting location manager. 925

(4) Any student participating in a program established under 926
division (C)(1) of this section shall be excused for that 927
student's absence from school on the day of an election at which 928
the student is serving as a precinct officer. 929

(D) In any precinct with six or more precinct officers, up to 930
two students participating in a program established under division 931
(C)(1) of this section who are under eighteen years of age may 932
serve as precinct officers. Not more than one precinct officer in 933
any given precinct with fewer than six precinct officers shall be 934
under eighteen years of age. 935

Sec. 3501.26. When the polls are closed after a primary, 936
general, or special election, the receiving officials shall, in 937
the presence of the counting officials and attending observers, 938
proceed as follows: 939

(A) Count the number of electors who voted, as shown on the 940
poll books; 941

(B) Count the unused ballots without removing stubs; 942

(C) Count the soiled and defaced ballots;	943
(D) Insert the totals of divisions (A), (B), and (C) of this section on the report forms provided therefor in the poll books;	944 945
(E) Count the voted ballots. If the number of voted ballots exceeds the number of voters whose names appear upon the poll books, the presiding judge <u>voting location manager</u> shall enter on the poll books an explanation of that discrepancy, and that explanation, if agreed to, shall be subscribed to by all of the judges <u>precinct election officials</u> . Any judge <u>precinct official</u> having a different explanation shall enter it in the poll books and subscribe to it.	946 947 948 949 950 951 952 953
(F) Put the unused ballots with stubs attached, and soiled and defaced ballots with stubs attached, in the envelopes or containers provided therefor, and certify the number.	954 955 956
The receiving officials shall deliver to and place in the custody of the counting officials all the supplies provided for the conduct of that election and the ballots that are to be counted and tallied, and take a receipt for the same, which receipt shall appear in and be a part of the poll books of such precinct. Having performed their duties, the receiving officials shall immediately depart.	957 958 959 960 961 962 963
Having receipted for the ballots, the counting officials shall proceed to count and tally the vote as cast in the manner prescribed by section 3505.27 of the Revised Code and certify the result of the election to the board of elections.	964 965 966 967
Sec. 3501.27. (A) All judges <u>of precinct election officials</u> shall complete a program of instruction pursuant to division (B) of this section. No person who has been convicted of a felony or any violation of the election laws, who is unable to read and write the English language readily, or who is a candidate for an	968 969 970 971 972

office to be voted for by the voters of the precinct in which the 973
person is to serve shall serve as an election officer. A person 974
when appointed as an election officer shall receive from the board 975
of elections a certificate of appointment that may be revoked at 976
any time by the board for good and sufficient reasons. The 977
certificate shall be in the form the board prescribes and shall 978
specify the precinct, ward, or district in and for which the 979
person to whom it is issued is appointed to serve, the date of 980
appointment, and the expiration of the person's term of service. 981

(B) Each board shall establish a program as prescribed by the 982
secretary of state for the instruction of election officers in the 983
rules, procedures, and law relating to elections. In each program, 984
the board shall use training materials prepared by the secretary 985
of state and may use additional materials prepared by or on behalf 986
of the board. The board may use the services of unpaid volunteers 987
in conducting its program and may reimburse those volunteers for 988
necessary and actual expenses incurred in participating in the 989
program. 990

The board shall train each new election officer before the 991
new officer participates in the first election in that capacity. 992
The board shall instruct election officials who have been trained 993
previously only when the board or secretary of state considers 994
that instruction necessary, but the board shall reinstruct such 995
persons, other than ~~presiding judges~~ voting location managers, at 996
least once in every three years and shall reinstruct ~~presiding~~ 997
~~judges~~ voting location managers before the primary election in 998
even-numbered years. The board shall schedule any program of 999
instruction within sixty days prior to the election in which the 1000
officials to be trained will participate. 1001

(C) The duties of a ~~judge of an~~ precinct election official in 1002
each polling place shall be performed only by an individual who 1003
has successfully completed the requirements of the program, unless 1004

such an individual is unavailable after reasonable efforts to 1005
obtain such services. 1006

(D) The secretary of state shall establish a program for the 1007
instruction of members of boards of elections and employees of 1008
boards in the rules, procedures, and law relating to elections. 1009
Each member and employee shall complete the training program 1010
within six months after the member's or employee's original 1011
appointment or employment, and thereafter each member and employee 1012
shall complete a training program to update their knowledge once 1013
every four years or more often as determined by the secretary of 1014
state. 1015

(E) The secretary of state shall reimburse each county for 1016
the cost of programs established pursuant to division (B) of this 1017
section, once the secretary of state has received an itemized 1018
statement of expenses for such instruction programs from the 1019
county. The itemized statement shall be in a form prescribed by 1020
the secretary of state. 1021

Sec. 3501.28. (A) As used in this section: 1022

(1) "Fair Labor Standards Act" or "Act" means the "Fair Labor 1023
Standards Act of 1938," 52 Stat. 1062, 29 U.S.C.A. 201, as 1024
amended. 1025

(2) "Full election day" means the period of time between the 1026
opening of the polls and the completion of the procedures 1027
contained in section 3501.26 of the Revised Code. 1028

(3) "Services" means services at each general, primary, or 1029
special election. 1030

(B) ~~Beginning with calendar year 1998, each judge of an 1031
election in a county shall be paid for the judge's services at the 1032
same hourly rate, which shall be not less than the minimum hourly 1033
rate established by the Fair Labor Standards Act and not more than 1034~~

~~eighty five dollars per diem.~~ 1035

~~(C)~~ Beginning with calendar year 2004, each ~~judge of an~~ 1036
precinct election official in a county shall be paid for the 1037
~~judge's official's~~ services at the same hourly rate, which shall 1038
be not less than the minimum hourly rate established by the Fair 1039
Labor Standards Act and not more than ninety-five dollars per 1040
diem. 1041

~~(D)~~(C) The secretary of state shall establish, by rule 1042
adopted under section 111.15 of the Revised Code, the maximum 1043
amount of per diem compensation that may be paid to ~~judges of an~~ 1044
precinct election officials under this section each time the Fair 1045
Labor Standards Act is amended to increase the minimum hourly rate 1046
established by the act. Upon learning of such an increase, the 1047
secretary of state shall determine by what percentage the minimum 1048
hourly rate has been increased under the act and establish a new 1049
maximum amount of per diem compensation that ~~judges of an~~ precinct 1050
election officials may be paid under this section that is 1051
increased by the same percentage that the minimum hourly rate has 1052
been increased under the act. 1053

~~(E)~~(D)(1)(a) No board of elections shall increase the pay of 1054
a ~~judge of an~~ precinct election official under this section during 1055
a calendar year unless the board has given written notice of the 1056
proposed increase to the board of county commissioners not later 1057
than the first day of October of the preceding calendar year. 1058

(b) Except as otherwise provided in division ~~(E)~~(D)(2) of 1060
this section, a board of elections may increase the pay of a ~~judge~~ 1061
~~of an~~ precinct election official during a calendar year by up to, 1062
but not exceeding, nine per cent over the compensation paid to a 1063
~~judge of an~~ precinct election official in the county where the 1064
board is located during the previous calendar year, if the 1065
compensation so paid during the previous calendar year was 1066

eighty-five dollars or less per diem. 1067

(c) Except as otherwise provided in division ~~(E)~~(D)(2) of 1068
this section, a board of elections may increase the pay of a ~~judge~~ 1069
~~of an precinct~~ election official during a calendar year by up to, 1070
but not exceeding, four and one-half per cent over the 1071
compensation paid to a ~~judge of an precinct~~ election official in 1072
the county where the board is located during the previous calendar 1073
year, if the compensation so paid during the previous calendar 1074
year was more than eighty-five but less than ninety-five dollars 1075
per diem. 1076

(2) The board of county commissioners may review and comment 1077
upon a proposed increase and may enter into a written agreement 1078
with a board of elections to permit an increase in the 1079
compensation paid to ~~judges of an precinct~~ election officials for 1080
their services during a calendar year that is greater than the 1081
applicable percentage limitation described in division (E)(1)(b) 1082
or (c) of this section. 1083

~~(F)~~(E) No ~~judge of an precinct~~ election official who works 1084
less than the full election day shall be paid the maximum amount 1085
allowed under this section or the maximum amount as set by the 1086
board of elections, whichever is less. 1087

~~(G)~~(F)(1) Except as otherwise provided in divisions ~~(G)~~(F)(4) 1088
to (6) of this section, any employee of the state or of any 1089
political subdivision of the state may serve as a ~~judge of~~ 1090
~~elections~~ precinct election official on the day of an election 1091
without loss of the employee's regular compensation for that day 1092
as follows: 1093

(a) For employees of a county office, department, commission, 1094
board, or other entity, or of a court of common pleas, county 1095
court, or county-operated municipal court, as defined in section 1096
1901.03 of the Revised Code, the employee's appointing authority 1097

may permit leave with pay for this service in accordance with a 1098
resolution setting forth the terms and conditions for that leave 1099
passed by the board of county commissioners. 1100

(b) For all other employees of a political subdivision of the 1101
state, leave with pay for this service shall be subject to the 1102
terms and conditions set forth in an ordinance or a resolution 1103
passed by the legislative authority of the applicable political 1104
subdivision. 1105

(c) For state employees, leave with pay for this service 1106
shall be subject to the terms and conditions set forth by the head 1107
of the state agency, as defined in section 1.60 of the Revised 1108
Code, by which the person is employed. 1109

(2) Any terms and conditions set forth by a board of county 1110
commissioners, legislative authority of a political subdivision, 1111
or head of a state agency under division (G)(1) of this section 1112
shall include a standard procedure for deciding which employees 1113
are permitted to receive leave with pay if multiple employees of 1114
an entity or court described in division (G)(1)(a) of this 1115
section, of an entity of a political subdivision described in 1116
division (G)(1)(b) of this section, or of a state agency as 1117
defined in section 1.60 of the Revised Code apply to serve as a 1118
~~judge of elections~~ precinct election official on the day of an 1119
election. This procedure shall be applied uniformly to all 1120
similarly situated employees. 1121

(3) Any employee who is eligible for leave with pay under 1122
division (G)(1) of this section shall receive, in addition to the 1123
employee's regular compensation, the compensation paid to the 1124
~~judge of an~~ precinct election official under division (B) ~~or~~ (C) ~~or~~ (D) 1125
of this section. 1126

(4) Division ~~(G)~~(F)(1) of this section does not apply to 1127
either of the following: 1128

(a) Election officials;	1129
(b) Public school teachers.	1130
(5) Nothing in division (G) (F)(1) of this section supersedes or negates any provision of a collective bargaining agreement in effect under Chapter 4117. of the Revised Code.	1131 1132 1133
(6) If a board of county commissioners, legislative authority of a political subdivision, or head of a state agency fails to set forth any terms and conditions under division (G) (F)(1) of this section, an employee of an entity or court described in division (G) (F)(1)(a) of this section, of an entity of a political subdivision described in division (G) (F)(1)(b) of this section, or of a state agency as defined in section 1.60 of the Revised Code may use personal leave, vacation leave, or compensatory time, or take unpaid leave, to serve as a judge of elections precinct <u>election official</u> on the day of an election.	1134 1135 1136 1137 1138 1139 1140 1141 1142 1143
(H) (G) The board of elections may withhold the compensation of any precinct <u>election</u> official for failure to obey the instructions of the board or to comply with the law relating to the duties of such a precinct judge <u>election official</u> . Any payment a judge of an precinct <u>election official</u> is entitled to receive under section 3501.36 of the Revised Code is in addition to the compensation the judge <u>official</u> is entitled to receive under this section.	1144 1145 1146 1147 1148 1149 1150 1151
Sec. 3501.29. (A) The board of elections shall provide for each precinct a polling place and provide adequate facilities at each polling place for conducting the election. The board shall provide a sufficient number of screened or curtained voting compartments to which electors may retire and conveniently mark their ballots, protected from the observation of others. Each voting compartment shall be provided at all times with writing implements, instructions how to vote, and other necessary	1152 1153 1154 1155 1156 1157 1158 1159

conveniences for marking the ballot. The ~~presiding judge~~ voting location manager shall ensure that the voting compartments at all times are adequately lighted and contain the necessary supplies. The board shall utilize, in so far as practicable, rooms in public schools and other public buildings for polling places. Upon application of the board of elections, the authority which has the control of any building or grounds supported by taxation under the laws of this state, shall make available the necessary space therein for the purpose of holding elections and adequate space for the storage of voting machines, without charge for the use thereof. A reasonable sum may be paid for necessary janitorial service. When polling places are established in private buildings, the board may pay a reasonable rental therefor, and also the cost of liability insurance covering the premises when used for election purposes, or the board may purchase a single liability policy covering the board and the owners of the premises when used for election purposes. When removable buildings are supplied by the board, they shall be constructed under the contract let to the lowest and best bidder, and the board shall observe all ordinances and regulations then in force as to safety. The board shall remove all such buildings from streets and other public places within 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- <i>j</i>	1192
(c) That the entrances of polling places are level or are provided with a nonskid ramp of not over eight per cent gradient;	1193 1194
(d) That doors are a minimum of thirty-two inches wide.	1195
(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.	1196 1197 1198 1199 1200
(C) At any polling place that is exempted from compliance by the secretary of state, 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, 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.	1201 1202 1203 1204 1205 1206 1207 1208
(D) The secretary of state shall:	1209
(1) Work with other state agencies to facilitate the distribution of information and technical assistance to boards of elections to meet the requirements of division (B) of this section;	1210 1211 1212 1213
(2) Work with organizations that represent or provide services to handicapped, disabled, or elderly citizens to effect a wide dissemination of information about the availability of absentee voting, voting in the voter's vehicle or at the door of the polling place, or other election services to handicapped, disabled, or elderly citizens.	1214 1215 1216 1217 1218 1219
(E) Before the day of an election, the director of the board of elections of each county shall sign a statement verifying that	1220 1221

each polling place that will be used in that county at that 1222
election meets the requirements of division (B)(1)(b) of this 1223
section. The signed statement shall be sent to the secretary of 1224
state by certified mail or electronically. 1225

(F) As used in this section, "handicapped" means having lost 1226
the use of one or both legs, one or both arms, or any combination 1227
thereof, or being blind or so severely disabled as to be unable to 1228
move about without the aid of crutches or a wheelchair. 1229

Sec. 3501.30. (A) The board of elections shall provide for 1230
each polling place the necessary ballot ~~boxes~~ box, official 1231
ballots, cards of instructions, registration forms, pollbooks or 1232
poll lists, tally sheets, forms on which to make summary 1233
statements, writing implements, paper, and all other supplies 1234
necessary for casting and counting the ballots and recording the 1235
results of the voting at the polling place. The pollbooks or poll 1236
lists shall have certificates appropriately printed on them for 1237
the signatures of all the precinct officials, by which they shall 1238
certify that, to the best of their knowledge and belief, the 1239
pollbooks or poll lists correctly show the names of all electors 1240
who voted in the polling place at the election indicated in the 1241
pollbooks or poll lists. 1242

All of the following shall be included among the supplies 1243
provided to each polling place: 1244

(1) A large map of each appropriate precinct, which shall be 1245
displayed prominently to assist persons who desire to register or 1246
vote on election day. Each map shall show all streets within the 1247
precinct and contain identifying symbols of the precinct in bold 1248
print. 1249

(2) Any materials, postings, or instructions required to 1250
comply with state or federal laws; 1251

(3) A flag of the United States approximately two and 1252
one-half feet in length along the top, which shall be displayed 1253
outside the entrance to the polling place during the time it is 1254
open for voting; 1255

(4) Two or more small flags of the United States 1256
approximately fifteen inches in length along the top, which shall 1257
be placed at a distance of one hundred feet from the polling place 1258
on the thoroughfares or walkways leading to the polling place, to 1259
mark the distance within which persons other than election 1260
officials, observers, police officers, and electors waiting to 1261
mark, marking, or casting their ballots shall not loiter, 1262
congregate, or engage in any kind of election campaigning. Where 1263
small flags cannot reasonably be placed one hundred feet from the 1264
polling place, the ~~presiding election judge~~ voting location 1265
manager shall place the flags as near to one hundred feet from the 1266
entrance to the polling place as is physically possible. Police 1267
officers and all election officials shall see that this 1268
prohibition against loitering and congregating is enforced. 1269

When the period of time during which the polling place is 1270
open for voting expires, all of the flags described in this 1271
division shall be taken into the polling place and shall be 1272
returned to the board together with all other election supplies 1273
required to be delivered to the board. 1274

(B) The board of elections shall follow the instructions and 1275
advisories of the secretary of state in the production and use of 1276
polling place supplies. 1277

Sec. 3501.31. The board of elections shall mail to each 1278
precinct election official notice of the date, hours, and place of 1279
holding each election in the official's respective precinct at 1280
which it desires the official to serve. Each of such officials 1281
shall notify the board immediately upon receipt of such notice of 1282

any inability to serve. 1283

The election official designated as ~~presiding judge~~ voting location manager under section 3501.22 of the Revised Code shall 1284
call at the office of the board at such time before the day of the 1285
election, not earlier than the tenth day before the day of the 1286
election, as the board designates to obtain the ballots, 1287
pollbooks, registration forms and lists, and other material to be 1288
used in the official's polling place on election day. 1289
1290

The board may also provide for the delivery of such materials 1291
to polling places in a municipal corporation by members of the 1292
police department of such municipal corporation; or the board may 1293
provide for the delivery of such materials to the ~~presiding judge~~ 1294
voting location manager not earlier than the tenth day before the 1295
election, in any manner it finds to be advisable. 1296

On election day the precinct election officials shall 1297
punctually attend the polling place one-half hour before the time 1298
fixed for opening the polls. Each of the precinct election 1299
officials shall thereupon make and subscribe to a statement which 1300
shall be as follows: 1301

"State of Ohio 1302

County of 1303

I do solemnly swear under the penalty of perjury that I will 1304
support the constitution of the United States of America and the 1305
constitution of the state of Ohio and its laws; that I have not 1306
been convicted of a felony or any violation of the election laws; 1307
that I will discharge to the best of my ability the duties of 1308
~~judge of precinct~~ election official in and for precinct 1309
..... in the (township) or 1310
(ward and city or village) in the county of 1311
....., in the election to be held on the 1312
day of,, as required by law and the rules 1313

and instructions of the board of elections of said county; and 1314
that I will endeavor to prevent fraud in such election, and will 1315
report immediately to said board any violations of the election 1316
laws which come to my attention, and will not disclose any 1317
information as to how any elector voted which is gained by me in 1318
the discharge of my official duties. 1319

..... 1320
..... 1321
..... 1322
..... 1323
..... 1324
..... 1325

(Signatures of precinct election officials)" 1326

If any of the other precinct election officials is absent at 1327
that time, the ~~presiding judge~~ voting location manager, with the 1328
concurrence of a majority of the precinct election officials 1329
present, shall appoint a qualified elector who is a member of the 1330
same political party as the political party of which such absent 1331
precinct election official is a member to fill the vacancy until 1332
the board appoints a person to fill such vacancy and the person so 1333
appointed reports for duty at the polling place. The ~~presiding~~ 1334
~~judge~~ voting location manager shall promptly notify the board of 1335
such vacancy by telephone or otherwise. The ~~presiding judge~~ voting 1336
location manager also shall assign the precinct election officials 1337
to their respective duties and shall have general charge of the 1338
polling place. 1339

Sec. 3501.32. (A) Except as otherwise provided in division 1340
(B) of this section, on the day of the election the polls shall be 1341
opened by proclamation by the ~~presiding judge~~ voting location 1342
manager, or in ~~his~~ the manager's absence by a ~~presiding judge~~ 1343

voting location manager chosen by the ~~judges~~ precinct election officials, at six-thirty a.m. and shall be closed by proclamation at seven-thirty p.m. unless there are voters waiting in line to cast their ballots, in which case the polls shall be kept open until such waiting voters have voted.

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

Sec. 3501.33. All ~~judges of~~ precinct election officials shall enforce peace and good order in and about the place of registration or election. They shall especially keep the place of access of the electors to the polling place open and unobstructed and prevent and stop any improper practices or attempts tending to obstruct, intimidate, or interfere with any elector in registering or voting. They shall protect observers against molestation and violence in the performance of their duties, and may eject from the polling place any observer for violation of any provision of Title XXXV of the Revised Code. They shall prevent riots, violence, tumult, or disorder. In the discharge of these duties, they may call upon the sheriff, police, or other peace officers to aid them in enforcing the law. They may order the arrest of any person violating Title XXXV of the Revised Code, but such an arrest shall not prevent the person from registering or voting if the person is entitled to do so. The sheriff, all constables, police officers, and other officers of the peace shall immediately obey and aid in the enforcement of any lawful order made by the precinct election officials in the enforcement of Title XXXV of the Revised Code.

Sec. 3501.35. (A) During an election and the counting of the	1376
ballots, no person shall do any of the following:	1377
(1) Loiter, congregate, or engage in any kind of election	1378
campaigning within the area between the polling place and the	1379
small flags of the United States placed on the thoroughfares and	1380
walkways leading to the polling place, and if the line of electors	1381
waiting to vote extends beyond those small flags, within ten feet	1382
of any elector in that line;	1383
(2) In any manner hinder or delay an elector in reaching or	1384
leaving the place fixed for casting the elector's ballot;	1385
(3) Give, tender, or exhibit any ballot or ticket to any	1386
person other than the elector's own ballot to the judge of	1387
<u>precinct</u> election <u>officials</u> within the area between the polling	1388
place and the small flags of the United States placed on the	1389
thoroughfares and walkways leading to the polling place, and if	1390
the line of electors waiting to vote extends beyond those small	1391
flags, within ten feet of any elector in that line;	1392
(4) Exhibit any ticket or ballot which the elector intends to	1393
cast;	1394
(5) Solicit or in any manner attempt to influence any elector	1395
in casting the elector's vote.	1396
(B) Except as otherwise provided in division (C) of section	1397
3503.23 of the Revised Code, no person who is not an election	1398
official, employee, observer, or police officer shall be allowed	1399
to enter the polling place during the election, except for the	1400
purpose of voting or assisting another person to vote as provided	1401
in section 3505.24 of the Revised Code.	1402
(C) No more electors shall be allowed to approach the voting	1403
shelves at any time than there are voting shelves provided.	1404
(D) The judges of <u>precinct</u> election <u>officials</u> and the police	1405

officer shall strictly enforce the observance of this section. 1406

Sec. 3501.37. After each election, the ~~judges of elections~~ 1407
precinct election officials of each precinct, except when the 1408
board of elections assumes the duty, shall see that the movable 1409
booths and other equipment are returned for safekeeping to the 1410
fiscal officer of the township or to the clerk or auditor of the 1411
municipal corporation in which the precinct is situated. The 1412
fiscal officer, clerk, or auditor shall have booths and equipment 1413
on hand and in place at the polling places in each precinct before 1414
the time for opening the polls on election days, and for this 1415
service the board may allow the necessary expenses incurred. In 1416
cities, this duty shall devolve on the board. 1417

Sec. 3503.02. All registrars and ~~judges of elections~~ precinct 1418
election officials, in determining the residence of a person 1419
offering to register or vote, shall be governed by the following 1420
rules: 1421

(A) That place shall be considered the residence of a person 1422
in which the person's habitation is fixed and to which, whenever 1423
the person is absent, the person has the intention of returning. 1424

(B) A person shall not be considered to have lost the 1425
person's residence who leaves the person's home and goes into 1426
another state or county of this state, for temporary purposes 1427
only, with the intention of returning. 1428

(C) A person shall not be considered to have gained a 1429
residence in any county of this state into which the person comes 1430
for temporary purposes only, without the intention of making such 1431
county the permanent place of abode. 1432

(D) The place where the family of a married person resides 1433
shall be considered to be the person's place of residence; except 1434
that when the spouses have separated and live apart, the place 1435

where such a spouse resides the length of time required to entitle 1436
a person to vote shall be considered to be the spouse's place of 1437
residence. 1438

(E) If a person removes to another state with the intention 1439
of making such state the person's residence, the person shall be 1440
considered to have lost the person's residence in this state. 1441

(F) Except as otherwise provided in division (G) of this 1442
section, if a person removes from this state and continuously 1443
resides outside this state for a period of four years or more, the 1444
person shall be considered to have lost the person's residence in 1445
this state, notwithstanding the fact that the person may entertain 1446
an intention to return at some future period. 1447

(G)(1) If a person removes from this state to engage in the 1448
services of the United States government, the person shall not be 1449
considered to have lost the person's residence in this state, and 1450
likewise should the person enter the employment of the state, the 1451
place where such person resided at the time of the person's 1452
removal shall be considered to be the person's place of residence. 1453

(2) If a person removes from this state to a location outside 1454
of the United States and the person does not become a resident of 1455
another state, the person shall not be considered to have lost the 1456
person's residence in this state. The place where the person 1457
resided at the time of the person's removal shall be considered to 1458
be the person's place of residence. 1459

(3) If a person is eligible to vote in this state under 1460
division (D)(2) of section 3511.011 of the Revised Code, the place 1461
where the person's parent or legal guardian resided in this state 1462
prior to that parent or legal guardian's removal to a location 1463
outside of the United States shall be considered to be the 1464
person's place of residence. 1465

(4) If an address that is considered to be a person's place 1466

of residence under division (G) of this section ceases to be a 1467
recognized residential address, the board of elections shall 1468
assign an address to the applicable person for voting purposes. 1469

(H) If a person goes into another state and while there 1470
exercises the right of a citizen by voting, the person shall be 1471
considered to have lost the person's residence in this state. 1472

(I) If a person does not have a fixed place of habitation, 1473
but has a shelter or other location at which the person has been a 1474
consistent or regular inhabitant and to which the person has the 1475
intention of returning, that shelter or other location shall be 1476
deemed the person's residence for the purpose of registering to 1477
vote. 1478

Sec. 3503.26. (A) All registration forms and lists, when not 1479
in official use by the registrars or ~~judges of elections~~ precinct 1480
election officials, shall be in the possession of the board of 1481
elections. Names and addresses of electors may be copied from the 1482
registration lists only in the office of the board when it is open 1483
for business; but no such copying shall be permitted during the 1484
period of time commencing twenty-one days before an election and 1485
ending on the eleventh day after an election if such copying will, 1486
in the opinion of the board, interfere with the necessary work of 1487
the board. The board shall keep in convenient form and available 1488
for public inspection a correct set of the registration lists of 1489
all precincts in the county. 1490

(B) Notwithstanding division (A) of this section the board of 1491
elections shall maintain and make available for public inspection 1492
and copying at a reasonable cost all records concerning the 1493
implementation of programs and activities conducted for the 1494
purpose of ensuring the accuracy and currency of voter 1495
registration lists, including the names and addresses of all 1496
registered electors sent confirmation notices and whether or not 1497

the elector responded to the confirmation notice. The board shall 1498
maintain all records described in this division for a period of 1499
two years. 1500

Sec. 3505.07. (A) If the board of elections, by a unanimous 1501
vote of its members, or if the secretary of state, in the 1502
secretary of state's sole discretion, finds it impracticable to 1503
place the names of candidates for any office of a minor political 1504
subdivision in the county or the wording of any question or issue 1505
to be voted upon in such minor political subdivision on the 1506
ballots under sections 3505.01 to 3505.09 of the Revised Code, 1507
then such board may, or at the direction of the secretary of state 1508
shall, provide separate ballots for the candidates, question, or 1509
issue. 1510

(B) If the secretary of state, in the secretary of state's 1511
sole discretion, determines that it is impracticable to place the 1512
names of candidates for any office or the wording for any question 1513
or issue to be voted upon on the ballot when the candidates, 1514
question, issue, or wording for the question or issue was ordered 1515
onto the ballot by a court of competent jurisdiction and the 1516
ballots have been printed prior to the court order, the board of 1517
elections, at the direction of the secretary of state, shall 1518
provide separate ballots for the candidates, question, or issue. 1519

(C) All separate ballots provided for in this section shall 1520
conform in quality of paper, style of printing, form of ballot, 1521
arrangement of names, and in all other ways, in so far as 1522
practicable, with the provisions relating to the printing of the 1523
general official ballot. ~~Separate ballot boxes shall be provided~~ 1524
~~for each such separate kind of ballot.~~ 1525

Sec. 3505.08. (A) Ballots shall be provided by the board of 1526
elections for all general and special elections. The ballots shall 1527

be printed with black ink on No. 2 white book paper fifty pounds 1528
in weight per ream assuming such ream to consist of five hundred 1529
sheets of such paper twenty-five by thirty-eight inches in size. 1530
Each ballot shall have attached at the top two stubs, each of the 1531
width of the ballot and not less than one-half inch in length, 1532
except that, if the board of elections has an alternate method to 1533
account for the ballots that the secretary of state has 1534
authorized, each ballot may have only one stub that shall be the 1535
width of the ballot and not less than one-half inch in length. In 1536
the case of ballots with two stubs, the stubs shall be separated 1537
from the ballot and from each other by perforated lines. The top 1538
stub shall be known as Stub B and shall have printed on its face 1539
"Stub B." The other stub shall be known as Stub A and shall have 1540
printed on its face "Stub A." Each stub shall also have printed on 1541
its face "Consecutive Number" 1542

Each ballot of each kind of ballot provided for use in each 1543
precinct shall be numbered consecutively beginning with number 1 1544
by printing such number upon both of the stubs attached to the 1545
ballot. On ballots bearing the names of candidates, each 1546
candidate's name shall be printed in twelve point boldface upper 1547
case type in an enclosed rectangular space, and an enclosed blank 1548
rectangular space shall be provided at the left of the candidate's 1549
name. The name of the political party of a candidate nominated at 1550
a primary election or certified by a party committee shall be 1551
printed in ten point lightface upper and lower case type and shall 1552
be separated by a two point blank space. The name of each 1553
candidate shall be indented one space within the enclosed 1554
rectangular space, and the name of the political party shall be 1555
indented two spaces within the enclosed rectangular space. 1556

The title of each office on the ballots shall be printed in 1557
twelve point boldface upper and lower case type in a separate 1558
enclosed rectangular space. A four point rule shall separate the 1559

name of a candidate or a group of candidates for the same office 1560
from the title of the office next appearing below on the ballot; a 1561
two point rule shall separate the title of the office from the 1562
names of candidates; and a one point rule shall separate names of 1563
candidates. Headings shall be printed in display Roman type. When 1564
the names of several candidates are grouped together as candidates 1565
for the same office, there shall be printed on the ballots 1566
immediately below the title of the office and within the separate 1567
rectangular space in which the title is printed "Vote for not more 1568
than, " in six point boldface upper and lower case filling 1569
the blank space with that number which will indicate the number of 1570
persons who may be lawfully elected to the office. 1571

Columns on ballots shall be separated from each other by a 1572
heavy vertical border or solid line at least one-eighth of an inch 1573
wide, and a similar vertical border or line shall enclose the left 1574
and right side of ballots. Ballots shall be trimmed along the 1575
sides close to such lines. 1576

The ballots provided for by this section shall be comprised 1577
of four kinds of ballots designated as follows: office type 1578
ballot; nonpartisan ballot; questions and issues ballot; and 1579
presidential ballot. 1580

On the back of each office type ballot shall be printed 1581
"Official Office Type Ballot;" on the back of each nonpartisan 1582
ballot shall be printed "Official Nonpartisan Ballot;" on the back 1583
of each questions and issues ballot shall be printed "Official 1584
Questions and Issues Ballot;" and on the back of each presidential 1585
ballot shall be printed "Official Presidential Ballot." ~~On~~ At the 1586
~~back~~ end of every ballot also shall be printed the date of the 1587
election at which the ballot is used and the facsimile signatures 1588
of the members of the board of the county in which the ballot is 1589
used. For the purpose of identifying the kind of ballot, the back 1590
of every ballot may be numbered in the order the board shall 1591

determine. The numbers shall be printed in not less than 1592
thirty-six point type above the words "Official Office Type 1593
Ballot," "Official Nonpartisan Ballot," "Official Questions and 1594
Issues Ballot," or "Official Presidential Ballot," as the case may 1595
be. ~~Ballot boxes~~ A ballot box bearing corresponding numbers shall 1596
be furnished for each precinct in which the above-described 1597
numbered ballots are used. 1598

On the back of every ballot used, there shall be a solid 1599
black line printed opposite the blank rectangular space that is 1600
used to mark the choice of the voter. This line shall be printed 1601
wide enough so that the mark in the blank rectangular space will 1602
not be visible from the back side of the ballot. 1603

Sample ballots may be printed by the board of elections for 1604
all general elections. The ballots shall be printed on colored 1605
paper, and "Sample Ballot" shall be plainly printed in boldface 1606
type on the face of each ballot. In counties of less than one 1607
hundred thousand population, the board may print not more than 1608
five hundred sample ballots; in all other counties, it may print 1609
not more than one thousand sample ballots. The sample ballots 1610
shall not be distributed by a political party or a candidate, nor 1611
shall a political party or candidate cause their title or name to 1612
be imprinted on sample ballots. 1613

(B) Notwithstanding division (A) of this section, in 1614
approving the form of an official ballot, the secretary of state 1615
may authorize the use of fonts, type face settings, and ballot 1616
formats other than those prescribed in that division. 1617

Sec. 3505.16. Before the opening of the polls, the package of 1618
supplies and the ballot ~~boxes~~ box shall be opened in the presence 1619
of the precinct officials. The ballot ~~boxes~~ box, the package of 1620
ballots, registration forms, and other supplies shall at all times 1621
be in full sight of the observers, and no ballot box or unused 1622

ballots during the balloting or counting shall be removed or 1623
screened from their full sight until the counting has been closed 1624
and the final returns completed and the certificate signed by the 1625
judges. 1626

Sec. 3505.17. If by accident or casualty the ballots or other 1627
required papers, lists, or supplies are lost or destroyed, or in 1628
case none are delivered at the polling place, or if during the 1629
time the polls are open additional ballots or supplies are 1630
required, the board of elections, upon requisition by telephone or 1631
in writing and signed by a majority of the precinct election 1632
~~judges~~ officials of the precinct stating why such additional 1633
supplies are needed, shall supply them as speedily as possible. 1634

Sec. 3505.18. (A)(1) When an elector appears in a polling 1635
place to vote, the elector shall announce to the precinct election 1636
officials the elector's full name and current address and provide 1637
proof of the elector's identity in the form of a current and valid 1638
photo identification, a military identification, or a copy of a 1639
current utility bill, bank statement, government check, paycheck, 1640
or other government document, other than a notice of an election 1641
mailed by a board of elections under section 3501.19 of the 1642
Revised Code or a notice of voter registration mailed by a board 1643
of elections under section 3503.19 of the Revised Code, that shows 1644
the name and current address of the elector. If the elector 1645
provides either a driver's license or a state identification card 1646
issued under section 4507.50 of the Revised Code that does not 1647
contain the elector's current residence address, the elector shall 1648
provide the last four digits of the elector's driver's license 1649
number or state identification card number, and the precinct 1650
election official shall mark the poll list or signature pollbook 1651
to indicate that the elector has provided a driver's license or 1652
state identification card number with a former address and record 1653

the last four digits of the elector's driver's license number or 1654
state identification card number. 1655

(2) If an elector has but is unable to provide to the 1656
precinct election officials any of the forms of identification 1657
required under division (A)(1) of this section, but has a social 1658
security number, the elector may provide the last four digits of 1659
the elector's social security number. Upon providing the social 1660
security number information, the elector may cast a provisional 1661
ballot under section 3505.181 of the Revised Code, the envelope of 1662
which ballot shall include that social security number 1663
information. 1664

(3) If an elector has but is unable to provide to the 1665
precinct election officials any of the forms of identification 1666
required under division (A)(1) of this section and if the elector 1667
has a social security number but is unable to provide the last 1668
four digits of the elector's social security number, the elector 1669
may cast a provisional ballot under section 3505.181 of the 1670
Revised Code. 1671

(4) If an elector does not have any of the forms of 1672
identification required under division (A)(1) of this section and 1673
cannot provide the last four digits of the elector's social 1674
security number because the elector does not have a social 1675
security number, the elector may execute an affirmation under 1676
penalty of election falsification that the elector cannot provide 1677
the identification required under that division or the last four 1678
digits of the elector's social security number for those reasons. 1679
Upon signing the affirmation, the elector may cast a provisional 1680
ballot under section 3505.181 of the Revised Code. The secretary 1681
of state shall prescribe the form of the affirmation, which shall 1682
include spaces for all of the following: 1683

(a) The elector's name; 1684

(b) The elector's address; 1685

(c) The current date; 1686

(d) The elector's date of birth; 1687

(e) The elector's signature. 1688

(5) If an elector does not have any of the forms of 1689
identification required under division (A)(1) of this section and 1690
cannot provide the last four digits of the elector's social 1691
security number because the elector does not have a social 1692
security number, and if the elector declines to execute an 1693
affirmation under division (A)(4) of this section, the elector may 1694
cast a provisional ballot under section 3505.181 of the Revised 1695
Code, the envelope of which ballot shall include the elector's 1696
name. 1697

(6) If an elector has but declines to provide to the precinct 1698
election officials any of the forms of identification required 1699
under division (A)(1) of this section or the elector has a social 1700
security number but declines to provide to the precinct election 1701
officials the last four digits of the elector's social security 1702
number, the elector may cast a provisional ballot under section 1703
3505.181 of the Revised Code. 1704

(B) After the elector has announced the elector's full name 1705
and current address and provided any of the forms of 1706
identification required under division (A)(1) of this section, the 1707
elector shall write the elector's name and address at the proper 1708
place in the poll list or signature pollbook provided for the 1709
purpose, except that if, for any reason, an elector is unable to 1710
write the elector's name and current address in the poll list or 1711
signature pollbook, the elector may make the elector's mark at the 1712
place intended for the elector's name, and a precinct election 1713
official shall write the name of the elector at the proper place 1714
on the poll list or signature pollbook following the elector's 1715

mark. The making of such a mark shall be attested by the precinct 1716
election official, who shall evidence the same by signing the 1717
precinct election official's name on the poll list or signature 1718
pollbook as a witness to the mark. Alternatively, if applicable, 1719
an attorney in fact acting pursuant to section 3501.382 of the 1720
Revised Code may sign the elector's signature in the poll list or 1721
signature pollbook in accordance with that section. 1722

The elector's signature in the poll list or signature 1723
pollbook then shall be compared with the elector's signature on 1724
the elector's registration form or a digitized signature list as 1725
provided for in section 3503.13 of the Revised Code, and if, in 1726
the opinion of a majority of the precinct election officials, the 1727
signatures are the signatures of the same person, the election 1728
officials shall enter the date of the election on the registration 1729
form or shall record the date by other means prescribed by the 1730
secretary of state. The validity of an attorney in fact's 1731
signature on behalf of an elector shall be determined in 1732
accordance with section 3501.382 of the Revised Code. 1733

If the right of the elector to vote is not then challenged, 1734
or, if being challenged, the elector establishes the elector's 1735
right to vote, the elector shall be allowed to proceed to use the 1736
voting machine. If voting machines are not being used in that 1737
precinct, the ~~judge~~ precinct election official in charge of 1738
ballots shall then detach the next ballots to be issued to the 1739
elector from Stub B attached to each ballot, leaving Stub A 1740
attached to each ballot, hand the ballots to the elector, and call 1741
the elector's name and the stub number on each of the ballots. The 1742
~~judge~~ precinct election official shall enter the stub numbers 1743
opposite the signature of the elector in the pollbook. The elector 1744
shall then retire to one of the voting compartments to mark the 1745
elector's ballots. No mark shall be made on any ballot which would 1746
in any way enable any person to identify the person who voted the 1747

ballot. 1748

Sec. 3505.20. Any person offering to vote may be challenged 1749
at the polling place by any ~~judge of elections~~ precinct election 1750
official. If the board of elections has ruled on the question 1751
presented by a challenge prior to election day, its finding and 1752
decision shall be final, and the ~~presiding judge~~ voting location 1753
manager shall be notified in writing. If the board has not ruled, 1754
the question shall be determined as set forth in this section. If 1755
any person is so challenged as unqualified to vote, the ~~presiding~~ 1756
~~judge~~ voting location manager shall tender the person the 1757
following oath: "You do swear or affirm under penalty of election 1758
falsification that you will fully and truly answer all of the 1759
following questions put to you concerning your qualifications as 1760
an elector at this election." 1761

(A) If the person is challenged as unqualified on the ground 1762
that the person is not a citizen, the ~~judges~~ precinct election 1763
officials shall put the following questions: 1764

(1) Are you a citizen of the United States? 1765

(2) Are you a native or naturalized citizen? 1766

(3) Where were you born? 1767

(4) What official documentation do you possess to prove your 1768
citizenship? Please provide that documentation. 1769

If the person offering to vote claims to be a naturalized 1770
citizen of the United States, the person shall, before the vote is 1771
received, produce for inspection of the ~~judges~~ precinct election 1772
officials a certificate of naturalization and declare under oath 1773
that the person is the identical person named in the certificate. 1774
If the person states under oath that, by reason of the 1775
naturalization of the person's parents or one of them, the person 1776
has become a citizen of the United States, and when or where the 1777

person's parents were naturalized, the certificate of 1778
naturalization need not be produced. If the person is unable to 1779
provide a certificate of naturalization on the day of the 1780
election, the ~~judges~~ precinct election officials shall provide to 1781
the person, and the person may vote, a provisional ballot under 1782
section 3505.181 of the Revised Code. The provisional ballot shall 1783
not be counted unless it is properly completed and the board of 1784
elections determines that the voter is properly registered and 1785
eligible to vote in the election. 1786

(B) If the person is challenged as unqualified on the ground 1787
that the person has not resided in this state for thirty days 1788
immediately preceding the election, the ~~judges~~ precinct election 1789
officials shall put the following questions: 1790

(1) Have you resided in this state for thirty days 1791
immediately preceding this election? If so, where have you 1792
resided? 1793

(2) Did you properly register to vote? 1794

(3) Can you provide some form of identification containing 1795
your current mailing address in this precinct? Please provide that 1796
identification. 1797

(4) Have you voted or attempted to vote at any other location 1798
in this or in any other state at this election? 1799

(5) Have you applied for an absent voter's ballot in any 1800
state for this election? 1801

If the ~~judges~~ precinct election officials are unable to 1802
verify the person's eligibility to cast a ballot in the election, 1803
the ~~judges~~ precinct election officials shall provide to the 1804
person, and the person may vote, a provisional ballot under 1805
section 3505.181 of the Revised Code. The provisional ballot shall 1806
not be counted unless it is properly completed and the board of 1807
elections determines that the voter is properly registered and 1808

eligible to vote in the election.	1809
(C) If the person is challenged as unqualified on the ground	1810
that the person is not a resident of the precinct where the person	1811
offers to vote, the judges <u>precinct election officials</u> shall put	1812
the following questions:	1813
(1) Do you reside in this precinct?	1814
(2) When did you move into this precinct?	1815
(3) When you came into this precinct, did you come for a	1816
temporary purpose merely or for the purpose of making it your	1817
home?	1818
(4) What is your current mailing address?	1819
(5) Do you have some official identification containing your	1820
current address in this precinct? Please provide that	1821
identification.	1822
(6) Have you voted or attempted to vote at any other location	1823
in this or in any other state at this election?	1824
(7) Have you applied for any absent voter's ballot in any	1825
state for this election?	1826
The judges <u>precinct election officials</u> shall direct an	1827
individual who is not in the appropriate polling place to the	1828
appropriate polling place. If the individual refuses to go to the	1829
appropriate polling place, or if the judges <u>precinct election</u>	1830
<u>officials</u> are unable to verify the person's eligibility to cast a	1831
ballot in the election, the judges <u>precinct election officials</u>	1832
shall provide to the person, and the person may vote, a	1833
provisional ballot under section 3505.181 of the Revised Code. The	1834
provisional ballot shall not be counted unless it is properly	1835
completed and the board of elections determines that the voter is	1836
properly registered and eligible to vote in the election.	1837
(D) If the person is challenged as unqualified on the ground	1838

that the person is not of legal voting age, the ~~judges~~ precinct election officials shall put the following questions: 1839
1840

(1) Are you eighteen years of age or more? 1841

(2) What is your date of birth? 1842

(3) Do you have some official identification verifying your age? Please provide that identification. 1843
1844

If the ~~judges~~ precinct election officials are unable to 1845
verify the person's age and eligibility to cast a ballot in the 1846
election, the ~~judges~~ precinct election officials shall provide to 1847
the person, and the person may vote, a provisional ballot under 1848
section 3505.181 of the Revised Code. The provisional ballot shall 1849
not be counted unless it is properly completed and the board of 1850
elections determines that the voter is properly registered and 1851
eligible to vote in the election. 1852

The ~~presiding judge~~ voting location manager shall put such 1853
other questions to the person challenged as are necessary to 1854
determine the person's qualifications as an elector at the 1855
election. If a person challenged refuses to answer fully any 1856
question put to the person, is unable to answer the questions as 1857
they were answered on the registration form by the person under 1858
whose name the person offers to vote, or refuses to sign the 1859
person's name or make the person's mark, or if for any other 1860
reason a majority of the ~~judges~~ precinct election officials 1861
believes the person is not entitled to vote, the ~~judges~~ precinct
election officials shall provide to the person, and the person may 1862
vote, a provisional ballot under section 3505.181 of the Revised 1863
Code. The provisional ballot shall not be counted unless it is 1864
properly completed and the board of elections determines that the 1865
voter is properly registered and eligible to vote in the election. 1866
1867

A qualified citizen who has certified the citizen's intention 1868
to vote for president and vice-president as provided by Chapter 1869

3504. of the Revised Code shall be eligible to receive only the 1870
ballot containing presidential and vice-presidential candidates. 1871

However, prior to the nineteenth day before the day of an 1872
election and in accordance with section 3503.24 of the Revised 1873
Code, any person qualified to vote may challenge the right of any 1874
other person to be registered as a voter, or the right to cast an 1875
absent voter's ballot, or to make application for such ballot. 1876
Such challenge shall be made in accordance with section 3503.24 of 1877
the Revised Code, and the board of elections of the county in 1878
which the voting residence of the challenged voter is situated 1879
shall make a final determination relative to the legality of such 1880
registration or application. 1881

Sec. 3505.21. (A) As used in this section, "during the 1882
casting of the ballots" includes any time during which a board of 1883
elections permits an elector to vote an absent voter's ballot in 1884
person at the office of the board and any time ballots may be cast 1885
in a precinct polling place on the day of an election. 1886

(B) At any primary, special, or general election, any 1887
political party supporting candidates to be voted upon at such 1888
election and any group of five or more candidates may appoint to 1889
the board of elections or to any of the precincts in the county or 1890
city one person, a qualified elector, who shall serve as observer 1891
for such party or such candidates during the casting of the 1892
ballots and during the counting of the ballots; provided that 1893
separate observers may be appointed to serve during the casting 1894
and during the counting of the ballots. No candidate, no uniformed 1895
peace officer as defined by section 2935.01 of the Revised Code, 1896
no uniformed state highway patrol trooper, no uniformed member of 1897
any fire department, no uniformed member of the armed services, no 1898
uniformed member of the organized militia, no person wearing any 1899
other uniform, and no person carrying a firearm or other deadly 1900

weapon shall serve as an observer, nor shall any candidate be 1901
represented by more than one observer at any one precinct or at 1902
the board of elections except that a candidate who is a member of 1903
a party controlling committee, as defined in section 3517.03 of 1904
the Revised Code, may serve as an observer. ~~Any~~ 1905

(C) Any political party or group of candidates appointing 1906
observers shall notify the board of elections of the names and 1907
addresses of its appointees and the precincts at which they shall 1908
serve or that they will serve at the board of elections. 1909

Notification of observers appointed to serve on the day of an 1910
election shall take place not less than eleven days before the day 1911
of the election on forms prescribed by the secretary of state and 1912
may be amended by filing an amendment with the board of elections 1913
at any time until four p.m. of the day before the election. 1914

Notification of observers appointed to serve at the office of the 1915
board during the time absent voter's ballots may be cast in person 1916
shall take place not less than eleven days before absent voter's 1917
ballots are required to be ready for use pursuant to section 1918
3509.01 of the Revised Code on forms prescribed by the secretary 1919
of state and may be amended by filing an amendment with the board 1920
of elections at any time until four p.m. of the day before the 1921
observer is appointed to serve. The observer serving on behalf of 1922
a political party shall be appointed in writing by the chairperson 1923
and secretary of the respective controlling party committee. 1924

Observers serving for any five or more candidates shall have their 1925
certificates signed by those candidates. Observers appointed to a 1926
precinct may file their certificates of appointment with the 1927
~~presiding judge~~ voting location manager of the precinct at the 1928
meeting on the evening prior to the election, or with the 1929
~~presiding judge~~ voting location manager of the precinct on the day 1930
of the election. ~~Upon~~ Observers appointed to the office of the 1931
board to observe the casting of absent voter's ballots in person 1932
prior to the day of the election may file their certificates with 1933

the director of the board of elections the day before or on the 1934
day that the observers are scheduled to serve at the office of the 1935
board. 1936

Upon the filing of a certificate, the person named as 1937
observer in the certificate shall be permitted to be in and about 1938
the applicable polling place ~~for the precinct~~ during the casting 1939
of the ballots and shall be permitted to watch every proceeding of 1940
the ~~judges of elections~~ precinct election officials from the time 1941
of the opening until the closing of the polls. The observer also 1942
may inspect the counting of all ballots in the polling place or 1943
board of elections from the time of the closing of the polls until 1944
the counting is completed and the final returns are certified and 1945
signed. Observers appointed to serve at the board of elections on 1946
the day of an election under this section may observe at the board 1947
of elections and may observe at any precinct in the county. The 1948
~~judges of elections~~ precinct election officials shall protect such 1949
observers in all of the rights and privileges granted to them by 1950
Title XXXV of the Revised Code. 1951

(D) No persons other than the ~~judges of elections~~ precinct 1952
election officials, the observers, a police officer, other persons 1953
who are detailed to any precinct on request of the board of 1954
elections, or the secretary of state or the secretary of state's 1955
legal representative shall be admitted to the polling place, or 1956
any room in which a board of elections is counting ballots, after 1957
the closing of the polls until the counting, certifying, and 1958
signing of the final returns of each election have been completed. 1959

(E) Not later than four p.m. of the twentieth day prior to an 1960
election at which questions are to be submitted to a vote of the 1961
people, any committee that in good faith advocates or opposes a 1962
measure may file a petition with the board of any county asking 1963
that the petitioners be recognized as the committee entitled to 1964
appoint observers to the count at the election. If more than one 1965

committee alleging themselves to advocate or oppose the same 1966
measure file such a petition, the board shall decide and announce 1967
by registered mail to each committee not less than twelve days 1968
immediately preceding the election which committee is recognized 1969
as being entitled to appoint observers. The decision shall not be 1970
final, but any aggrieved party may institute mandamus proceedings 1971
in the court of common pleas of the county in which the board has 1972
jurisdiction to compel the ~~judges of elections~~ precinct election
officials to accept the appointees of such aggrieved party. Any 1974
such recognized committee may appoint an observer to the count in 1975
each precinct. Committees appointing observers shall notify the 1976
board of elections of the names and addresses of its appointees 1977
and the precincts at which they shall serve. Notification shall 1978
take place not less than eleven days before the election on forms 1979
prescribed by the secretary of state and may be amended by filing 1980
an amendment with the board of elections at any time until four 1981
p.m. on the day before the election. A person so appointed shall 1982
file the person's certificate of appointment with the ~~presiding~~ 1983
~~judge~~ voting location manager in the precinct in which the person 1984
has been appointed to serve. Observers shall file their 1985
certificates before the polls are closed. In no case shall more 1986
than six observers be appointed for any one election in any one 1987
precinct. If more than three questions are to be voted on, the 1988
committees which have appointed observers may agree upon not to 1989
exceed six observers, and the ~~judges of elections~~ precinct
election officials shall appoint such observers. If such 1991
committees fail to agree, the ~~judges of elections~~ precinct
election officials shall appoint six observers from the appointees 1993
so certified, in such manner that each side of the several 1994
questions shall be represented. 1995

(F) No person shall serve as an observer at any precinct or 1996
at the board of elections unless the board of elections of the 1997
county in which such observer is to serve has first been notified 1998

of the name, address, and ~~precinct~~ location at which such observer 1999
is to serve. Notification to the board of elections shall be given 2000
by the political party, group of candidates, or committee 2001
appointing such observer as prescribed in this section. No such 2002
observers shall receive any compensation from the county, 2003
municipal corporation, or township, and they shall take the 2004
following oath, to be administered by one of the ~~judges of~~ 2005
~~elections~~ precinct election officials: 2006

"You do solemnly swear that you will faithfully and 2007
impartially discharge the duties as an official observer, assigned 2008
by law; that you will not cause any delay to persons offering to 2009
vote; and that you will not disclose or communicate to any person 2010
how any elector has voted at such election." 2011

Sec. 3505.23. No voter shall be allowed to occupy a voting 2012
compartment or use a voting machine more than five minutes when 2013
all the voting compartments or machines are in use and voters are 2014
waiting to occupy them. Except as otherwise provided by section 2015
3505.24 of the Revised Code, no voter shall occupy a voting 2016
compartment or machine with another person or speak to anyone, nor 2017
shall anyone speak to the voter, while the voter is in a voting 2018
compartment or machine. 2019

In precincts that do not use voting machines the following 2020
procedure shall be followed: 2021

If a voter tears, soils, defaces, or erroneously marks a 2022
ballot the voter may return it to the precinct election officials 2023
and a second ballot shall be issued to the voter. Before returning 2024
a torn, soiled, defaced, or erroneously marked ballot, the voter 2025
shall fold it so as to conceal any marks the voter made upon it, 2026
but the voter shall not remove Stub A therefrom. If the voter 2027
tears, soils, defaces, or erroneously marks such second ballot, 2028
the voter may return it to the precinct election officials, and a 2029

third ballot shall be issued to the voter. In no case shall more 2030
than three ballots be issued to a voter. Upon receiving a returned 2031
torn, soiled, defaced, or erroneously marked ballot the precinct 2032
election officials shall detach Stub A therefrom, write "Defaced" 2033
on the back of such ballot, and place the stub and the ballot in 2034
the separate containers provided therefor. 2035

No elector shall leave the polling place until the elector 2036
returns to the precinct election officials every ballot issued to 2037
the elector with Stub A on each ballot attached thereto, 2038
regardless of whether the elector has or has not placed any marks 2039
upon the ballot. 2040

Before leaving the voting compartment, the voter shall fold 2041
each ballot marked by the voter so that no part of the face of the 2042
ballot is visible, and so that the printing thereon indicating the 2043
kind of ballot it is and the facsimile signatures of the members 2044
of the board of elections are visible. The voter shall then leave 2045
the voting compartment, deliver the voter's ballots, and state the 2046
voter's name to the ~~judge~~ precinct election official having charge 2047
of the ballot ~~boxes~~ box, who shall announce the name, detach Stub 2048
A from each ballot, and announce the number on the stubs. The 2049
~~judges~~ precinct election officials in charge of the poll lists or 2050
poll books shall check to ascertain whether the number so 2051
announced is the number on Stub B of the ballots issued to such 2052
voter, and if no discrepancy appears to exist, the ~~judge~~ precinct 2053
election official in charge of the ballot ~~boxes~~ box shall, in the 2054
presence of the voter, deposit each such ballot in the ~~proper~~ 2055
ballot box and shall place Stub A from each ballot in the 2056
container provided therefor. The voter shall then immediately 2057
leave the polling place. 2058

No ballot delivered by a voter to the ~~judge~~ precinct election 2059
official in charge of the ballot ~~boxes~~ box with Stub A detached 2060
therefrom, and only ballots provided in accordance with Title XXXV 2061

of the Revised Code, shall be voted or deposited in the ballot 2062
~~boxes~~ box. 2063

In marking a presidential ballot, the voter shall record the 2064
vote in the manner provided on the ballot next to the names of the 2065
candidates for the offices of president and vice-president. Such 2066
ballot shall be considered and counted as a vote for each of the 2067
candidates for election as presidential elector whose names were 2068
certified to the secretary of state by the political party of such 2069
nominees for president and vice-president. 2070

In marking an office type ballot or nonpartisan ballot, the 2071
voter shall record the vote in the manner provided on the ballot 2072
next to the name of each candidate for whom the voter desires to 2073
vote. 2074

In marking a primary election ballot, the voter shall record 2075
the vote in the manner provided on the ballot next to the name of 2076
each candidate for whom the voter desires to vote. If the voter 2077
desires to vote for the nomination of a person whose name is not 2078
printed on the primary election ballot, the voter may do so by 2079
writing such person's name on the ballot in the proper place 2080
provided for such purpose. 2081

In marking a questions and issues ballot, the voter shall 2082
record the vote in the manner provided on the ballot at the left 2083
or at the right of "YES" or "NO" or other words of similar import 2084
which are printed on the ballot to enable the voter to indicate 2085
how the voter votes in connection with each question or issue upon 2086
which the voter desires to vote. 2087

In marking any ballot on which a blank space has been 2088
provided wherein an elector may write in the name of a person for 2089
whom the elector desires to vote, the elector shall write such 2090
person's name in such blank space and on no other place on the 2091
ballot. Unless specific provision is made by statute, no blank 2092

space shall be provided on a ballot for write-in votes, and any names written on a ballot other than in a blank space provided therefor shall not be counted or recorded.

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

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

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

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

- (A) Count the number of electors who voted, as shown on the pollbooks;
- (B) Count the unused ballots without removing stubs;
- (C) Count the soiled and defaced ballots;

(D) Insert the totals of (A), (B), and (C) on the report 2123
forms provided therefor in the pollbook; 2124

(E) Count the voted ballots. If the number of voted ballots 2125
exceeds the number of voters whose names appear upon the 2126
pollbooks, the ~~presiding judge~~ voting location manager shall enter 2127
on the pollbooks an explanation of that discrepancy, and that 2128
explanation, if agreed to, shall be subscribed to by all of the 2129
~~judges~~ precinct election officials. Any ~~judge~~ precinct official 2130
having a different explanation shall enter it in the pollbooks and 2131
subscribe to it. 2132

(F) Put the unused ballots with stubs attached, and soiled 2133
and defaced ballots with stubs attached, in the envelopes or 2134
containers provided therefor, certify the number, and then proceed 2135
to count and tally the votes in the manner prescribed by section 2136
3505.27 of the Revised Code and certify the result of the election 2137
to the board of elections. 2138

Sec. 3505.29. From the time the ballot box is opened and the 2139
count of ballots begun until the ballots are counted and 2140
certificates of votes cast are made out, signed, certified and 2141
given to the ~~presiding judge~~ voting location manager for delivery 2142
to the headquarters of the board of elections, the ~~judges~~ precinct 2143
election officials in each precinct shall not separate, nor shall 2144
a ~~judge~~ precinct election official leave the polling place except 2145
from unavoidable necessity. In cases of illness or unavoidable 2146
necessity, the board may substitute another qualified person for 2147
any precinct official so incapacitated. 2148

Sec. 3505.30. When the results of the ballots have been 2149
ascertained, such results shall be embodied in a summary statement 2150
to be prepared by the ~~judges~~ precinct election officials in 2151
duplicate, on forms provided by the board of elections. One copy 2152

shall be certified by the ~~judges~~ precinct election officials and 2153
posted on the front of the polling place, and one copy, similarly 2154
certified, shall be transmitted without delay to the board in a 2155
sealed envelope along with the other returns of the election. The 2156
board shall, immediately upon receipt of such summary statements, 2157
compile and prepare an unofficial count and upon its completion 2158
shall transmit prepaid, immediately by telephone, facsimile 2159
machine, or other telecommunications device, the results of such 2160
unofficial count to the secretary of state, or to the board of the 2161
most populous county of the district which is authorized to 2162
canvass the returns. Such count, in no event, shall be made later 2163
than twelve noon on the day following the election. The board 2164
shall also, at the same time, certify the results thereof to the 2165
secretary of state by certified mail. The board shall remain in 2166
session from the time of the opening of the polls, continuously, 2167
until the results of the election are received from every precinct 2168
in the county and such results are communicated to the secretary 2169
of state. 2170

Sec. 3505.31. When the results of the voting in a polling 2171
place on the day of an election have been determined and entered 2172
upon the proper forms and the certifications of those results have 2173
been signed by the precinct officials, those officials, before 2174
leaving the polling place, shall place all ballots that they have 2175
counted in containers provided for that purpose by the board of 2176
elections, and shall seal each container in a manner that it 2177
cannot be opened without breaking the seal or the material of 2178
which the container is made. They shall also seal the pollbook, 2179
poll list or signature pollbook, and tally sheet in a manner that 2180
the data contained in these items cannot be seen without breaking 2181
the seals. On the outside of these items shall be a plain 2182
indication that they are to be filed with the board. The ~~presiding~~ 2183
~~judge~~ voting location manager and an employee or appointee of the 2184

board of elections who has taken an oath to uphold the laws and 2185
constitution of this state, including an oath that the person will 2186
promptly and securely perform the duties required under this 2187
section and who is a member of a different political party than 2188
the ~~presiding judge~~ voting location manager, shall then deliver to 2189
the board the containers of ballots and the sealed pollbook, poll 2190
list, and tally sheet, together with all other election reports, 2191
materials, and supplies required to be delivered to the board. 2192

The board shall carefully preserve all ballots prepared and 2193
provided by it for use in an election, whether used or unused, for 2194
sixty days after the day of the election, except that, if an 2195
election includes the nomination or election of candidates for any 2196
of the offices of president, vice-president, presidential elector, 2197
member of the senate of the congress of the United States, or 2198
member of the house of representatives of the congress of the 2199
United States, the board shall carefully preserve all ballots 2200
prepared and provided by it for use in that election, whether used 2201
or unused, for twenty-two months after the day of the election. If 2202
an election is held within that sixty-day period, the board shall 2203
have authority to transfer those ballots to other containers to 2204
preserve them until the sixty-day period has expired. After that 2205
sixty-day period, the ballots shall be disposed of by the board in 2206
a manner that the board orders, or where voting machines have been 2207
used the counters may be turned back to zero; provided that the 2208
secretary of state, within that sixty-day period, may order the 2209
board to preserve the ballots or any part of the ballots for a 2210
longer period of time, in which event the board shall preserve 2211
those ballots for that longer period of time. 2212

In counties where voting machines are used, if an election is 2213
to be held within the sixty days immediately following a primary, 2214
general, or special election or within any period of time within 2215
which the ballots have been ordered preserved by the secretary of 2216

state or a court of competent jurisdiction, the board, after 2217
giving notice to all interested parties and affording them an 2218
opportunity to have a representative present, shall open the 2219
compartments of the machines and, without unlocking the machines, 2220
shall recanvass the vote cast in them as if a recount were being 2221
held. The results shall be certified by the board, and this 2222
certification shall be filed in the board's office and retained 2223
for the remainder of the period for which ballots must be kept. 2224
After preparation of the certificate, the counters may be turned 2225
back to zero, and the machines may be used for the election. 2226

The board shall carefully preserve the pollbook, poll list or 2227
signature pollbook, and tally sheet delivered to it from each 2228
polling place until it has completed the official canvass of the 2229
election returns from all precincts in which electors were 2230
entitled to vote at an election, and has prepared and certified 2231
the abstracts of election returns, as required by law. The board 2232
shall not break, or permit anyone to break, the seals upon the 2233
pollbook, poll list or signature pollbook, and tally sheet, or 2234
make, or permit any one to make, any changes or notations in these 2235
items, while they are in its custody, except as provided by 2236
section 3505.32 of the Revised Code. 2237

Pollbooks and poll lists or signature pollbooks of a party 2238
primary election delivered to the board from polling places shall 2239
be carefully preserved by it for two years after the day of 2240
election in which they were used, and shall then be disposed of by 2241
the board in a manner that the board orders. 2242

Pollbooks, poll lists or signature pollbooks, tally sheets, 2243
summary statements, and other records and returns of an election 2244
delivered to it from polling places shall be carefully preserved 2245
by the board for two years after the day of the election in which 2246
they were used, and shall then be disposed of by the board in a 2247
manner that the board orders. 2248

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

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

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

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

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

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

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

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

(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 2278
tabulation, storage, or casting of votes, and no electronic 2279
pollbook, shall be purchased, leased, put in use, or continued to 2280
be used, except for experimental use as provided in division (B) 2281
of section 3506.04 of the Revised Code, unless it, a manual of 2282
procedures governing its use, and training materials, service, and 2283
other support arrangements have been certified by the secretary of 2284
state and unless the board of elections of each county where the 2285
equipment will be used has assured that a demonstration of the use 2286
of the equipment has been made available to all interested 2287
electors. The secretary of state shall appoint a board of voting 2288
machine examiners to examine and approve equipment and its related 2289
manuals and support arrangements. The board shall consist of four 2290
members, who shall be appointed as follows: 2291

(1) Two members appointed by the secretary of state. 2292

(2) One member appointed by either the speaker of the house 2293
of representatives or the minority leader of the house of 2294
representatives, whichever is a member of the opposite political 2295
party from the one to which the secretary of state belongs. 2296

(3) One member appointed by either the president of the 2297
senate or the minority leader of the senate, whichever is a member 2298
of the opposite political party from the one to which the 2299
secretary of state belongs. 2300

In all cases of a tie vote or a disagreement in the board, if 2301
no decision can be arrived at, the board shall submit the matter 2302
in controversy to the secretary of state, who shall summarily 2303
decide the question, and the secretary of state's decision shall 2304
be final. Each member of the board shall be a competent and 2305
experienced election officer or a person who is knowledgeable 2306
about the operation of voting equipment and shall serve during the 2307
secretary of state's term. Any vacancy on the board shall be 2308
filled in the same manner as the original appointment. The 2309

secretary of state shall provide staffing assistance to the board, 2310
at the board's request. 2311

For the member's service, each member of the board shall 2312
receive three hundred dollars per day for each combination of 2313
marking device, tabulating equipment, ~~and~~ voting machine, or 2314
electronic pollbook examined and reported, but in no event shall a 2315
member receive more than six hundred dollars to examine and report 2316
on any one marking device, item of tabulating equipment, ~~or~~ voting 2317
machine, or electronic pollbook. Each member of the board shall be 2318
reimbursed for expenses the member incurs during an examination or 2319
during the performance of any related duties that may be required 2320
by the secretary of state. Reimbursement of these expenses shall 2321
be made in accordance with, and shall not exceed, the rates 2322
provided for under section 126.31 of the Revised Code. 2323

Neither the secretary of state nor the board, nor any public 2324
officer who participates in the authorization, examination, 2325
testing, or purchase of equipment, shall have any pecuniary 2326
interest in the equipment or any affiliation with the vendor. 2327

(C)(1) A vendor who desires to have the secretary of state 2328
certify equipment shall first submit the equipment, all current 2329
related procedural manuals, and a current description of all 2330
related support arrangements to the board of voting machine 2331
examiners for examination, testing, and approval. The submission 2332
shall be accompanied by a fee of two thousand four hundred dollars 2333
and a detailed explanation of the construction and method of 2334
operation of the equipment, a full statement of its advantages, 2335
and a list of the patents and copyrights used in operations 2336
essential to the processes of vote recording and tabulating, vote 2337
storage, system security, pollbook storage and security, and other 2338
crucial operations of the equipment as may be determined by the 2339
board. An additional fee, in an amount to be set by rules 2340
promulgated by the board, may be imposed to pay for the costs of 2341

alternative testing or testing by persons other than board 2342
members, record-keeping, and other extraordinary costs incurred in 2343
the examination process. Moneys not used shall be returned to the 2344
person or entity submitting the equipment for examination. 2345

(2) Fees collected by the secretary of state under this 2346
section shall be deposited into the state treasury to the credit 2347
of the board of voting machine examiners fund, which is hereby 2348
created. All moneys credited to this fund shall be used solely for 2349
the purpose of paying for the services and expenses of each member 2350
of the board or for other expenses incurred relating to the 2351
examination, testing, reporting, or certification of ~~voting~~ 2352
~~machine devices~~ equipment, the performance of any related duties 2353
as required by the secretary of state, or the reimbursement of any 2354
person submitting an examination fee as provided in this chapter. 2355

(D) Within sixty days after the submission of the equipment 2356
and payment of the fee, or as soon thereafter as is reasonably 2357
practicable, but in any event within not more than ninety days 2358
after the submission and payment, the board of voting machine 2359
examiners shall examine the equipment and file with the secretary 2360
of state a written report on the equipment with its 2361
recommendations and, if applicable, its determination or condition 2362
of approval regarding whether the equipment, manual, and other 2363
related materials or arrangements meet the criteria set forth in 2364
sections 3506.07 and 3506.10 of the Revised Code and can be safely 2365
used by the voters at elections under the conditions prescribed in 2366
Title XXXV of the Revised Code, or a written statement of reasons 2367
for which testing requires a longer period. The board may grant 2368
temporary approval for the purpose of allowing experimental use of 2369
equipment. If the board finds that the equipment meets ~~the~~ any 2370
applicable criteria set forth in sections 3506.06, 3506.07, and 2371
3506.10 of the Revised Code, can be used safely and, if 2372
applicable, can be depended upon to record and count accurately 2373

and continuously the votes of electors, and has the capacity to be warranted, maintained, and serviced, it shall approve the equipment and recommend that the secretary of state certify the equipment. The secretary of state shall notify all boards of elections of any such certification. Equipment of the same model and make, if it ~~provides for recording of voter intent, system security, voter privacy, retention of vote, and communication of voting records~~ operates in an identical manner, may then be adopted for use at elections.

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

(F) If, at any time after the certification of equipment, the

board of voting machine examiners or the secretary of state is 2406
notified by a board of elections of any significant problem with 2407
the equipment or determines that the equipment fails to meet the 2408
requirements necessary for approval or continued compliance with 2409
the requirements of this chapter, or if the board of voting 2410
machine examiners determines that there are significant 2411
enhancements or adjustments to the hardware or software, or if 2412
notice of such enhancements or adjustments has not been given as 2413
required by division (E) of this section, the secretary of state 2414
shall notify the users and vendors of that equipment that 2415
certification of the equipment may be withdrawn. 2416

(G)(1) The notice given by the secretary of state under 2417
division (F) of this section shall be in writing and shall specify 2418
both of the following: 2419

(a) The reasons why the certification may be withdrawn; 2420

(b) The date on which certification will be withdrawn unless 2421
the vendor takes satisfactory corrective measures or explains why 2422
there are no problems with the equipment or why the enhancements 2423
or adjustments to the equipment are not significant. 2424

(2) A vendor who receives a notice under division (F) of this 2425
section shall, within thirty days after receiving it, submit to 2426
the board of voting machine examiners in writing a description of 2427
the corrective measures taken and the date on which they were 2428
taken, or the explanation required under division (G)(1)(b) of 2429
this section. 2430

(3) Not later than fifteen days after receiving a written 2431
description or explanation under division (G)(2) of this section 2432
from a vendor, the board shall determine whether the corrective 2433
measures taken or the explanation is satisfactory to allow 2434
continued certification of the equipment, and the secretary of 2435
state shall send the vendor a written notice of the board's 2436

determination, specifying the reasons for it. If the board has 2437
determined that the measures taken or the explanation given is 2438
unsatisfactory, the notice shall include the effective date of 2439
withdrawal of the certification. This date may be different from 2440
the date originally specified in division (G)(1)(b) of this 2441
section. 2442

(4) A vendor who receives a notice under division (G)(3) of 2443
this section indicating a decision to withdraw certification may, 2444
within thirty days after receiving it, request in writing that the 2445
board hold a hearing to reconsider its decision. Any interested 2446
party shall be given the opportunity to submit testimony or 2447
documentation in support of or in opposition to the board's 2448
recommendation to withdraw certification. Failure of the vendor to 2449
take appropriate steps as described in division (G)(1)(b) or to 2450
comply with division (G)(2) of this section results in a waiver of 2451
the vendor's rights under division (G)(4) of this section. 2452

(H)(1) The secretary of state, in consultation with the board 2453
of voting machine examiners, shall establish, by rule, guidelines 2454
for the approval, certification, and continued certification of 2455
the voting machines, marking devices, ~~and~~ tabulating equipment, 2456
and electronic pollbooks to be used under Title XXXV of the 2457
Revised Code. The guidelines shall establish procedures requiring 2458
vendors or computer software developers to place in escrow with an 2459
independent escrow agent approved by the secretary of state a copy 2460
of all source code and related documentation, together with 2461
periodic updates as they become known or available. The secretary 2462
of state shall require that the documentation include a system 2463
configuration and that the source code include all relevant 2464
program statements in low- or high-level languages. As used in 2465
this division, "source code" does not include variable codes 2466
created for specific elections. 2467

(2) Nothing in any rule adopted under division (H) of this 2468

section shall be construed to limit the ability of the secretary 2469
of state to follow or adopt, or to preclude the secretary of state 2470
from following or adopting, any guidelines proposed by the federal 2471
election commission, any entity authorized by the federal election 2472
commission to propose guidelines, the election assistance 2473
commission, or any entity authorized by the election assistance 2474
commission to propose guidelines. 2475

(3)(a) Before the initial certification of any direct 2476
recording electronic voting machine with a voter verified paper 2477
audit trail, and as a condition for the continued certification 2478
and use of those machines, the secretary of state shall establish, 2479
by rule, standards for the certification of those machines. Those 2480
standards shall include, but are not limited to, all of the 2481
following: 2482

(i) A definition of a voter verified paper audit trail as a 2483
paper record of the voter's choices that is verified by the voter 2484
prior to the casting of the voter's ballot and that is securely 2485
retained by the board of elections; 2486

(ii) Requirements that the voter verified paper audit trail 2487
shall not be retained by any voter and shall not contain 2488
individual voter information; 2489

(iii) A prohibition against the production by any direct 2490
recording electronic voting machine of anything that legally could 2491
be removed by the voter from the polling place, such as a receipt 2492
or voter confirmation; 2493

(iv) A requirement that paper used in producing a voter 2494
verified paper audit trail be sturdy, clean, and resistant to 2495
degradation; 2496

(v) A requirement that the voter verified paper audit trail 2497
shall be capable of being optically scanned for the purpose of 2498
conducting a recount or other audit of the voting machine and 2499

shall be readable in a manner that makes the voter's ballot 2500
choices obvious to the voter without the use of computer or 2501
electronic codes; 2502

(vi) A requirement, for office-type ballots, that the voter 2503
verified paper audit trail include the name of each candidate 2504
selected by the voter; 2505

(vii) A requirement, for questions and issues ballots, that 2506
the voter verified paper audit trail include the title of the 2507
question or issue, the name of the entity that placed the question 2508
or issue on the ballot, and the voter's ballot selection on that 2509
question or issue, but not the entire text of the question or 2510
issue. 2511

(b) The secretary of state, by rule adopted under Chapter 2512
119. of the Revised Code, may waive the requirement under division 2513
(H)(3)(a)(v) of this section, if the secretary of state determines 2514
that the requirement is cost prohibitive. 2515

(4)(a) Except as otherwise provided in division (H)(4)(c) of 2516
this section, any voting machine, marking device, or automatic 2517
tabulating equipment initially certified or acquired on or after 2518
December 1, 2008, shall have the most recent federal certification 2519
number issued by the election assistance commission. 2520

(b) Any voting machine, marking device, or automatic 2521
tabulating equipment certified for use in this state on September 2522
12, 2008, shall meet, as a condition of continued certification 2523
and use, the voting system standards adopted by the federal 2524
election commission in 2002. 2525

(c) A county that acquires additional voting machines, 2526
marking devices, or automatic tabulating equipment on or after 2527
December 1, 2008, shall not be considered to have acquired those 2528
machines, devices, or equipment on or after December 1, 2008, for 2529
the purpose of division (H)(4)(a) of this section if all of the 2530

following apply:	2531
(i) The voting machines, marking devices, or automatic tabulating equipment acquired are the same as the machines, devices, or equipment currently used in that county.	2532 2533 2534
(ii) The acquisition of the voting machines, marking devices, or automatic tabulating equipment does not replace or change the primary voting system used in that county.	2535 2536 2537
(iii) The acquisition of the voting machines, marking devices, or automatic tabulating equipment is for the purpose of replacing inoperable machines, devices, or equipment or for the purpose providing additional machines, devices, or equipment required to meet the allocation requirements established pursuant to division (I) of section 3501.11 of the Revised Code.	2538 2539 2540 2541 2542 2543
Sec. 3506.12. In counties where marking devices, automatic tabulating equipment, voting machines, or any combination of these are in use or are to be used, the board of elections:	2544 2545 2546
(A) May combine, rearrange, and enlarge precincts; but the board shall arrange for a sufficient number of these devices to accommodate the number of electors in each precinct as determined by the number of votes cast in that precinct at the most recent election for the office of governor, taking into consideration the size and location of each selected polling place, available parking, handicap accessibility and other accessibility to the polling place, and the number of candidates and issues to be voted on. Notwithstanding section 3501.22 of the Revised Code, the board may appoint more than four precinct officers to each precinct if this is made necessary by the number of voting machines to be used in that precinct.	2547 2548 2549 2550 2551 2552 2553 2554 2555 2556 2557 2558
(B) Except as otherwise provided in this division, shall establish one or more counting stations to receive voted ballots	2559 2560

and other precinct election supplies after the polling precincts 2561
are closed. Those stations shall be under the supervision and 2562
direction of the board of elections. Processing and counting of 2563
voted ballots, and the preparation of summary sheets, shall be 2564
done in the presence of observers approved by the board. A 2565
certified copy of the summary sheet for the precinct shall be 2566
posted at each counting station immediately after completion of 2567
the summary sheet. 2568

~~In counties where punch card ballots are used, one or more 2569
counting stations, located at the board of elections, shall be 2570
established, at which location all punch card ballots shall be 2571
counted. 2572~~

~~As used in this division, "punch card ballot" has the same 2573
meaning as in section 3506.16 of the Revised Code. 2574~~

Sec. 3506.15. The secretary of state shall provide each board 2575
of elections with rules, instructions, directives, and advisories 2576
regarding the examination, testing, and use of the voting machine 2577
and tabulating equipment, the assignment of duties of booth 2578
officials, the procedure for casting a vote on the machine, and 2579
how the vote shall be tallied and reported to the board, and with 2580
other rules, instructions, directives, and advisories the 2581
secretary of state finds necessary to ensure the adequate care and 2582
custody of voting equipment, and the accurate registering, 2583
counting, and canvassing of the votes as required by this chapter. 2584
The boards of elections shall be charged with the responsibility 2585
of providing for the adequate instruction of voters and election 2586
officials in the proper use of the voting machine and marking 2587
devices. ~~The boards' instructions shall include, in counties where 2588
punch card ballots are used, instructions that each voter shall 2589
examine the voter's marked ballot card and remove any chads that 2590
remain partially attached to it before returning it to election 2591~~

~~officials.~~ 2592

The secretary of state's rules, instructions, directives, and 2593
advisories provided under this section shall comply, insofar as 2594
practicable, with this chapter. The provisions of Title XXXV of 2595
the Revised Code, not inconsistent with the provisions relating to 2596
voting machines, apply in any county using a voting machine. 2597

~~As used in this section, "chad" and "punch card ballot" have 2598
the same meanings as in section 3506.16 of the Revised Code. 2599~~

Sec. 3509.01. (A) The board of elections of each county shall 2600
provide absent voter's ballots for use at every primary and 2601
general election, or special election to be held on the day 2602
specified by division (E) of section 3501.01 of the Revised Code 2603
for the holding of a primary election, designated by the general 2604
assembly for the purpose of submitting constitutional amendments 2605
proposed by the general assembly to the voters of the state. Those 2606
ballots shall be the same size, shall be printed on the same kind 2607
of paper, and shall be in the same form as has been approved for 2608
use at the election for which those ballots are to be voted; 2609
except that, in counties using marking devices, ballot cards may 2610
be used for absent voter's ballots, and those absent voters shall 2611
be instructed to record the vote in the manner provided on the 2612
ballot cards. ~~In counties where punch card ballots are used, those 2613
absent voters shall be instructed to examine their marked ballot 2614
cards and to remove any chads that remain partially attached to 2615
them before returning them to election officials. 2616~~

(B) The rotation of names of candidates and questions and 2617
issues shall be substantially complied with on absent voter's 2618
ballots, within the limitation of time allotted. Those ballots 2619
shall be designated as "Absent Voter's Ballots." Except as 2620
otherwise provided in division (D) of this section, those ballots 2621
shall be printed and ready for use as follows: 2622

(1) For overseas voters and absent uniformed services voters 2623
eligible to vote under the Uniformed and Overseas Citizens 2624
Absentee Voting Act, Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 2625
1973ff, et seq., as amended, ballots shall be printed and ready 2626
for use on the forty-fifth day before the day of the election. 2627

(2) For all other voters who are applying to vote absent 2628
voter's ballots, ballots shall be printed and ready for use on the 2629
thirty-fifth day before the day of the election. 2630

(C) Absent voter's ballots provided for use at a general or 2631
primary election, or special election to be held on the day 2632
specified by division (E) of section 3501.01 of the Revised Code 2633
for the holding of a primary election, designated by the general 2634
assembly for the purpose of submitting constitutional amendments 2635
proposed by the general assembly to the voters of the state, shall 2636
include only those questions, issues, and candidacies that have 2637
been lawfully ordered submitted to the electors voting at that 2638
election. 2639

(D) If the laws governing the holding of a special election 2640
on a day other than the day on which a primary or general election 2641
is held make it impossible for absent voter's ballots to be 2642
printed and ready for use by the deadlines established in division 2643
(B) of this section, absent voter's ballots for those special 2644
elections shall be ready for use as many days before the day of 2645
the election as reasonably possible under the laws governing the 2646
holding of that special election. 2647

(E) A copy of the absent voter's ballots shall be forwarded 2648
by the director of the board in each county to the secretary of 2649
state at least twenty-five days before the election. 2650

~~(F) As used in this section, "chad" and "punch card ballot" 2651
have the same meanings as in section 3506.16 of the Revised Code. 2652~~

Sec. 3509.06. (A) The board of elections shall determine 2653
whether absent voter's ballots shall be counted in each precinct, 2654
at the office of the board, or at some other location designated 2655
by the board, and shall proceed accordingly under division (B) or 2656
(C) of this section. 2657

(B) When the board of elections determines that absent 2658
voter's ballots shall be counted in each precinct, the director 2659
shall deliver to the ~~presiding judge~~ voting location manager of 2660
each precinct on election day identification envelopes purporting 2661
to contain absent voter's ballots of electors whose voting 2662
residence appears from the statement of voter on the outside of 2663
each of those envelopes, to be located in ~~such presiding judge's~~ 2664
that manager's precinct, and which were received by the director 2665
not later than the close of the polls on election day. The 2666
director shall deliver to ~~such presiding judge~~ the voting location 2667
manager a list containing the name and voting residence of each 2668
person whose voting residence is in such precinct to whom absent 2669
voter's ballots were mailed. 2670

(C) When the board of elections determines that absent 2671
voter's ballots shall be counted at the office of the board of 2672
elections or at another location designated by the board, special 2673
election ~~judges~~ officials shall be appointed by the board for that 2674
purpose having the same authority as is exercised by precinct 2675
~~judges~~ election officials. The votes so cast shall be added to the 2676
vote totals by the board, and the absent voter's ballots shall be 2677
preserved separately by the board, in the same manner and for the 2678
same length of time as provided by section 3505.31 of the Revised 2679
Code. 2680

(D) Each of the identification envelopes purporting to 2681
contain absent voter's ballots delivered to the ~~presiding judge~~ 2682
voting location manager of the precinct or the special ~~judge~~ 2683

election official appointed by the board of elections shall be 2684
handled as follows: The election officials shall compare the 2685
signature of the elector on the outside of the identification 2686
envelope with the signature of that elector on the elector's 2687
registration form and verify that the absent voter's ballot is 2688
eligible to be counted under section 3509.07 of the Revised Code. 2689
Any of the precinct officials may challenge the right of the 2690
elector named on the identification envelope to vote the absent 2691
voter's ballots upon the ground that the signature on the envelope 2692
is not the same as the signature on the registration form, or upon 2693
any other of the grounds upon which the right of persons to vote 2694
may be lawfully challenged. If no such challenge is made, or if 2695
such a challenge is made and not sustained, the ~~presiding judge~~ 2696
voting location manager shall open the envelope without defacing 2697
the statement of voter and without mutilating the ballots in it, 2698
and shall remove the ballots contained in it and proceed to count 2699
them. 2700

The name of each person voting who is entitled to vote only 2701
an absent voter's presidential ballot shall be entered in a 2702
pollbook or poll list or signature pollbook followed by the words 2703
"Absentee Presidential Ballot." The name of each person voting an 2704
absent voter's ballot, other than such persons entitled to vote 2705
only a presidential ballot, shall be entered in the pollbook or 2706
poll list or signature pollbook and the person's registration card 2707
marked to indicate that the person has voted. 2708

The date of such election shall also be entered on the 2709
elector's registration form. If any such challenge is made and 2710
sustained, the identification envelope of such elector shall not 2711
be opened, shall be endorsed "Not Counted" with the reasons the 2712
ballots were not counted, and shall be delivered to the board. 2713

(E) Special election ~~judges~~ officials, employees or members 2714
of the board of elections, or observers shall not disclose the 2715

count or any portion of the count of absent voter's ballots prior 2716
to the time of the closing of the polling places. No person shall 2717
recklessly disclose the count or any portion of the count of 2718
absent voter's ballots in such a manner as to jeopardize the 2719
secrecy of any individual ballot. 2720

(F) Observers may be appointed under section 3505.21 of the 2721
Revised Code to witness the examination and opening of 2722
identification envelopes and the counting of absent voters' 2723
ballots under this section. 2724

Sec. 3513.131. In the event two or more persons with 2725
identical surnames run for the same office in a primary election 2726
on the same ballot, the names of the candidates shall be 2727
differentiated on the ballot by varying combinations of first and 2728
middle names and initials. Within twenty-four hours after the 2729
final date for filing declarations of candidacy or petitions for 2730
candidacy, the director of the board of elections for local, 2731
municipal, county, general, or special elections, or the director 2732
of the board of elections of the most populous county for 2733
district, general, or special elections, or the secretary of state 2734
for state-wide general and special elections shall notify the 2735
persons with identical given names and surnames that the names of 2736
such persons will be differentiated on the ballot. If one of the 2737
candidates is an incumbent who is a candidate to succeed ~~himself~~ 2738
self for the office ~~he~~ the incumbent occupies, ~~he~~ the incumbent 2739
shall have first choice of the name by which ~~he~~ the incumbent is 2740
designated on the ballot. If an incumbent does not make a choice 2741
within two days after notification or if none of the candidates is 2742
an incumbent, the board of elections within three days after 2743
notification shall designate the names by which the candidates are 2744
identified on the ballot. In case of a district candidate the 2745
board of elections in the most populous county shall make the 2746
determination. In case of state-wide candidates, or in the case 2747

any board of elections fails to make a designation within three 2748
days after notification, the secretary of state shall immediately 2749
make the determination. 2750

"Notification" as required by this section shall be by the 2751
director of the board of elections or secretary of state by 2752
~~special delivery or telegram~~ certified mail at the candidate's 2753
address listed in ~~his~~ the candidate's declaration or petition of 2754
candidacy. 2755

Sec. 3513.18. Party primaries shall be held at the same place 2756
and time, but there shall be separate pollbooks, and tally sheets, 2757
~~and ballot boxes~~ provided at each polling place for each party 2758
participating in the election, ~~and the ballot of each voter shall~~ 2759
~~be placed in the ballot box of the party with which he is~~ 2760
affiliated. ~~Each ballot box shall be plainly marked with the name~~ 2761
~~of the political party whose ballots are to be placed therein, by~~ 2762
~~letters pasted or printed thereon or by a card attached thereto,~~ 2763
~~or both, and so placed that the designation may be easily seen and~~ 2764
~~read by the voter.~~ 2765

If a special election on a question or issue is held on the 2766
day of a primary election, there shall be provided in the 2767
pollbooks pages on which shall be recorded the names of all 2768
electors voting on said question or issue and not voting in such 2769
primary. It shall not be necessary for electors desiring to vote 2770
only on the question or issue to declare their political 2771
affiliation. 2772

Sec. 3513.19. (A) It is the duty of any ~~judge of elections~~ 2773
precinct election official, whenever any ~~judge of elections~~ such 2774
official doubts that a person attempting to vote at a primary 2775
election is legally entitled to vote at that election, to 2776
challenge the right of that person to vote. The right of a person 2777

to vote at a primary election may be challenged upon the following 2778
grounds: 2779

(1) That the person whose right to vote is challenged is not 2780
a legally qualified elector; 2781

(2) That the person has received or has been promised some 2782
valuable reward or consideration for the person's vote; 2783

(3) That the person is not affiliated with or is not a member 2784
of the political party whose ballot the person desires to vote. 2785
Such party affiliation shall be determined by examining the 2786
elector's voting record for the current year and the immediately 2787
preceding two calendar years as shown on the voter's registration 2788
card, using the standards of affiliation specified in the seventh 2789
paragraph of section 3513.05 of the Revised Code. Division (A)(3) 2790
of this section and the seventh paragraph of section 3513.05 of 2791
the Revised Code do not prohibit a person who holds an elective 2792
office for which candidates are nominated at a party primary 2793
election from doing any of the following: 2794

(a) If the person voted as a member of a different political 2795
party at any primary election within the current year and the 2796
immediately preceding two calendar years, being a candidate for 2797
nomination at a party primary held during the times specified in 2798
division (C)(2) of section 3513.191 of the Revised Code provided 2799
that the person complies with the requirements of that section; 2800

(b) Circulating the person's own petition of candidacy for 2801
party nomination in the primary election. 2802

(B) When the right of a person to vote is challenged upon the 2803
ground set forth in division (A)(3) of this section, membership in 2804
or political affiliation with a political party shall be 2805
determined by the person's statement, made under penalty of 2806
election falsification, that the person desires to be affiliated 2807
with and supports the principles of the political party whose 2808

primary ballot the person desires to vote. 2809

Sec. 3513.21. At the close of the polls in a primary 2810
election, the ~~judges of~~ precinct election officials shall proceed 2811
without delay to canvass the vote, sign and seal it, and make 2812
returns thereof to the board of elections forthwith on the forms 2813
to be provided by the board. The provisions of Title XXXV of the 2814
Revised Code relating to the accounting for and return of all 2815
ballots at general elections apply to primary ballots. 2816

If there is any disagreement as to how a ballot should be 2817
counted it shall be submitted to all of the ~~judges~~ precinct 2818
election officials. If three of the ~~judges~~ precinct election 2819
officials do not agree as to how any part of the ballot shall be 2820
counted, that part of such ballot which three of the ~~judges~~ 2821
officials do agree shall be counted and a notation made upon the 2822
ballot indicating what part has not been counted, and shall be 2823
placed in an envelope provided for that purpose, marked "Disputed 2824
Ballots" and returned to the board. 2825

The board shall, on the day when the vote is canvassed, open 2826
such sealed envelopes, determine what ballots and for whom they 2827
should be counted, and proceed to count and tally the votes on 2828
such ballots. 2829

Sec. 3515.04. At the time and place fixed for making a 2830
recount, the board of elections, in the presence of all observers 2831
who may be in attendance, shall open the sealed containers 2832
containing the ballots to be recounted, and shall recount them. ~~If~~ 2833
~~a county used punch card ballots and if a chad is attached to a~~ 2834
~~punch card ballot by three or four corners, the voter shall be~~ 2835
~~deemed by the board not to have recorded a candidate, question, or~~ 2836
~~issue choice at the particular position on the ballot, and a vote~~ 2837
~~shall not be counted at that particular position on the ballot in~~ 2838

~~the recount.~~ Ballots shall be handled only by the members of the 2839
board or by the director or other employees of the board. 2840
Observers shall be permitted to see the ballots, but they shall 2841
not be permitted to touch them, and the board shall not permit the 2842
counting or tabulation of votes shown on the ballots for any 2843
nomination, or for election to any office or position, or upon any 2844
question or issue, other than the votes shown on such ballots for 2845
the nomination, election, question, or issue concerning which a 2846
recount of ballots was applied for. 2847

At any time before the ballots from all of the precincts 2848
listed in an application for the recount or involved in a recount 2849
pursuant to section 3515.011 of the Revised Code have been 2850
recounted, the applicant or declared losing candidate or nominee 2851
or each of the declared losing candidates or nominees entitled to 2852
file a request prior to the commencement of a recount, as provided 2853
in section 3515.03 of the Revised Code, may file with the board a 2854
written request to stop the recount and not recount the ballots 2855
from the precincts so listed that have not been recounted prior to 2856
the time of the request. If, upon the request, the board finds 2857
that results of the votes in the precincts recounted, if 2858
substituted for the results of the votes in those precincts as 2859
shown in the abstract of the votes in those precincts, would not 2860
cause the applicant, if a person for whom votes were cast for 2861
nomination or election, to be declared nominated or elected or if 2862
an election upon a question or issue would not cause a result 2863
contrary to the result as declared prior to such recount, it shall 2864
grant the request and shall not recount the ballots of the 2865
precincts listed in the application for recount that have not been 2866
recounted prior to that time. If the board finds otherwise, it 2867
shall deny the request and shall continue to recount ballots until 2868
the ballots from all of the precincts listed in the application 2869
for recount have been recounted; provided that, if the request is 2870
denied, it may be renewed from time to time. Upon any such 2871

renewal, the board shall consider and act upon the request in the 2872
same manner as provided in this section in connection with an 2873
original request. 2874

~~As used in this section, "chad" and "punch card ballot" have 2875
the same meanings as in section 3506.16 of the Revised Code. 2876~~

Sec. 3517.106. (A) As used in this section: 2877

(1) "Statewide office" means any of the offices of governor, 2878
lieutenant governor, secretary of state, auditor of state, 2879
treasurer of state, attorney general, chief justice of the supreme 2880
court, and justice of the supreme court. 2881

(2) "Addendum to a statement" includes an amendment or other 2882
correction to that statement. 2883

(B)(1) The secretary of state shall store on computer the 2884
information contained in statements of contributions and 2885
expenditures and monthly statements required to be filed under 2886
section 3517.10 of the Revised Code and in statements of 2887
independent expenditures required to be filed under section 2888
3517.105 of the Revised Code by any of the following: 2889

(a) The campaign committees of candidates for statewide 2890
office; 2891

(b) The political action committees and political 2892
contributing entities described in division (A)(1) of section 2893
3517.11 of the Revised Code; 2894

(c) Legislative campaign funds; 2895

(d) State political parties; 2896

(e) Individuals, partnerships, corporations, labor 2897
organizations, or other entities that make independent 2898
expenditures in support of or opposition to a statewide candidate 2899
or a statewide ballot issue or question; 2900

(f) The campaign committees of candidates for the office of member of the general assembly; 2901
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(g) County political parties, with respect to their state candidate funds. 2903
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(2) The secretary of state shall store on computer the information contained in disclosure of electioneering communications statements required to be filed under section 3517.1011 of the Revised Code. 2905
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(3) The secretary of state shall store on computer the information contained in deposit and disbursement statements required to be filed with the office of the secretary of state under section 3517.1012 of the Revised Code. 2909
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(4) The secretary of state shall store on computer the gift and disbursement information contained in statements required to be filed with the office of the secretary of state under section 3517.1013 of the Revised Code. 2913
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(5) The secretary of state shall store on computer the information contained in donation and disbursement statements required to be filed with the office of the secretary of state under section 3517.1014 of the Revised Code. 2917
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(C)(1) The secretary of state shall make available to the campaign committees, political action committees, political contributing entities, legislative campaign funds, political parties, individuals, partnerships, corporations, labor organizations, treasurers of transition funds, and other entities described in division (B) of this section, and to members of the news media and other interested persons, for a reasonable fee, computer programs that are compatible with the secretary of state's method of storing the information contained in the statements. 2921
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(2) The secretary of state shall make the information 2931

required to be stored under division (B) of this section available 2932
on computer at the secretary of state's office so that, to the 2933
maximum extent feasible, individuals may obtain at the secretary 2934
of state's office any part or all of that information for any 2935
given year, subject to the limitation expressed in division (D) of 2936
this section. 2937

(D) The secretary of state shall keep the information stored 2938
on computer under division (B) of this section for at least six 2939
years. 2940

(E)(1) Subject to division (L) of this section and subject to 2941
the secretary of state having implemented, tested, and verified 2942
the successful operation of any system the secretary of state 2943
prescribes pursuant to division (H)(1) of this section and 2944
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 2945
Code for the filing of campaign finance statements by electronic 2946
means of transmission, the campaign committee of each candidate 2947
for statewide office may file the statements prescribed by section 2948
3517.10 of the Revised Code by electronic means of transmission 2949
or, if the total amount of the contributions received or the total 2950
amount of the expenditures made by the campaign committee for the 2951
applicable reporting period as specified in division (A) of 2952
section 3517.10 of the Revised Code exceeds ten thousand dollars, 2953
shall file those statements by electronic means of transmission. 2954

Except as otherwise provided in this division, within five 2955
business days after a statement filed by a campaign committee of a 2956
candidate for statewide office is received by the secretary of 2957
state by electronic or other means of transmission, the secretary 2958
of state shall make available online to the public through the 2959
internet, as provided in division (I) of this section, the 2960
contribution and expenditure information in that statement. The 2961
secretary of state shall not make available online to the public 2962
through the internet any contribution or expenditure information 2963

contained in a statement for any candidate until the secretary of 2964
state is able to make available online to the public through the 2965
internet the contribution and expenditure information for all 2966
candidates for a particular office, or until the applicable filing 2967
deadline for that statement has passed, whichever is sooner. As 2968
soon as the secretary of state has available all of the 2969
contribution and expenditure information for all candidates for a 2970
particular office, or as soon as the applicable filing deadline 2971
for a statement has passed, whichever is sooner, the secretary of 2972
state shall simultaneously make available online to the public 2973
through the internet the information for all candidates for that 2974
office. 2975

If a statement filed by electronic means of transmission is 2976
found to be incomplete or inaccurate after the examination of the 2977
statement for completeness and accuracy pursuant to division 2978
(B)(3)(a) of section 3517.11 of the Revised Code, the campaign 2979
committee shall file by electronic means of transmission any 2980
addendum to the statement that provides the information necessary 2981
to complete or correct the statement or, if required by the 2982
secretary of state under that division, an amended statement. 2983

Within five business days after the secretary of state 2984
receives from a campaign committee of a candidate for statewide 2985
office an addendum to the statement or an amended statement by 2986
electronic or other means of transmission under this division or 2987
division (B)(3)(a) of section 3517.11 of the Revised Code, the 2988
secretary of state shall make the contribution and expenditure 2989
information in the addendum or amended statement available online 2990
to the public through the internet as provided in division (I) of 2991
this section. 2992

(2) Subject to the secretary of state having implemented, 2993
tested, and verified the successful operation of any system the 2994
secretary of state prescribes pursuant to division (H)(1) of this 2995

section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of 2996
the Revised Code for the filing of campaign finance statements by 2997
electronic means of transmission, a political action committee and 2998
a political contributing entity described in division (B)(1)(b) of 2999
this section, a legislative campaign fund, and a state political 3000
party may file the statements prescribed by section 3517.10 of the 3001
Revised Code by electronic means of transmission or, if the total 3002
amount of the contributions received or the total amount of the 3003
expenditures made by the political action committee, political 3004
contributing entity, legislative campaign fund, or state political 3005
party for the applicable reporting period as specified in division 3006
(A) of section 3517.10 of the Revised Code exceeds ten thousand 3007
dollars, shall file those statements by electronic means of 3008
transmission. 3009

Within five business days after a statement filed by a 3010
political action committee or a political contributing entity 3011
described in division (B)(1)(b) of this section, a legislative 3012
campaign fund, or a state political party is received by the 3013
secretary of state by electronic or other means of transmission, 3014
the secretary of state shall make available online to the public 3015
through the internet, as provided in division (I) of this section, 3016
the contribution and expenditure information in that statement. 3017

If a statement filed by electronic means of transmission is 3018
found to be incomplete or inaccurate after the examination of the 3019
statement for completeness and accuracy pursuant to division 3020
(B)(3)(a) of section 3517.11 of the Revised Code, the political 3021
action committee, political contributing entity, legislative 3022
campaign fund, or state political party shall file by electronic 3023
means of transmission any addendum to the statement that provides 3024
the information necessary to complete or correct the statement or, 3025
if required by the secretary of state under that division, an 3026
amended statement. 3027

Within five business days after the secretary of state 3028
receives from a political action committee or a political 3029
contributing entity described in division (B)(1)(b) of this 3030
section, a legislative campaign fund, or a state political party 3031
an addendum to the statement or an amended statement by electronic 3032
or other means of transmission under this division or division 3033
(B)(3)(a) of section 3517.11 of the Revised Code, the secretary of 3034
state shall make the contribution and expenditure information in 3035
the addendum or amended statement available online to the public 3036
through the internet as provided in division (I) of this section. 3037

(3) Subject to the secretary of state having implemented, 3038
tested, and verified the successful operation of any system the 3039
secretary of state prescribes pursuant to division (H)(1) of this 3040
section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of 3041
the Revised Code for the filing of campaign finance statements by 3042
electronic means of transmission, a county political party shall 3043
file the statements prescribed by section 3517.10 of the Revised 3044
Code with respect to its state candidate fund by electronic means 3045
of transmission to the office of the secretary of state. 3046

Within five business days after a statement filed by a county 3047
political party with respect to its state candidate fund is 3048
received by the secretary of state by electronic means of 3049
transmission, the secretary of state shall make available online 3050
to the public through the internet, as provided in division (I) of 3051
this section, the contribution and expenditure information in that 3052
statement. 3053

If a statement is found to be incomplete or inaccurate after 3054
the examination of the statement for completeness and accuracy 3055
pursuant to division (B)(3)(a) of section 3517.11 of the Revised 3056
Code, a county political party shall file by electronic means of 3057
transmission any addendum to the statement that provides the 3058
information necessary to complete or correct the statement or, if 3059

required by the secretary of state under that division, an amended statement. 3060
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Within five business days after the secretary of state receives from a county political party an addendum to the statement or an amended statement by electronic means of transmission under this division or division (B)(3)(a) of section 3517.11 of the Revised Code, the secretary of state shall make the contribution and expenditure information in the addendum or amended statement available online to the public through the internet as provided in division (I) of this section. 3062
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(F)(1) Subject to division (L) of this section and subject to the secretary of state having implemented, tested, and verified the successful operation of any system the secretary of state prescribes pursuant to division (H)(1) of this section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised Code for the filing of campaign finance statements by electronic means of transmission, a campaign committee of a candidate for the office of member of the general assembly or a campaign committee of a candidate for the office of judge of a court of appeals may file the statements prescribed by section 3517.10 of the Revised Code in accordance with division (A)(2) of section 3517.11 of the Revised Code or by electronic means of transmission to the office of the secretary of state or, if the total amount of the contributions received by the campaign committee for the applicable reporting period as specified in division (A) of section 3517.10 of the Revised Code exceeds ten thousand dollars, shall file those statements by electronic means of transmission to the office of the secretary of state. 3070
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Except as otherwise provided in this division, within five business days after a statement filed by a campaign committee of a candidate for the office of member of the general assembly or a campaign committee of a candidate for the office of judge of a 3088
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court of appeals is received by the secretary of state by 3092
electronic or other means of transmission, the secretary of state 3093
shall make available online to the public through the internet, as 3094
provided in division (I) of this section, the contribution and 3095
expenditure information in that statement. The secretary of state 3096
shall not make available online to the public through the internet 3097
any contribution or expenditure information contained in a 3098
statement for any candidate until the secretary of state is able 3099
to make available online to the public through the internet the 3100
contribution and expenditure information for all candidates for a 3101
particular office, or until the applicable filing deadline for 3102
that statement has passed, whichever is sooner. As soon as the 3103
secretary of state has available all of the contribution and 3104
expenditure information for all candidates for a particular 3105
office, or as soon as the applicable filing deadline for a 3106
statement has passed, whichever is sooner, the secretary of state 3107
shall simultaneously make available online to the public through 3108
the internet the information for all candidates for that office. 3109

If a statement filed by electronic means of transmission is 3110
found to be incomplete or inaccurate after the examination of the 3111
statement for completeness and accuracy pursuant to division 3112
(B)(3)(a) of section 3517.11 of the Revised Code, the campaign 3113
committee shall file by electronic means of transmission to the 3114
office of the secretary of state any addendum to the statement 3115
that provides the information necessary to complete or correct the 3116
statement or, if required by the secretary of state under that 3117
division, an amended statement. 3118

Within five business days after the secretary of state 3119
receives from a campaign committee of a candidate for the office 3120
of member of the general assembly or a campaign committee of a 3121
candidate for the office of judge of a court of appeals an 3122
addendum to the statement or an amended statement by electronic or 3123

other means of transmission under this division or division 3124
(B)(3)(a) of section 3517.11 of the Revised Code, the secretary of 3125
state shall make the contribution and expenditure information in 3126
the addendum or amended statement available online to the public 3127
through the internet as provided in division (I) of this section. 3128

(2) If a statement, addendum, or amended statement is not 3129
filed by electronic means of transmission to the office of the 3130
secretary of state but is filed by printed version only under 3131
division (A)(2) of section 3517.11 of the Revised Code with the 3132
appropriate board of elections, the campaign committee of a 3133
candidate for the office of member of the general assembly or a 3134
campaign committee of a candidate for the office of judge of a 3135
court of appeals shall file two copies of the printed version of 3136
the statement, addendum, or amended statement with the board of 3137
elections. The board of elections shall send one of those copies 3138
by certified mail or an electronic copy to the secretary of state 3139
before the close of business on the day the board of elections 3140
receives the statement, addendum, or amended statement. 3141

(G) Subject to the secretary of state having implemented, 3142
tested, and verified the successful operation of any system the 3143
secretary of state prescribes pursuant to division (H)(1) of this 3144
section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of 3145
the Revised Code for the filing of campaign finance statements by 3146
electronic means of transmission, any individual, partnership, or 3147
other entity that makes independent expenditures in support of or 3148
opposition to a statewide candidate or a statewide ballot issue or 3149
question as provided in division (B)(2)(b) or (C)(2)(b) of section 3150
3517.105 of the Revised Code may file the statement specified in 3151
that division by electronic means of transmission or, if the total 3152
amount of independent expenditures made during the reporting 3153
period under that division exceeds ten thousand dollars, shall 3154
file the statement specified in that division by electronic means 3155

of transmission. 3156

Within five business days after a statement filed by an 3157
individual, partnership, or other entity is received by the 3158
secretary of state by electronic or other means of transmission, 3159
the secretary of state shall make available online to the public 3160
through the internet, as provided in division (I) of this section, 3161
the expenditure information in that statement. 3162

If a statement filed by electronic means of transmission is 3163
found to be incomplete or inaccurate after the examination of the 3164
statement for completeness and accuracy pursuant to division 3165
(B)(3)(a) of section 3517.11 of the Revised Code, the individual, 3166
partnership, or other entity shall file by electronic means of 3167
transmission any addendum to the statement that provides the 3168
information necessary to complete or correct the statement or, if 3169
required by the secretary of state under that division, an amended 3170
statement. 3171

Within five business days after the secretary of state 3172
receives from an individual, partnership, or other entity 3173
described in division (B)(2)(b) or (C)(2)(b) of section 3517.105 3174
of the Revised Code an addendum to the statement or an amended 3175
statement by electronic or other means of transmission under this 3176
division or division (B)(3)(a) of section 3517.11 of the Revised 3177
Code, the secretary of state shall make the expenditure 3178
information in the addendum or amended statement available online 3179
to the public through the internet as provided in division (I) of 3180
this section. 3181

(H)(1) The secretary of state, by rule adopted pursuant to 3182
section 3517.23 of the Revised Code, shall prescribe one or more 3183
techniques by which a person who executes and transmits by 3184
electronic means a statement of contributions and expenditures, a 3185
statement of independent expenditures, a disclosure of 3186
electioneering communications statement, a deposit and 3187

disbursement statement, a gift and disbursement statement, or a 3188
donation and disbursement statement, an addendum to any of those 3189
statements, an amended statement of contributions and 3190
expenditures, an amended statement of independent expenditures, an 3191
amended disclosure of electioneering communications statement, an 3192
amended deposit and disbursement statement, an amended gift and 3193
disbursement statement, or an amended donation and disbursement 3194
statement, under this section or section 3517.10, 3517.105, 3195
3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the Revised Code 3196
shall electronically sign the statement, addendum, or amended 3197
statement. Any technique prescribed by the secretary of state 3198
pursuant to this division shall create an electronic signature 3199
that satisfies all of the following: 3200

(a) It is unique to the signer. 3201

(b) It objectively identifies the signer. 3202

(c) It involves the use of a signature device or other means 3203
or method that is under the sole control of the signer and that 3204
cannot be readily duplicated or compromised. 3205

(d) It is created and linked to the electronic record to 3206
which it relates in a manner that, if the record or signature is 3207
intentionally or unintentionally changed after signing, the 3208
electronic signature is invalidated. 3209

(2) An electronic signature prescribed by the secretary of 3210
state under division (H)(1) of this section shall be attached to 3211
or associated with the statement of contributions and 3212
expenditures, the statement of independent expenditures, the 3213
disclosure of electioneering communications statement, the deposit 3214
and disbursement statement, the gift and disbursement statement, 3215
or the donation and disbursement statement, the addendum to any of 3216
those statements, the amended statement of contributions and 3217
expenditures, the amended statement of independent expenditures, 3218

the amended disclosure of electioneering communications statement, 3219
the amended deposit and disbursement statement, the amended gift 3220
and disbursement statement, or the amended donation and 3221
disbursement statement that is executed and transmitted by 3222
electronic means by the person to whom the electronic signature is 3223
attributed. The electronic signature that is attached to or 3224
associated with the statement, addendum, or amended statement 3225
under this division shall be binding on all persons and for all 3226
purposes under the campaign finance reporting law as if the 3227
signature had been handwritten in ink on a printed form. 3228

(I) The secretary of state shall make the contribution and 3229
expenditure, the contribution and disbursement, the deposit and 3230
disbursement, the gift and disbursement, or the donation and 3231
disbursement information in all statements, all addenda to the 3232
statements, and all amended statements that are filed with the 3233
secretary of state by electronic or other means of transmission 3234
under this section or section 3517.10, 3517.105, 3517.1011, 3235
3517.1012, 3517.1013, 3517.1014, or 3517.11 of the Revised Code 3236
available online to the public by any means that are searchable, 3237
viewable, and accessible through the internet. 3238

(J)(1) As used in this division, "library" means a library 3239
that is open to the public and that is one of the following: 3240

(a) A library that is maintained and regulated under section 3241
715.13 of the Revised Code; 3242

(b) A library that is created, maintained, and regulated 3243
under Chapter 3375. of the Revised Code. 3244

(2) The secretary of state shall notify all libraries of the 3245
location on the internet at which the contribution and 3246
expenditure, contribution and disbursement, deposit and 3247
disbursement, gift and disbursement, or donation and disbursement 3248
information in campaign finance statements required to be made 3249

available online to the public through the internet pursuant to 3250
division (I) of this section may be accessed. 3251

If that location is part of the world wide web and if the 3252
secretary of state has notified a library of that world wide web 3253
location as required by this division, the library shall include a 3254
link to that world wide web location on each internet-connected 3255
computer it maintains that is accessible to the public. 3256

(3) If the system the secretary of state prescribes for the 3257
filing of campaign finance statements by electronic means of 3258
transmission pursuant to division (H)(1) of this section and 3259
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 3260
Code includes filing those statements through the internet via the 3261
world wide web, the secretary of state shall notify all libraries 3262
of the world wide web location at which those statements may be 3263
filed. 3264

If those statements may be filed through the internet via the 3265
world wide web and if the secretary of state has notified a 3266
library of that world wide web location as required by this 3267
division, the library shall include a link to that world wide web 3268
location on each internet-connected computer it maintains that is 3269
accessible to the public. 3270

(K) It is an affirmative defense to a complaint or charge 3271
brought against any campaign committee, political action 3272
committee, political contributing entity, legislative campaign 3273
fund, or political party, any individual, partnership, or other 3274
entity, any person making disbursements to pay the direct costs of 3275
producing or airing electioneering communications, or any 3276
treasurer of a transition fund, for the failure to file by 3277
electronic means of transmission a campaign finance statement as 3278
required by this section or section 3517.10, 3517.105, 3517.1011, 3279
3517.1012, 3517.1013, or 3517.1014 of the Revised Code that all of 3280
the following apply to the campaign committee, political action 3281

committee, political contributing entity, legislative campaign 3282
fund, or political party, the individual, partnership, or other 3283
entity, the person making disbursements to pay the direct costs of 3284
producing or airing electioneering communications, or the 3285
treasurer of a transition fund that failed to so file: 3286

(1) The campaign committee, political action committee, 3287
political contributing entity, legislative campaign fund, or 3288
political party, the individual, partnership, or other entity, the 3289
person making disbursements to pay the direct costs of producing 3290
or airing electioneering communications, or the treasurer of a 3291
transition fund attempted to file by electronic means of 3292
transmission the required statement prior to the deadline set 3293
forth in the applicable section. 3294

(2) The campaign committee, political action committee, 3295
political contributing entity, legislative campaign fund, or 3296
political party, the individual, partnership, or other entity, the 3297
person making disbursements to pay the direct costs of producing 3298
or airing electioneering communications, or the treasurer of a 3299
transition fund was unable to file by electronic means of 3300
transmission due to an expected or unexpected shutdown of the 3301
whole or part of the electronic campaign finance statement-filing 3302
system, such as for maintenance or because of hardware, software, 3303
or network connection failure. 3304

(3) The campaign committee, political action committee, 3305
political contributing entity, legislative campaign fund, or 3306
political party, the individual, partnership, or other entity, the 3307
person making disbursements to pay the direct costs of producing 3308
or airing electioneering communications, or the treasurer of a 3309
transition fund filed by electronic means of transmission the 3310
required statement within a reasonable period of time after being 3311
unable to so file it under the circumstance described in division 3312
(K)(2) of this section. 3313

(L)(1) The secretary of state shall adopt rules pursuant to 3314
Chapter 119. of the Revised Code to permit a campaign committee of 3315
a candidate for statewide office that makes expenditures of less 3316
than twenty-five thousand dollars during the filing period or a 3317
campaign committee for the office of member of the general 3318
assembly or the office of judge of a court of appeals that would 3319
otherwise be required to file campaign finance statements by 3320
electronic means of transmission under division (E) or (F) of this 3321
section to file those statements by paper with the office of the 3322
secretary of state. Those rules shall provide for all of the 3323
following: 3324

(a) An eligible campaign committee that wishes to file a 3325
campaign finance statement by paper instead of by electronic means 3326
of transmission shall file the statement on paper with the office 3327
of the secretary of state not sooner than twenty-four hours after 3328
the end of the filing period set forth in section 3517.10 of the 3329
Revised Code that is covered by the applicable statement. 3330

(b) The statement shall be accompanied by a fee, the amount 3331
of which the secretary of state shall determine by rule. The 3332
amount of the fee established under this division shall not exceed 3333
the data entry and data verification costs the secretary of state 3334
will incur to convert the information on the statement to an 3335
electronic format as required under division (I) of this section. 3336

(c) The secretary of state shall arrange for the information 3337
in campaign finance statements filed pursuant to division (L) of 3338
this section to be made available online to the public through the 3339
internet in the same manner, and at the same times, as information 3340
is made available under divisions (E), (F), and (I) of this 3341
section for candidates whose campaign committees file those 3342
statements by electronic means of transmission. 3343

(d) The candidate of an eligible campaign committee that 3344
intends to file a campaign finance statement pursuant to division 3345

(L) of this section shall file a notice indicating that the candidate's campaign committee intends to so file and stating that filing the statement by electronic means of transmission would constitute a hardship for the candidate or for the eligible campaign committee.

(e) An eligible campaign committee that files a campaign finance statement on paper pursuant to division (L) of this section shall review the contribution and information made available online by the secretary of state with respect to that paper filing and shall notify the secretary of state of any errors with respect to that filing that appear in the data made available on that web site.

(f) If an eligible campaign committee whose candidate has filed a notice in accordance with rules adopted under division (L)(1)(d) of this section subsequently fails to file that statement on paper by the applicable deadline established in rules adopted under division (L)(1)(a) of this section, penalties for the late filing of the campaign finance statement shall apply to that campaign committee for each day after that paper filing deadline, as if the campaign committee had filed the statement after the applicable deadline set forth in division (A) of section 3517.10 of the Revised Code.

(2) The process for permitting campaign committees that would otherwise be required to file campaign finance statements by electronic means of transmission to file those statements on paper with the office of the secretary of state that is required to be developed under division (L)(1) of this section shall be in effect and available for use by eligible campaign committees for all campaign finance statements that are required to be filed on or after June 30, 2005. Notwithstanding any provision of the Revised Code to the contrary, if the process the secretary of state is required to develop under division (L)(1) of this section is not

in effect and available for use on and after June 30, 2005, all 3378
penalties for the failure of campaign committees to file campaign 3379
finance statements by electronic means of transmission shall be 3380
suspended until such time as that process is in effect and 3381
available for use. 3382

(3) Notwithstanding any provision of the Revised Code to the 3383
contrary, any eligible campaign committee that files campaign 3384
finance statements on paper with the office of the secretary of 3385
state pursuant to division (L)(1) of this section shall be deemed 3386
to have filed those campaign finance statements by electronic 3387
means of transmission to the office of the secretary of state. 3388

Sec. 3517.11. (A)(1) Campaign committees of candidates for 3389
statewide office or the state board of education, political action 3390
committees or political contributing entities that make 3391
contributions to campaign committees of candidates that are 3392
required to file the statements prescribed by section 3517.10 of 3393
the Revised Code with the secretary of state, political action 3394
committees or political contributing entities that make 3395
contributions to campaign committees of candidates for member of 3396
the general assembly, political action committees or political 3397
contributing entities that make contributions to state and 3398
national political parties and to legislative campaign funds, 3399
political action committees or political contributing entities 3400
that receive contributions or make expenditures in connection with 3401
a statewide ballot issue, political action committees or political 3402
contributing entities that make contributions to other political 3403
action committees or political contributing entities, political 3404
parties, and campaign committees, except as set forth in division 3405
(A)(3) of this section, legislative campaign funds, and state and 3406
national political parties shall file the statements prescribed by 3407
section 3517.10 of the Revised Code with the secretary of state. 3408

(2)(a) Except as otherwise provided in division (F) of 3409
section 3517.106 of the Revised Code, campaign committees of 3410
candidates for all other offices shall file the statements 3411
prescribed by section 3517.10 of the Revised Code with the board 3412
of elections where their candidates are required to file their 3413
petitions or other papers for nomination or election. 3414

(b) A campaign committee of a candidate for office of member 3415
of the general assembly or a campaign committee of a candidate for 3416
the office of judge of a court of appeals shall file two copies of 3417
the printed version of any statement, addendum, or amended 3418
statement if the committee does not file pursuant to division 3419
(F)(1) or (L) of section 3517.106 of the Revised Code but files by 3420
printed version only with the appropriate board of elections. The 3421
board of elections shall send one of those copies by certified 3422
mail or an electronic copy to the secretary of state before the 3423
close of business on the day the board of elections receives the 3424
statement, addendum, or amended statement. 3425

(3) Political action committees or political contributing 3426
entities that only contribute to a county political party, 3427
contribute to campaign committees of candidates whose nomination 3428
or election is to be submitted only to electors within a county, 3429
subdivision, or district, excluding candidates for member of the 3430
general assembly, and receive contributions or make expenditures 3431
in connection with ballot questions or issues to be submitted only 3432
to electors within a county, subdivision, or district shall file 3433
the statements prescribed by section 3517.10 of the Revised Code 3434
with the board of elections in that county or in the county 3435
contained in whole or part within the subdivision or district 3436
having a population greater than that of any other county 3437
contained in whole or part within that subdivision or district, as 3438
the case may be. 3439

(4) Except as otherwise provided in division (E)(3) of 3440

section 3517.106 of the Revised Code with respect to state 3441
candidate funds, county political parties shall file the 3442
statements prescribed by section 3517.10 of the Revised Code with 3443
the board of elections of their respective counties. 3444

(B)(1) The official with whom petitions and other papers for 3445
nomination or election to public office are filed shall furnish 3446
each candidate at the time of that filing a copy of sections 3447
3517.01, 3517.08 to 3517.11, 3517.13 to 3517.993, 3599.03, and 3448
3599.031 of the Revised Code and any other materials that the 3449
secretary of state may require. Each candidate receiving the 3450
materials shall acknowledge their receipt in writing. 3451

(2) On or before the tenth day before the dates on which 3452
statements are required to be filed by section 3517.10 of the 3453
Revised Code, every candidate subject to the provisions of this 3454
section and sections 3517.10 and 3517.106 of the Revised Code 3455
shall be notified of the requirements and applicable penalties of 3456
those sections. The secretary of state, by certified mail, return 3457
receipt requested, shall notify all candidates required to file 3458
those statements with the secretary of state's office. The board 3459
of elections of every county shall notify by first class mail any 3460
candidate who has personally appeared at the office of the board 3461
on or before the tenth day before the statements are required to 3462
be filed and signed a form, to be provided by the secretary of 3463
state, attesting that the candidate has been notified of the 3464
candidate's obligations under the campaign finance law. The board 3465
shall forward the completed form to the secretary of state. The 3466
board shall use certified mail, return receipt requested, to 3467
notify all other candidates required to file those statements with 3468
it. 3469

(3)(a) Any statement required to be filed under sections 3470
3517.081 to 3517.17 of the Revised Code that is found to be 3471
incomplete or inaccurate by the officer to whom it is submitted 3472

shall be accepted on a conditional basis, and the person who filed 3473
it shall be notified by certified mail as to the incomplete or 3474
inaccurate nature of the statement. The secretary of state may 3475
examine statements filed for candidates for the office of member 3476
of the general assembly and candidates for the office of judge of 3477
a court of appeals for completeness and accuracy. The secretary of 3478
state shall examine for completeness and accuracy statements that 3479
campaign committees of candidates for the office of member of the 3480
general assembly and campaign committees of candidates for the 3481
office of judge of a court of appeals file pursuant to division 3482
(F) or (L) of section 3517.106 of the Revised Code. If an officer 3483
at the board of elections where a statement filed for a candidate 3484
for the office of member of the general assembly or for a 3485
candidate for the office of judge of a court of appeals was 3486
submitted finds the statement to be incomplete or inaccurate, the 3487
officer shall immediately notify the secretary of state of its 3488
incomplete or inaccurate nature. If either an officer at the board 3489
of elections or the secretary of state finds a statement filed for 3490
a candidate for the office of member of the general assembly or 3491
for a candidate for the office of judge of a court of appeals to 3492
be incomplete or inaccurate, only the secretary of state shall 3493
send the notification as to the incomplete or inaccurate nature of 3494
the statement. 3495

Within twenty-one days after receipt of the notice, in the 3496
case of a pre-election statement, a postelection statement, a 3497
monthly statement, an annual statement, or a semiannual statement 3498
prescribed by section 3517.10, an annual statement prescribed by 3499
section 3517.101, or a statement prescribed by division (B)(2)(b) 3500
or (C)(2)(b) of section 3517.105 or section 3517.107 of the 3501
Revised Code, the recipient shall file an addendum, amendment, or 3502
other correction to the statement providing the information 3503
necessary to complete or correct the statement. The secretary of 3504
state may require that, in lieu of filing an addendum, amendment, 3505

or other correction to a statement that is filed by electronic 3506
means of transmission to the office of the secretary of state 3507
pursuant to section 3517.106 of the Revised Code, the recipient of 3508
the notice described in this division file by electronic means of 3509
transmission an amended statement that incorporates the 3510
information necessary to complete or correct the statement. 3511

The secretary of state shall determine by rule when an 3512
addendum, amendment, or other correction to any of the following 3513
or when an amended statement of any of the following shall be 3514
filed: 3515

(i) A two-business-day statement prescribed by section 3516
3517.10 of the Revised Code; 3517

(ii) A disclosure of electioneering communications statement 3518
prescribed by division (D) of section 3517.1011 of the Revised 3519
Code; 3520

(iii) A deposit and disbursement statement prescribed under 3521
division (B) of section 3517.1012 of the Revised Code; 3522

(iv) A gift and disbursement statement prescribed under 3523
section 3517.1013 of the Revised Code; 3524

(v) A donation and disbursement statement prescribed under 3525
section 3517.1014 of the Revised Code. 3526

An addendum, amendment, or other correction to a statement 3527
that is filed by electronic means of transmission pursuant to 3528
section 3517.106 of the Revised Code shall be filed in the same 3529
manner as the statement. 3530

The provisions of sections 3517.10, 3517.106, 3517.1011, 3531
3517.1012, 3517.1013, and 3517.1014 of the Revised Code pertaining 3532
to the filing of statements of contributions and expenditures, 3533
statements of independent expenditures, disclosure of 3534
electioneering communications statements, deposit and disbursement 3535

statements, gift and disbursement statements, and donation and 3536
disbursement statements by electronic means of transmission apply 3537
to the filing of addenda, amendments, or other corrections to 3538
those statements by electronic means of transmission and the 3539
filing of amended statements by electronic means of transmission. 3540

(b) Within five business days after the secretary of state 3541
receives, by electronic or other means of transmission, an 3542
addendum, amendment, or other correction to a statement or an 3543
amended statement under division (B)(3)(a) of this section, the 3544
secretary of state, pursuant to divisions (E), (F), (G), and (I) 3545
of section 3517.106 or division (D) of section 3517.1011 of the 3546
Revised Code, shall make the contribution and expenditure, 3547
contribution and disbursement, deposit and disbursement, gift and 3548
disbursement, or donation and disbursement information in that 3549
addendum, amendment, correction, or amended statement available 3550
online to the public through the internet. 3551

(4)(a) The secretary of state or the board of elections shall 3552
examine all statements for compliance with sections 3517.08 to 3553
3517.17 of the Revised Code. 3554

(b) The secretary of state may contract with an individual or 3555
entity not associated with the secretary of state and experienced 3556
in interpreting the campaign finance law of this state to conduct 3557
examinations of statements filed by any statewide candidate, as 3558
defined in section 3517.103 of the Revised Code. 3559

(c) The examination shall be conducted by a person or entity 3560
qualified to conduct it. The results of the examination shall be 3561
available to the public, and, when the examination is conducted by 3562
an individual or entity not associated with the secretary of 3563
state, the results of the examination shall be reported to the 3564
secretary of state. 3565

(C)(1) In the event of a failure to file or a late filing of 3566

a statement required to be filed under sections 3517.081 to 3567
3517.17 of the Revised Code, or if a filed statement or any 3568
addendum, amendment, or other correction to a statement or any 3569
amended statement, if an addendum, amendment, or other correction 3570
or an amended statement is required to be filed, is incomplete or 3571
inaccurate or appears to disclose a failure to comply with or a 3572
violation of law, the official whose duty it is to examine the 3573
statement shall promptly file a complaint with the Ohio elections 3574
commission under section 3517.153 of the Revised Code if the law 3575
is one over which the commission has jurisdiction to hear 3576
complaints, or the official shall promptly report the failure or 3577
violation to the board of elections and the board shall promptly 3578
report it to the prosecuting attorney in accordance with division 3579
(J) of section 3501.11 of the Revised Code. If the official files 3580
a complaint with the commission, the commission shall proceed in 3581
accordance with sections 3517.154 to 3517.157 of the Revised Code. 3582

(2) For purposes of division (C)(1) of this section, a 3583
statement or an addendum, amendment, or other correction to a 3584
statement or an amended statement required to be filed under 3585
sections 3517.081 to 3517.17 of the Revised Code is incomplete or 3586
inaccurate under this section if the statement, addendum, 3587
amendment, other correction, or amended statement fails to 3588
disclose substantially all contributions, gifts, or donations that 3589
are received or deposits that are made that are required to be 3590
reported under sections 3517.10, 3517.107, 3517.108, 3517.1011, 3591
3517.1012, 3517.1013, and 3517.1014 of the Revised Code or if the 3592
statement, addendum, amendment, other correction, or amended 3593
statement fails to disclose at least ninety per cent of the total 3594
contributions, gifts, or donations received or deposits made or of 3595
the total expenditures or disbursements made during the reporting 3596
period. 3597

(D) No certificate of nomination or election shall be issued 3598

to a person, and no person elected to an office shall enter upon 3599
the performance of the duties of that office, until that person or 3600
that person's campaign committee, as appropriate, has fully 3601
complied with this section and sections 3517.08, 3517.081, 3602
3517.10, and 3517.13 of the Revised Code. 3603

Sec. 3599.07. No ~~judge of elections~~ precinct election 3604
official, observer, or police officer admitted into the polling 3605
rooms at the election, at any time while the polls are open, shall 3606
have in the individual's possession, distribute, or give out any 3607
ballot or ticket to any person on any pretense during the 3608
receiving, counting, or certifying of the votes, or have any 3609
ballot or ticket in the individual's possession or control, except 3610
in the proper discharge of the individual's official duty in 3611
receiving, counting, or canvassing the votes. This section does 3612
not prevent the lawful exercise by a ~~judge of elections~~ precinct 3613
election official or observer of the individual right to vote at 3614
such election. 3615

Sec. 3599.17. (A) No elections official serving as a 3616
registrar or ~~judge of elections~~ precinct election official shall 3617
do any of the following: 3618

(1) Fail to appear before the board of elections, or its 3619
representative, after notice has been served personally upon the 3620
official or left at the official's usual place of residence, for 3621
examination as to the official's qualifications; 3622

(2) Fail to appear at the polling place to which the official 3623
is assigned at the hour and during the hours set for the 3624
registration or election; 3625

(3) Fail to take the oath prescribed by section 3501.31 of 3626
the Revised Code, unless excused by such board; 3627

(4) Refuse or sanction the refusal of another registrar or 3628

judge of elections <u>precinct election official</u> to administer an	3629
oath required by law;	3630
(5) Fail to send notice to the board of the appointment of a	3631
judge <u>precinct election official</u> to fill a vacancy;	3632
(6) Act as registrar or judge <u>precinct election official</u>	3633
without having been appointed and having received a certificate of	3634
appointment, except a judge <u>precinct election official</u> appointed	3635
to fill a vacancy caused by absence or removal;	3636
(7) Fail in any other way to perform any duty imposed by law.	3637
(B) Whoever violates division (A) of this section is guilty	3638
of a misdemeanor of the first degree.	3639
Sec. 3599.19. (A) No judge of elections <u>precinct election</u>	3640
<u>official</u> shall knowingly do any of the following:	3641
(1) Unlawfully open or permit to be opened the sealed package	3642
containing registration lists, ballots, blanks, pollbooks, and	3643
other papers and material to be used in an election;	3644
(2) Unlawfully misplace, carry away, negligently lose or	3645
permit to be taken from the judge <u>precinct election official</u> , fail	3646
to deliver, or destroy any such packages, papers, or material;	3647
(3) Receive or sanction the reception of a ballot from a	3648
person not a qualified elector or from a person who refused to	3649
answer a question in accordance with the election law;	3650
(4) Refuse to receive or sanction the rejection of a ballot	3651
from a person, knowing that person to be a qualified elector;	3652
(5) Permit a fraudulent ballot to be placed in the ballot	3653
box;	3654
(6) Place or permit to be placed in any ballot box any ballot	3655
known by the judge <u>precinct election official</u> to be improperly or	3656
falsely marked;	3657

(7) Count or permit to be counted any illegal or fraudulent ballot;	3658 3659
(8) Mislead an elector who is physically unable to prepare the elector's ballot, mark a ballot for such elector otherwise than as directed by that elector, or disclose to any person, except when legally required to do so, how such elector voted;	3660 3661 3662 3663
(9) Alter or mark or permit any alteration or marking on any ballot when counting the ballots;	3664 3665
(10) Unlawfully count or tally or sanction the wrongful counting or tallying of votes;	3666 3667
(11) After the counting of votes commences, as required by law, postpone or sanction the postponement of the counting of votes, adjourn at any time or to any place, or remove the ballot box from the place of voting, or from the custody or presence of all the judges of such elections <u>precinct election officials</u> ;	3668 3669 3670 3671 3672
(12) Permit any ballot to remain or to be in the ballot box at the opening of the polls, or to be put in the box during the counting of the ballots, or to be left in the box without being counted;	3673 3674 3675 3676
(13) Admit or sanction the admission to the polling room at an election during the receiving, counting, and certifying of votes of any person not qualified by law to be so admitted;	3677 3678 3679
(14) Refuse to admit or sanction the refusal to admit any person, upon lawful request for admission, who is legally qualified to be present;	3680 3681 3682
(15) Permit or sanction the counting of the ballots contrary to the manner prescribed by law;	3683 3684
(16) Neglect or unlawfully execute any duty enjoined upon the judge <u>precinct election official</u> by law.	3685 3686
(B) Whoever violates division (A) of this section is guilty	3687

of a misdemeanor of the first degree. 3688

Sec. 3599.31. No officer of the law shall fail to obey 3689
forthwith an order of the ~~presiding judge~~ voting location manager 3690
and aid in enforcing a lawful order of the ~~presiding judges~~ voting 3691
location manager at an election, against persons unlawfully 3692
congregating or loitering within one hundred feet of a polling 3693
place, hindering or delaying an elector from reaching or leaving 3694
the polling place, soliciting or attempting, within one hundred 3695
feet of the polling place, to influence an elector in casting the 3696
elector's vote, or interfering with the registration of voters or 3697
casting and counting of the ballots. 3698

Whoever violates this section is guilty of a misdemeanor of 3699
the first degree. 3700

Section 2. That existing sections 2101.44, 3501.01, 3501.05, 3701
3501.051, 3501.06, 3501.11, 3501.13, 3501.17, 3501.22, 3501.26, 3702
3501.27, 3501.28, 3501.29, 3501.30, 3501.31, 3501.32, 3501.33, 3703
3501.35, 3501.37, 3503.02, 3503.26, 3505.07, 3505.08, 3505.16, 3704
3505.17, 3505.18, 3505.20, 3505.21, 3505.23, 3505.24, 3505.26, 3705
3505.29, 3505.30, 3505.31, 3506.05, 3506.12, 3506.15, 3509.01, 3706
3509.06, 3513.131, 3513.18, 3513.19, 3513.21, 3515.04, 3517.106, 3707
3517.11, 3599.07, 3599.17, 3599.19, and 3599.31 and section 3708
3506.16 of the Revised Code are hereby repealed. 3709