

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

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

Senator Obhof

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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, 3505.28, 3505.29,	7
3505.30, 3505.31, 3506.05, 3506.12, 3506.15,	8
3509.01, 3509.06, 3513.131, 3513.18, 3513.19,	9
3513.21, 3515.04, 3517.106, 3517.11, 3599.07,	10
3599.17, 3599.19, and 3599.31, to enact sections	11
3501.021 and 3506.021, and to repeal section	12
3506.16 of the Revised Code to revise the law	13
regarding election administration, ballots, and	14
candidates.	15

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

Section 1. That sections 2101.44, 3501.01, 3501.05, 3501.051,	16
3501.06, 3501.11, 3501.13, 3501.17, 3501.22, 3501.26, 3501.27,	17
3501.28, 3501.29, 3501.30, 3501.31, 3501.32, 3501.33, 3501.35,	18
3501.37, 3503.02, 3503.26, 3505.07, 3505.08, 3505.16, 3505.17,	19
3505.18, 3505.20, 3505.21, 3505.23, 3505.24, 3505.26, 3505.28,	20

3505.29, 3505.30, 3505.31, 3506.05, 3506.12, 3506.15, 3509.01, 21
3509.06, 3513.131, 3513.18, 3513.19, 3513.21, 3515.04, 3517.106, 22
3517.11, 3599.07, 3599.17, 3599.19, and 3599.31 be amended and 23
sections 3501.021 and 3506.021 of the Revised Code be enacted to 24
read as follows: 25

Sec. 2101.44. The election upon the question of combining the 26
probate court and the court of common pleas shall be conducted as 27
provided for the election of county officers. 28

The board of ~~election~~ elections shall provide separate 29
ballots, ~~ballot boxes~~, tally sheets, blanks, stationery, and all 30
such other supplies as may be necessary in the conduct of such 31
election. 32

Ballots shall be printed with an affirmative and negative 33
statement thereon, as follows: 34

	The probate court and the court of common pleas shall be combined.	35 36
	The probate court and the court of common pleas shall not be combined.	37

Returns of said election shall be made and canvassed at the 38
same time and in the same manner as an election for county 39
officers. The board shall certify the result of said election to 40
the secretary of state, to the probate judge of said county, and 41
to the judge of the court of common pleas, and such result shall 42
be spread upon the journal of the probate court and of the court 43
of common pleas. 44
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If a majority of the votes cast at such an election are in 46

favor of combining said courts, such courts shall stand combined 47
upon determination of the fact that a majority of the persons 48
voting upon the question of the combination of such courts voted 49
in favor of such combination. 50

Sec. 3501.01. As used in the sections of the Revised Code 51
relating to elections and political communications: 52

(A) "General election" means the election held on the first 53
Tuesday after the first Monday in each November. 54

(B) "Regular municipal election" means the election held on 55
the first Tuesday after the first Monday in November in each 56
odd-numbered year. 57

(C) "Regular state election" means the election held on the 58
first Tuesday after the first Monday in November in each 59
even-numbered year. 60

(D) "Special election" means any election other than those 61
elections defined in other divisions of this section. A special 62
election may be held only on the first Tuesday after the first 63
Monday in February, May, August, or November, or on the day 64
authorized by a particular municipal or county charter for the 65
holding of a primary election, except that in any year in which a 66
presidential primary election is held, no special election shall 67
be held in February or May, except as authorized by a municipal or 68
county charter, but may be held on the first Tuesday after the 69
first Monday in March. 70

(E)(1) "Primary" or "primary election" means an election held 71
for the purpose of nominating persons as candidates of political 72
parties for election to offices, and for the purpose of electing 73
persons as members of the controlling committees of political 74
parties and as delegates and alternates to the conventions of 75
political parties. Primary elections shall be held on the first 76

Tuesday after the first Monday in May of each year except in years 77
in which a presidential primary election is held. 78

(2) "Presidential primary election" means a primary election 79
as defined by division (E)(1) of this section at which an election 80
is held for the purpose of choosing delegates and alternates to 81
the national conventions of the major political parties pursuant 82
to section 3513.12 of the Revised Code. Unless otherwise 83
specified, presidential primary elections are included in 84
references to primary elections. In years in which a presidential 85
primary election is held, all primary elections shall be held on 86
the first Tuesday after the first Monday in March except as 87
otherwise authorized by a municipal or county charter. 88

(F) "Political party" means any group of voters meeting the 89
requirements set forth in section 3517.01 of the Revised Code for 90
the formation and existence of a political party. 91

(1) "Major political party" means any political party 92
organized under the laws of this state whose candidate for 93
governor or nominees for presidential electors received no less 94
than twenty per cent of the total vote cast for such office at the 95
most recent regular state election. 96

(2) "Intermediate political party" means any political party 97
organized under the laws of this state whose candidate for 98
governor or nominees for presidential electors received less than 99
twenty per cent but not less than ten per cent of the total vote 100
cast for such office at the most recent regular state election. 101

(3) "Minor political party" means any political party 102
organized under the laws of this state whose candidate for 103
governor or nominees for presidential electors received less than 104
ten per cent but not less than five per cent of the total vote 105
cast for such office at the most recent regular state election or 106
which has filed with the secretary of state, subsequent to any 107

election in which it received less than five per cent of such 108
vote, a petition signed by qualified electors equal in number to 109
at least one per cent of the total vote cast for such office in 110
the last preceding regular state election, except that a newly 111
formed political party shall be known as a minor political party 112
until the time of the first election for governor or president 113
which occurs not less than twelve months subsequent to the 114
formation of such party, after which election the status of such 115
party shall be determined by the vote for the office of governor 116
or president. 117

(G) "Dominant party in a precinct" or "dominant political 118
party in a precinct" means that political party whose candidate 119
for election to the office of governor at the most recent regular 120
state election at which a governor was elected received more votes 121
than any other person received for election to that office in such 122
precinct at such election. 123

(H) "Candidate" means any qualified person certified in 124
accordance with the provisions of the Revised Code for placement 125
on the official ballot of a primary, general, or special election 126
to be held in this state, or any qualified person who claims to be 127
a write-in candidate, or who knowingly assents to being 128
represented as a write-in candidate by another at either a 129
primary, general, or special election to be held in this state. 130

(I) "Independent candidate" means any candidate who claims 131
not to be affiliated with a political party, and whose name has 132
been certified on the office-type ballot at a general or special 133
election through the filing of a statement of candidacy and 134
nominating petition, as prescribed in section 3513.257 of the 135
Revised Code. 136

(J) "Nonpartisan candidate" means any candidate whose name is 137
required, pursuant to section 3505.04 of the Revised Code, to be 138
listed on the nonpartisan ballot, including all candidates for 139

judicial office, for member of any board of education, for 140
municipal or township offices in which primary elections are not 141
held for nominating candidates by political parties, and for 142
offices of municipal corporations having charters that provide for 143
separate ballots for elections for these offices. 144

(K) "Party candidate" means any candidate who claims to be a 145
member of a political party, whose name has been certified on the 146
office-type ballot at a general or special election through the 147
filing of a declaration of candidacy and petition of candidate, 148
and who has won the primary election of the candidate's party for 149
the public office the candidate seeks or is selected by party 150
committee in accordance with section 3513.31 of the Revised Code. 151

(L) "Officer of a political party" includes, but is not 152
limited to, any member, elected or appointed, of a controlling 153
committee, whether representing the territory of the state, a 154
district therein, a county, township, a city, a ward, a precinct, 155
or other territory, of a major, intermediate, or minor political 156
party. 157

(M) "Question or issue" means any question or issue certified 158
in accordance with the Revised Code for placement on an official 159
ballot at a general or special election to be held in this state. 160

(N) "Elector" or "qualified elector" means a person having 161
the qualifications provided by law to be entitled to vote. 162

(O) "Voter" means an elector who votes at an election. 163

(P) "Voting residence" means that place of residence of an 164
elector which shall determine the precinct in which the elector 165
may vote. 166

(Q) "Precinct" means a district within a county established 167
by the board of elections of such county within which all 168
qualified electors having a voting residence therein may vote at 169
the same polling place. 170

(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;	260 261
(F) Prescribe the form of registration cards, blanks, and records;	262 263
(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;	264 265 266 267
(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;	268 269 270
(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;	271 272 273 274 275
(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;	276 277 278 279
(K) Receive all initiative and referendum petitions on state questions and issues and determine and certify to the sufficiency of those petitions;	280 281 282
(L) Require such reports from the several boards as are provided by law, or as the secretary of state considers necessary;	283 284
(M) Compel the observance by election officers in the several counties of the requirements of the election laws;	285 286
(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	287 288 289

violations of election laws to the attorney general or prosecuting attorney, or both, for prosecution; 290
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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; 292
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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; 300
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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; 305
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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: 309
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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; 314
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(2) A process for the removal of ineligible voters under 320

section 3503.21 of the Revised Code; 321

(3) A uniform system for marking or removing the name of a 322
voter who is ineligible to vote from the statewide voter 323
registration database and, if applicable, from the poll list or 324
signature pollbook used in each precinct and noting the reason for 325
that mark or removal. 326

(R) Prescribe a general program for registering voters or 327
updating voter registration information, such as name and 328
residence changes, by boards of elections, designated agencies, 329
offices of deputy registrars of motor vehicles, public high 330
schools and vocational schools, public libraries, and offices of 331
county treasurers consistent with the requirements of section 332
3503.09 of the Revised Code; 333

(S) Prescribe a program of distribution of voter registration 334
forms through boards of elections, designated agencies, offices of 335
the registrar and deputy registrars of motor vehicles, public high 336
schools and vocational schools, public libraries, and offices of 337
county treasurers; 338

(T) To the extent feasible, provide copies, at no cost and 339
upon request, of the voter registration form in post offices in 340
this state; 341

(U) Adopt rules pursuant to section 111.15 of the Revised 342
Code for the purpose of implementing the program for registering 343
voters through boards of elections, designated agencies, and the 344
offices of the registrar and deputy registrars of motor vehicles 345
consistent with this chapter; 346

(V) Establish the full-time position of Americans with 347
Disabilities Act coordinator within the office of the secretary of 348
state to do all of the following: 349

(1) Assist the secretary of state with ensuring that there is 350
equal access to polling places for persons with disabilities; 351

(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, 384
absent voters ballot, provisional ballot, and other voting 385
requirements; 386

(AA) Establish a procedure by which a registered elector may 387
make available to a board of elections a more recent signature to 388
be used in the poll list or signature pollbook produced by the 389
board of elections of the county in which the elector resides; 390

(BB) Disseminate information, which may include all or part 391
of the official explanations and arguments, by means of direct 392
mail or other written publication, broadcast, or other means or 393
combination of means, as directed by the Ohio ballot board under 394
division (F) of section 3505.062 of the Revised Code, in order to 395
inform the voters as fully as possible concerning each proposed 396
constitutional amendment, proposed law, or referendum; 397

(CC) Be the single state office responsible for the 398
implementation of the "Uniformed and Overseas Citizens Absentee 399
Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 1973ff, 400
et seq., as amended, in this state. The secretary of state may 401
delegate to the boards of elections responsibilities for the 402
implementation of that act, including responsibilities arising 403
from amendments to that act made by the "Military and Overseas 404
Voter Empowerment Act," Subtitle H of the "National Defense 405
Authorization Act for Fiscal Year 2010," Pub. L. No. 111-84, 123 406
Stat. 3190. 407

(DD) Adopt rules, under Chapter 119. of the Revised Code, to 408
establish procedures and standards for determining when a board of 409
elections shall be placed under the official oversight of the 410
secretary of state, placing a board of elections under the 411
official oversight of the secretary of state, a board that is 412
under official oversight to transition out of official oversight, 413
and the secretary of state to supervise a board of elections that 414
is under official oversight of the secretary of state. 415

(EE) Perform other duties required by law. 416

Whenever a primary election is held under section 3513.32 of 417
the Revised Code or a special election is held under section 418
3521.03 of the Revised Code to fill a vacancy in the office of 419
representative to congress, the secretary of state shall establish 420
a deadline, notwithstanding any other deadline required under the 421
Revised Code, by which any or all of the following shall occur: 422
the filing of a declaration of candidacy and petitions or a 423
statement of candidacy and nominating petition together with the 424
applicable filing fee; the filing of protests against the 425
candidacy of any person filing a declaration of candidacy or 426
nominating petition; the filing of a declaration of intent to be a 427
write-in candidate; the filing of campaign finance reports; the 428
preparation of, and the making of corrections or challenges to, 429
precinct voter registration lists; the receipt of applications for 430
absent voter's ballots or ~~armed-service~~ uniformed services or 431
overseas absent voter's ballots; the supplying of election 432
materials to precincts by boards of elections; the holding of 433
hearings by boards of elections to consider challenges to the 434
right of a person to appear on a voter registration list; and the 435
scheduling of programs to instruct or reinstruct election 436
officers. 437

In the performance of the secretary of state's duties as the 438
chief election officer, the secretary of state may administer 439
oaths, issue subpoenas, summon witnesses, compel the production of 440
books, papers, records, and other evidence, and fix the time and 441
place for hearing any matters relating to the administration and 442
enforcement of the election laws. 443

In any controversy involving or arising out of the adoption 444
of registration or the appropriation of funds for registration, 445
the secretary of state may, through the attorney general, bring an 446
action in the name of the state in the court of common pleas of 447

the county where the cause of action arose or in an adjoining 448
county, to adjudicate the question. 449

In any action involving the laws in Title XXXV of the Revised 450
Code wherein the interpretation of those laws is in issue in such 451
a manner that the result of the action will affect the lawful 452
duties of the secretary of state or of any board of elections, the 453
secretary of state may, on the secretary of state's motion, be 454
made a party. 455

The secretary of state may apply to any court that is hearing 456
a case in which the secretary of state is a party, for a change of 457
venue as a substantive right, and the change of venue shall be 458
allowed, and the case removed to the court of common pleas of an 459
adjoining county named in the application or, if there are cases 460
pending in more than one jurisdiction that involve the same or 461
similar issues, the court of common pleas of Franklin county. 462

Public high schools and vocational schools, public libraries, 463
and the office of a county treasurer shall implement voter 464
registration programs as directed by the secretary of state 465
pursuant to this section. 466

Sec. 3501.051. (A) Notwithstanding any other section of the 467
Revised Code, the secretary of state may authorize, in one or more 468
precincts in one or more counties, a program allowing individuals 469
under the age of eighteen to enter the polling place and vote in a 470
simulated election held at the same time as a general election. 471
Any individual working in or supervising at a simulated election 472
may enter the polling place and remain within it during the entire 473
period the polls are open. 474

(B) A program established under division (A) of this section 475
shall require all of the following: 476

(1) That the duties imposed on ~~judges~~ of precinct election 477

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 508
regular state election, and the other shall be from the political 509
party which cast the next highest number of votes for the office 510
of governor at such election. Thereafter, all appointments shall 511
be made on the first day of March in odd-numbered years for a term 512
of four years. 513

(C) All vacancies filled for unexpired terms and all 514
appointments to new terms shall be made from the political party 515
to which the vacating or outgoing member belonged, unless there is 516
a third political party which cast a greater number of votes in 517
the state at the most recent regular state election for the office 518
of governor than did the party to which the retiring member 519
belonged, in which event the vacancy shall be filled from such 520
third party. 521

Sec. 3501.11. Each board of elections shall exercise by a 522
majority vote all powers granted to the board by Title XXXV of the 523
Revised Code, shall perform all the duties imposed by law, and 524
shall do all of the following: 525

(A) Establish, define, provide, rearrange, and combine 526
election precincts; 527

(B) Fix and provide the places for registration and for 528
holding primaries and elections; 529

(C) Provide for the purchase, preservation, and maintenance 530
of booths, ballot boxes, books, maps, flags, blanks, cards of 531
instructions, and other forms, papers, and equipment used in 532
registration, nominations, and elections; 533

(D) Appoint and remove its director, deputy director, and 534
employees and all registrars, ~~judges~~ precinct election officials, 535
and other officers of elections, fill vacancies, and designate the 536
ward or district and precinct in which each shall serve; 537

(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;

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

(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;

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

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

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

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

(L) Receive the returns of elections, canvass the returns,	569
make abstracts of them, and transmit those abstracts to the proper	570
authorities;	571
(M) Issue certificates of election on forms to be prescribed	572
by the secretary of state;	573
(N) Make an annual report to the secretary of state, on the	574
form prescribed by the secretary of state, containing a statement	575
of the number of voters registered, elections held, votes cast,	576
appropriations received, expenditures made, and other data	577
required by the secretary of state;	578
(O) Prepare and submit to the proper appropriating officer a	579
budget estimating the cost of elections for the ensuing fiscal	580
year;	581
(P) Perform other duties as prescribed by law or the rules,	582
directives, or advisories of the secretary of state;	583
(Q) Investigate and determine the residence qualifications of	584
electors;	585
(R) Administer oaths in matters pertaining to the	586
administration of the election laws;	587
(S) Prepare and submit to the secretary of state, whenever	588
the secretary of state requires, a report containing the names and	589
residence addresses of all incumbent county, municipal, township,	590
and board of education officials serving in their respective	591
counties;	592
(T) Establish and maintain a voter registration database of	593
all qualified electors in the county who offer to register;	594
(U) Maintain voter registration records, make reports	595
concerning voter registration as required by the secretary of	596
state, and remove ineligible electors from voter registration	597
lists in accordance with law and directives of the secretary of	598

state; 599

(V) Give approval to ballot language for any local question 600
or issue and transmit the language to the secretary of state for 601
the secretary of state's final approval; 602

(W) Prepare and cause the following notice to be displayed in 603
a prominent location in every polling place: 604

"NOTICE 605

Ohio law prohibits any person from voting or attempting to 606
vote more than once at the same election. 607

Violators are guilty of a felony of the fourth degree and 608
shall be imprisoned and additionally may be fined in accordance 609
with law." 610

(X) In all cases of a tie vote or a disagreement in the 611
board, if no decision can be arrived at, the director or 612
chairperson shall submit the matter in controversy, not later than 613
fourteen days after the tie vote or the disagreement, to the 614
secretary of state, who shall summarily decide the question, and 615
the secretary of state's decision shall be final. 616

(Y) Assist each designated agency, deputy registrar of motor 617
vehicles, public high school and vocational school, public 618
library, and office of a county treasurer in the implementation of 619
a program for registering voters at all voter registration 620
locations as prescribed by the secretary of state. Under this 621
program, each board of elections shall direct to the appropriate 622
board of elections any voter registration applications for persons 623
residing outside the county where the board is located within five 624
days after receiving the applications. 625

(Z) On any day on which an elector may vote in person at the 626
office of the board or at another site designated by the board, 627
consider the board or other designated site a polling place for 628
that day. All requirements or prohibitions of law that apply to a 629

polling place shall apply to the office of the board or other 630
designated site on that day. 631

(AA) Perform any duties with respect to voter registration 632
and voting by uniformed services and overseas voters that are 633
delegated to the board by law or by the rules, directives, or 634
advisories of the secretary of state. 635

Sec. 3501.13. (A) The director of the board of elections 636
shall keep a full and true record of the proceedings of the board 637
and of all moneys received and expended; file and preserve in the 638
board's office all orders and records pertaining to the 639
administration of registrations, primaries, and elections; receive 640
and have the custody of all books, papers, and property belonging 641
to the board; and perform other duties in connection with the 642
office of director and the proper conduct of elections as the 643
board determines. 644

(B) Before entering upon the duties of the office, the 645
director shall subscribe to an oath that the director will support 646
the Constitution of the United States and the Ohio Constitution, 647
perform all the duties of the office to the best of the director's 648
ability, enforce the election laws, and preserve all records, 649
documents, and other property pertaining to the conduct of 650
elections placed in the director's custody. 651

(C) The director may administer oaths to persons required by 652
law to file certificates or other papers with the board, to ~~judges~~ 653
~~of elections~~ precinct election officials, to witnesses who are 654
called to testify before the board, and to voters filling out 655
blanks at the board's offices. Except as otherwise provided by 656
state or federal law, the records of the board and papers and 657
books filed in its office are public records and open to 658
inspection under such reasonable regulations as shall be 659
established by the board. The following notice shall be posted in 660

a prominent place at each board office: 661

"Except as otherwise provided by state or federal law, 662
records filed in this office of the board of elections are open to 663
public inspection during normal office hours, pursuant to the 664
following reasonable regulations: (the board shall here list its 665
regulations). Whoever prohibits any person from inspecting the 666
public records of this board is subject to the penalties of 667
section 3599.161 of the Revised Code." 668

(D) Upon receipt of a written declaration of intent to retire 669
as provided for in section 145.38 of the Revised Code, the 670
director shall provide a copy to each member of the board of 671
elections. 672

Sec. 3501.17. (A) The expenses of the board of elections 673
shall be paid from the county treasury, in pursuance of 674
appropriations by the board of county commissioners, in the same 675
manner as other county expenses are paid. If the board of county 676
commissioners fails to appropriate an amount sufficient to provide 677
for the necessary and proper expenses of the board of elections 678
pertaining to the conduct of elections, the board of elections may 679
apply to the court of common pleas within the county, which shall 680
fix the amount necessary to be appropriated and the amount shall 681
be appropriated. Payments shall be made upon vouchers of the board 682
of elections certified to by its chairperson or acting chairperson 683
and the director or deputy director, upon warrants of the county 684
auditor. 685

The board of elections shall not incur any obligation 686
involving the expenditure of money unless there are moneys 687
sufficient in the funds appropriated therefor to meet the 688
obligation. If the board of elections requests a transfer of funds 689
from one of its appropriation items to another, the board of 690
county commissioners shall adopt a resolution providing for the 691

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. 724

(C) The compensation of ~~judges of elections~~ precinct election 725
officials and intermittent employees in the board's offices; the 726
cost of renting, moving, heating, and lighting polling places and 727
of placing and removing ballot boxes and other fixtures and 728
equipment thereof, including voting machines, marking devices, and 729
automatic tabulating equipment; the cost of printing and 730
delivering ballots, cards of instructions, registration lists 731
required under section 3503.23 of the Revised Code, and other 732
election supplies, including the supplies required to comply with 733
division (H) of section 3506.01 of the Revised Code; the cost of 734
contractors engaged by the board to prepare, program, test, and 735
operate voting machines, marking devices, and automatic tabulating 736
equipment; and all other expenses of conducting primaries and 737
elections in the odd-numbered years shall be charged to the 738
subdivisions in and for which such primaries or elections are 739
held. The charge for each primary or general election in 740
odd-numbered years for each subdivision shall be determined in the 741
following manner: first, the total cost of all chargeable items 742
used in conducting such elections shall be ascertained; second, 743
the total charge shall be divided by the number of precincts 744
participating in such election, in order to fix the cost per 745
precinct; third, the cost per precinct shall be prorated by the 746
board of elections to the subdivisions conducting elections for 747
the nomination or election of offices in such precinct; fourth, 748
the total cost for each subdivision shall be determined by adding 749
the charges prorated to it in each precinct within the 750
subdivision. 751

(D) The entire cost of special elections held on a day other 752
than the day of a primary or general election, both in 753
odd-numbered or in even-numbered years, shall be charged to the 754
subdivision. Where a special election is held on the same day as a 755

primary or general election in an even-numbered year, the 756
subdivision submitting the special election shall be charged only 757
for the cost of ballots and advertising. Where a special election 758
is held on the same day as a primary or general election in an 759
odd-numbered year, the subdivision submitting the special election 760
shall be charged for the cost of ballots and advertising for such 761
special election, in addition to the charges prorated to such 762
subdivision for the election or nomination of candidates in each 763
precinct within the subdivision, as set forth in the preceding 764
paragraph. 765

(E) Where a special election is held on the day specified by 766
division (E) of section 3501.01 of the Revised Code for the 767
holding of a primary election, for the purpose of submitting to 768
the voters of the state constitutional amendments proposed by the 769
general assembly, and a subdivision conducts a special election on 770
the same day, the entire cost of the special election shall be 771
divided proportionally between the state and the subdivision based 772
upon a ratio determined by the number of issues placed on the 773
ballot by each, except as otherwise provided in division (G) of 774
this section. Such proportional division of cost shall be made 775
only to the extent funds are available for such purpose from 776
amounts appropriated by the general assembly to the secretary of 777
state. If a primary election is also being conducted in the 778
subdivision, the costs shall be apportioned as otherwise provided 779
in this section. 780

(F) When a precinct is open during a general, primary, or 781
special election solely for the purpose of submitting to the 782
voters a statewide ballot issue, the state shall bear the entire 783
cost of the election in that precinct and shall reimburse the 784
county for all expenses incurred in opening the precinct. 785

(G)(1) The state shall bear the entire cost of advertising in 786
newspapers statewide ballot issues, explanations of those issues, 787

and arguments for or against those issues, as required by Section 788
1g of Article II and Section 1 of Article XVI, Ohio Constitution, 789
and any other section of law. Appropriations made to the 790
controlling board shall be used to reimburse the secretary of 791
state for all expenses the secretary of state incurs for such 792
advertising under division (G) of section 3505.062 of the Revised 793
Code. 794

(2) There is hereby created in the state treasury the 795
statewide ballot advertising fund. The fund shall receive 796
transfers approved by the controlling board, and shall be used by 797
the secretary of state to pay the costs of advertising state 798
ballot issues as required under division (G)(1) of this section. 799
Any such transfers may be requested from and approved by the 800
controlling board prior to placing the advertising, in order to 801
facilitate timely provision of the required advertising. 802

(H) The cost of renting, heating, and lighting registration 803
places; the cost of the necessary books, forms, and supplies for 804
the conduct of registration; and the cost of printing and posting 805
precinct registration lists shall be charged to the subdivision in 806
which such registration is held. 807

(I) At the request of a majority of the members of the board 808
of elections, the board of county commissioners may, by 809
resolution, establish an elections revenue fund. Except as 810
otherwise provided in this division, the purpose of the fund shall 811
be to accumulate revenue withheld by or paid to the county under 812
this section for the payment of any expense related to the duties 813
of the board of elections specified in section 3501.11 of the 814
Revised Code, upon approval of a majority of the members of the 815
board of elections. The fund shall not accumulate any revenue 816
withheld by or paid to the county under this section for the 817
compensation of the members of the board of elections or of the 818
director, deputy director, or other regular employees in the 819

board's offices, other than compensation for overtime worked. 820

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 821
Revised Code, the board of county commissioners may, by 822
resolution, transfer money to the elections revenue fund from any 823
other fund of the political subdivision from which such payments 824
lawfully may be made. Following an affirmative vote of a majority 825
of the members of the board of elections, the board of county 826
commissioners may, by resolution, rescind an elections revenue 827
fund established under this division. If an elections revenue fund 828
is rescinded, money that has accumulated in the fund shall be 829
transferred to the county general fund. 830

(J) As used in this section: 831

(1) "Political subdivision" and "subdivision" mean any board 832
of county commissioners, board of township trustees, legislative 833
authority of a municipal corporation, board of education, or any 834
other board, commission, district, or authority that is empowered 835
to levy taxes or permitted to receive the proceeds of a tax levy, 836
regardless of whether the entity receives tax settlement moneys as 837
described in division (A) of this section; 838

(2) "Statewide ballot issue" means any ballot issue, whether 839
proposed by the general assembly or by initiative or referendum, 840
that is submitted to the voters throughout the state. 841

Sec. 3501.22. (A) On or before the fifteenth day of September 842
in each year, the board of elections by a majority vote shall, 843
after careful examination and investigation as to their 844
qualifications, appoint for each election precinct four residents 845
of the county in which the precinct is located, as ~~judges precinct~~ 846
election officials. Except as otherwise provided in division (C) 847
of this section, all ~~judges of precinct~~ election officials shall 848
be qualified electors. The ~~judges precinct election officials~~ 849
shall constitute the election officers of the precinct. Not more 850

than one-half of the total number of ~~judges~~ precinct election 851
officials shall be members of the same political party. The term 852
of such precinct officers shall be for one year. The board may, at 853
any time, designate any number of election officers, not more than 854
one-half of whom shall be members of the same political party, to 855
perform their duties at any precinct in any election. The board 856
may appoint additional officials, ~~equally divided between the two~~ 857
~~major~~ not more than one-half of whom shall be members of the same 858
political parties party, when necessary to expedite voting. If the 859
board of elections determines that four precinct election 860
officials are not required in a precinct for a special election, 861
the board of elections may select two of the precinct's election 862
officers, who are not members of the same political party, to 863
serve as the precinct election officials for that precinct in that 864
special election. 865

Vacancies for unexpired terms shall be filled by the board. 866
When new precincts have been created, the board shall appoint 867
~~judges~~ precinct election officials for those precincts for the 868
unexpired term. Any ~~judge~~ precinct election official may be 869
summarily removed from office at any time by the board for neglect 870
of duty, malfeasance, or misconduct in office or for any other 871
good and sufficient reason. 872

Precinct election officials shall perform all of the duties 873
provided by law for receiving the ballots and supplies, opening 874
and closing the polls, and overseeing the casting of ballots 875
during the time the polls are open, and any other duties required 876
by section 3501.26 of the Revised Code. 877

A board of elections may designate two precinct election 878
officials as counting officials to count and tally the votes cast 879
and certify the results of the election at each precinct, and 880
perform other duties as provided by law. To expedite the counting 881
of votes at each precinct, the board may appoint additional 882

officials, not more than one-half of whom shall be members of the 883
same political party. 884

The board shall designate one of the precinct election 885
officials who is a member of the dominant political party to serve 886
as a ~~presiding judge~~ voting location manager, whose duty it is to 887
deliver the returns of the election and all supplies to the office 888
of the board. For these services, the ~~presiding judge~~ voting 889
location manager shall receive additional compensation in an 890
amount, consistent with section 3501.28 of the Revised Code, 891
determined by the board of elections. 892

The board shall issue to each precinct election official a 893
certificate of appointment, which the official shall present to 894
the ~~presiding judge~~ voting location manager at the time the polls 895
are opened. 896

(B) If the board of elections determines that not enough 897
qualified electors in a precinct are available to serve as 898
precinct officers, it may appoint persons to serve as precinct 899
officers at a primary, special, or general election who are at 900
least seventeen years of age and are registered to vote in 901
accordance with section 3503.07 of the Revised Code. 902

(C)(1) A board of elections, in conjunction with the board of 903
education of a city, local, or exempted village school district, 904
the governing authority of a community school established under 905
Chapter 3314. of the Revised Code, or the chief administrator of a 906
nonpublic school may establish a program permitting certain high 907
school students to apply and, if appointed by the board of 908
elections, to serve as precinct officers at a primary, special, or 909
general election. 910

In addition to the requirements established by division 911
(C)(2) of this section, a board of education, governing authority, 912
or chief administrator that establishes a program under this 913

division in conjunction with a board of elections may establish 914
additional criteria that students shall meet to be eligible to 915
participate in that program. 916

(2)(a) To be eligible to participate in a program established 917
under division (C)(1) of this section, a student shall be a United 918
States citizen, a resident of the county, at least seventeen years 919
of age, and enrolled in the senior year of high school. 920

(b) Any student applying to participate in a program 921
established under division (C)(1) of this section, as part of the 922
student's application process, shall declare the student's 923
political party affiliation with the board of elections. 924

(3) No student appointed as a precinct officer pursuant to a 925
program established under division (C)(1) of this section shall be 926
designated as a ~~presiding judge~~ voting location manager. 927

(4) Any student participating in a program established under 928
division (C)(1) of this section shall be excused for that 929
student's absence from school on the day of an election at which 930
the student is serving as a precinct officer. 931

(D) In any precinct with six or more precinct officers, up to 932
two students participating in a program established under division 933
(C)(1) of this section who are under eighteen years of age may 934
serve as precinct officers. Not more than one precinct officer in 935
any given precinct with fewer than six precinct officers shall be 936
under eighteen years of age. 937

Sec. 3501.26. When the polls are closed after a primary, 938
general, or special election, the receiving officials shall, in 939
the presence of the counting officials and attending observers, 940
proceed as follows: 941

(A) Count the number of electors who voted, as shown on the 942
poll books; 943

(B) Count the unused ballots without removing stubs;	944
(C) Count the soiled and defaced ballots;	945
(D) Insert the totals of divisions (A), (B), and (C) of this section on the report forms provided therefor in the poll books;	946 947
(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.	948 949 950 951 952 953 954 955
(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.	956 957 958
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.	959 960 961 962 963 964 965
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.	966 967 968 969
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	970 971 972 973

write the English language readily, or who is a candidate for an 974
office to be voted for by the voters of the precinct in which the 975
person is to serve shall serve as an election officer. A person 976
when appointed as an election officer shall receive from the board 977
of elections a certificate of appointment that may be revoked at 978
any time by the board for good and sufficient reasons. The 979
certificate shall be in the form the board prescribes and shall 980
specify the precinct, ward, or district in and for which the 981
person to whom it is issued is appointed to serve, the date of 982
appointment, and the expiration of the person's term of service. 983

(B) Each board shall establish a program as prescribed by the 984
secretary of state for the instruction of election officers in the 985
rules, procedures, and law relating to elections. In each program, 986
the board shall use training materials prepared by the secretary 987
of state and may use additional materials prepared by or on behalf 988
of the board. The board may use the services of unpaid volunteers 989
in conducting its program and may reimburse those volunteers for 990
necessary and actual expenses incurred in participating in the 991
program. 992

The board shall train each new election officer before the 993
new officer participates in the first election in that capacity. 994
The board shall instruct election officials who have been trained 995
previously only when the board or secretary of state considers 996
that instruction necessary, but the board shall reinstruct such 997
persons, other than ~~presiding judges~~ voting location managers, at 998
least once in every three years and shall reinstruct ~~presiding~~ 999
~~judges~~ voting location managers before the primary election in 1000
even-numbered years. The board shall schedule any program of 1001
instruction within sixty days prior to the election in which the 1002
officials to be trained will participate. 1003

(C) The duties of a ~~judge of an~~ precinct election official in 1004
each polling place shall be performed only by an individual who 1005

has successfully completed the requirements of the program, unless 1006
such an individual is unavailable after reasonable efforts to 1007
obtain such services. 1008

(D) The secretary of state shall establish a program for the 1009
instruction of members of boards of elections and employees of 1010
boards in the rules, procedures, and law relating to elections. 1011
Each member and employee shall complete the training program 1012
within six months after the member's or employee's original 1013
appointment or employment, and thereafter each member and employee 1014
shall complete a training program to update their knowledge once 1015
every four years or more often as determined by the secretary of 1016
state. 1017

(E) The secretary of state shall reimburse each county for 1018
the cost of programs established pursuant to division (B) of this 1019
section, once the secretary of state has received an itemized 1020
statement of expenses for such instruction programs from the 1021
county. The itemized statement shall be in a form prescribed by 1022
the secretary of state. 1023

Sec. 3501.28. (A) As used in this section: 1024

(1) "Fair Labor Standards Act" or "Act" means the "Fair Labor 1025
Standards Act of 1938," 52 Stat. 1062, 29 U.S.C.A. 201, as 1026
amended. 1027

(2) "Full election day" means the period of time between the 1028
opening of the polls and the completion of the procedures 1029
contained in section 3501.26 of the Revised Code. 1030

(3) "Services" means services at each general, primary, or 1031
special election. 1032

~~(B) Beginning with calendar year 1998, each judge of an 1033
election in a county shall be paid for the judge's services at the 1034
same hourly rate, which shall be not less than the minimum hourly 1035~~

~~rate established by the Fair Labor Standards Act and not more than~~ 1036
~~eighty five dollars per diem.~~ 1037

~~(C)~~ Beginning with calendar year 2004, each ~~judge of an~~ 1038
precinct election official in a county shall be paid for the 1039
~~judge's official's~~ services at the same hourly rate, which shall 1040
be not less than the minimum hourly rate established by the Fair 1041
Labor Standards Act and not more than ninety-five dollars per 1042
diem. 1043

~~(D)~~(C) The secretary of state shall establish, by rule 1044
adopted under section 111.15 of the Revised Code, the maximum 1045
amount of per diem compensation that may be paid to ~~judges of an~~ 1046
precinct election officials under this section each time the Fair 1047
Labor Standards Act is amended to increase the minimum hourly rate 1048
established by the act. Upon learning of such an increase, the 1049
secretary of state shall determine by what percentage the minimum 1050
hourly rate has been increased under the act and establish a new 1051
maximum amount of per diem compensation that ~~judges of an~~ precinct 1052
election officials may be paid under this section that is 1053
increased by the same percentage that the minimum hourly rate has 1054
been increased under the act. 1055

~~(E)~~(D)(1)(a) No board of elections shall increase the pay of 1056
a ~~judge of an~~ precinct election official under this section during 1057
a calendar year unless the board has given written notice of the 1058
proposed increase to the board of county commissioners not later 1059
than the first day of October of the preceding calendar year. 1060

(b) Except as otherwise provided in division ~~(E)~~(D)(2) of 1062
this section, a board of elections may increase the pay of a ~~judge~~ 1063
~~of an~~ precinct election official during a calendar year by up to, 1064
but not exceeding, nine per cent over the compensation paid to a 1065
~~judge of an~~ precinct election official in the county where the 1066
board is located during the previous calendar year, if the 1067

compensation so paid during the previous calendar year was 1068
eighty-five dollars or less per diem. 1069

(c) Except as otherwise provided in division ~~(E)~~(D)(2) of 1070
this section, a board of elections may increase the pay of a ~~judge~~ 1071
~~of an~~ precinct election official during a calendar year by up to, 1072
but not exceeding, four and one-half per cent over the 1073
compensation paid to a ~~judge of an~~ precinct election official in 1074
the county where the board is located during the previous calendar 1075
year, if the compensation so paid during the previous calendar 1076
year was more than eighty-five but less than ninety-five dollars 1077
per diem. 1078

(2) The board of county commissioners may review and comment 1079
upon a proposed increase and may enter into a written agreement 1080
with a board of elections to permit an increase in the 1081
compensation paid to ~~judges of an~~ precinct election officials for 1082
their services during a calendar year that is greater than the 1083
applicable percentage limitation described in division (E)(1)(b) 1084
or (c) of this section. 1085

~~(F)~~(E) No ~~judge of an~~ precinct election official who works 1086
less than the full election day shall be paid the maximum amount 1087
allowed under this section or the maximum amount as set by the 1088
board of elections, whichever is less. 1089

~~(G)~~(F)(1) Except as otherwise provided in divisions ~~(G)~~(F)(4) 1090
to (6) of this section, any employee of the state or of any 1091
political subdivision of the state may serve as a ~~judge of~~ 1092
~~elections~~ precinct election official on the day of an election 1093
without loss of the employee's regular compensation for that day 1094
as follows: 1095

(a) For employees of a county office, department, commission, 1096
board, or other entity, or of a court of common pleas, county 1097
court, or county-operated municipal court, as defined in section 1098

1901.03 of the Revised Code, the employee's appointing authority 1099
may permit leave with pay for this service in accordance with a 1100
resolution setting forth the terms and conditions for that leave 1101
passed by the board of county commissioners. 1102

(b) For all other employees of a political subdivision of the 1103
state, leave with pay for this service shall be subject to the 1104
terms and conditions set forth in an ordinance or a resolution 1105
passed by the legislative authority of the applicable political 1106
subdivision. 1107

(c) For state employees, leave with pay for this service 1108
shall be subject to the terms and conditions set forth by the head 1109
of the state agency, as defined in section 1.60 of the Revised 1110
Code, by which the person is employed. 1111

(2) Any terms and conditions set forth by a board of county 1112
commissioners, legislative authority of a political subdivision, 1113
or head of a state agency under division (G)(1) of this section 1114
shall include a standard procedure for deciding which employees 1115
are permitted to receive leave with pay if multiple employees of 1116
an entity or court described in division (G)(1)(a) of this 1117
section, of an entity of a political subdivision described in 1118
division (G)(1)(b) of this section, or of a state agency as 1119
defined in section 1.60 of the Revised Code apply to serve as a 1120
~~judge of elections~~ precinct election official on the day of an 1121
election. This procedure shall be applied uniformly to all 1122
similarly situated employees. 1123

(3) Any employee who is eligible for leave with pay under 1124
division (G)(1) of this section shall receive, in addition to the 1125
employee's regular compensation, the compensation paid to the 1126
~~judge of an~~ precinct election official under division (B) ~~or~~ (C) ~~or~~ 1127
~~er~~ (D) of this section. 1128

(4) Division ~~(G)~~(F)(1) of this section does not apply to 1129

either of the following: 1130

(a) Election officials; 1131

(b) Public school teachers. 1132

(5) Nothing in division ~~(G)~~(F)(1) of this section supersedes 1133
or negates any provision of a collective bargaining agreement in 1134
effect under Chapter 4117. of the Revised Code. 1135

(6) If a board of county commissioners, legislative authority 1136
of a political subdivision, or head of a state agency fails to set 1137
forth any terms and conditions under division ~~(G)~~(F)(1) of this 1138
section, an employee of an entity or court described in division 1139
~~(G)~~(F)(1)(a) of this section, of an entity of a political 1140
subdivision described in division ~~(G)~~(F)(1)(b) of this section, or 1141
of a state agency as defined in section 1.60 of the Revised Code 1142
may use personal leave, vacation leave, or compensatory time, or 1143
take unpaid leave, to serve as a ~~judge of elections~~ precinct
election official on the day of an election. 1144
1145

~~(H)~~(G) The board of elections may withhold the compensation 1146
of any precinct election official for failure to obey the 1147
instructions of the board or to comply with the law relating to 1148
the duties of ~~such a precinct judge~~ election official. Any payment 1149
a ~~judge of an~~ precinct election official is entitled to receive 1150
under section 3501.36 of the Revised Code is in addition to the 1151
compensation the ~~judge~~ official is entitled to receive under this 1152
section. 1153

Sec. 3501.29. (A) The board of elections shall provide for 1154
each precinct a polling place and provide adequate facilities at 1155
each polling place for conducting the election. The board shall 1156
provide a sufficient number of screened or curtained voting 1157
compartments to which electors may retire and conveniently mark 1158
their ballots, protected from the observation of others. Each 1159

voting compartment shall be provided at all times with writing 1160
implements, instructions how to vote, and other necessary 1161
conveniences for marking the ballot. The ~~presiding judge~~ voting 1162
location manager shall ensure that the voting compartments at all 1163
times are adequately lighted and contain the necessary supplies. 1164
The board shall utilize, in so far as practicable, rooms in public 1165
schools and other public buildings for polling places. Upon 1166
application of the board of elections, the authority which has the 1167
control of any building or grounds supported by taxation under the 1168
laws of this state, shall make available the necessary space 1169
therein for the purpose of holding elections and adequate space 1170
for the storage of voting machines, without charge for the use 1171
thereof. A reasonable sum may be paid for necessary janitorial 1172
service. When polling places are established in private buildings, 1173
the board may pay a reasonable rental therefor, and also the cost 1174
of liability insurance covering the premises when used for 1175
election purposes, or the board may purchase a single liability 1176
policy covering the board and the owners of the premises when used 1177
for election purposes. When removable buildings are supplied by 1178
the board, they shall be constructed under the contract let to the 1179
lowest and best bidder, and the board shall observe all ordinances 1180
and regulations then in force as to safety. The board shall remove 1181
all such buildings from streets and other public places within 1182
thirty days after an election, unless another election is to be 1183
held within ninety days. 1184

(B)(1) Except as otherwise provided in this section, the 1185
board shall ensure all of the following: 1186

(a) That polling places are free of barriers that would 1187
impede ingress and egress of handicapped persons; 1188

(b) That the minimum number of special parking locations, 1189
also known as handicapped parking spaces or disability parking 1190
spaces, for handicapped persons are designated at each polling 1191

place in accordance with 28 C.F.R. Part 36, Appendix A, and in 1192
compliance with division (E) of section 4511.69 of the Revised 1193
Code-; 1194

(c) That the entrances of polling places are level or are 1195
provided with a nonskid ramp of not over eight per cent gradient; 1196

(d) That doors are a minimum of thirty-two inches wide. 1197

(2) Notwithstanding division (B)(1)(a), (c), or (d) of this 1198
section, certain polling places may be specifically exempted by 1199
the secretary of state upon certification by a board of elections 1200
that a good faith, but unsuccessful, effort has been made to 1201
modify, or change the location of, such polling places. 1202

(C) At any polling place that is exempted from compliance by 1203
the secretary of state, the board of elections shall permit any 1204
handicapped elector who travels to that elector's polling place, 1205
but who is unable to enter the polling place, to vote, with the 1206
assistance of two polling place officials of major political 1207
parties, in the vehicle that conveyed that elector to the polling 1208
place, or to receive and cast that elector's ballot at the door of 1209
the polling place. 1210

(D) The secretary of state shall: 1211

(1) Work with other state agencies to facilitate the 1212
distribution of information and technical assistance to boards of 1213
elections to meet the requirements of division (B) of this 1214
section; 1215

(2) Work with organizations that represent or provide 1216
services to handicapped, disabled, or elderly citizens to effect a 1217
wide dissemination of information about the availability of 1218
absentee voting, voting in the voter's vehicle or at the door of 1219
the polling place, or other election services to handicapped, 1220
disabled, or elderly citizens. 1221

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

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

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

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

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

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

comply with state or federal laws; 1253

(3) A flag of the United States approximately two and 1254
one-half feet in length along the top, which shall be displayed 1255
outside the entrance to the polling place during the time it is 1256
open for voting; 1257

(4) Two or more small flags of the United States 1258
approximately fifteen inches in length along the top, which shall 1259
be placed at a distance of one hundred feet from the polling place 1260
on the thoroughfares or walkways leading to the polling place, to 1261
mark the distance within which persons other than election 1262
officials, observers, police officers, and electors waiting to 1263
mark, marking, or casting their ballots shall not loiter, 1264
congregate, or engage in any kind of election campaigning. Where 1265
small flags cannot reasonably be placed one hundred feet from the 1266
polling place, the ~~presiding election judge~~ voting location 1267
manager shall place the flags as near to one hundred feet from the 1268
entrance to the polling place as is physically possible. Police 1269
officers and all election officials shall see that this 1270
prohibition against loitering and congregating is enforced. 1271

When the period of time during which the polling place is 1272
open for voting expires, all of the flags described in this 1273
division shall be taken into the polling place and shall be 1274
returned to the board together with all other election supplies 1275
required to be delivered to the board. 1276

(B) The board of elections shall follow the instructions and 1277
advisories of the secretary of state in the production and use of 1278
polling place supplies. 1279

Sec. 3501.31. The board of elections shall mail to each 1280
precinct election official notice of the date, hours, and place of 1281
holding each election in the official's respective precinct at 1282
which it desires the official to serve. Each of such officials 1283

shall notify the board immediately upon receipt of such notice of 1284
any inability to serve. 1285

The election official designated as ~~presiding judge~~ voting 1286
location manager under section 3501.22 of the Revised Code shall 1287
call at the office of the board at such time before the day of the 1288
election, not earlier than the tenth day before the day of the 1289
election, as the board designates to obtain the ballots, 1290
pollbooks, registration forms and lists, and other material to be 1291
used in the official's polling place on election day. 1292

The board may also provide for the delivery of such materials 1293
to polling places in a municipal corporation by members of the 1294
police department of such municipal corporation; or the board may 1295
provide for the delivery of such materials to the ~~presiding judge~~ 1296
voting location manager not earlier than the tenth day before the 1297
election, in any manner it finds to be advisable. 1298

On election day the precinct election officials shall 1299
punctually attend the polling place one-half hour before the time 1300
fixed for opening the polls. Each of the precinct election 1301
officials shall thereupon make and subscribe to a statement which 1302
shall be as follows: 1303

"State of Ohio 1304

County of 1305

I do solemnly swear under the penalty of perjury that I will 1306
support the constitution of the United States of America and the 1307
constitution of the state of Ohio and its laws; that I have not 1308
been convicted of a felony or any violation of the election laws; 1309
that I will discharge to the best of my ability the duties of 1310
~~judge of~~ precinct election official in and for precinct 1311
..... in the (township) or 1312
(ward and city or village) in the county of 1313
....., in the election to be held on the 1314

day of,, as required by law and the rules 1315
and instructions of the board of elections of said county; and 1316
that I will endeavor to prevent fraud in such election, and will 1317
report immediately to said board any violations of the election 1318
laws which come to my attention, and will not disclose any 1319
information as to how any elector voted which is gained by me in 1320
the discharge of my official duties. 1321

..... 1322
..... 1323
..... 1324
..... 1325
..... 1326
..... 1327

(Signatures of precinct election officials)" 1328

If any of the other precinct election officials is absent at 1329
that time, the ~~presiding judge~~ voting location manager, with the 1330
concurrence of a majority of the precinct election officials 1331
present, shall appoint a qualified elector who is a member of the 1332
same political party as the political party of which such absent 1333
precinct election official is a member to fill the vacancy until 1334
the board appoints a person to fill such vacancy and the person so 1335
appointed reports for duty at the polling place. The ~~presiding~~ 1336
~~judge~~ voting location manager shall promptly notify the board of 1337
such vacancy by telephone or otherwise. The ~~presiding judge~~ voting 1338
location manager also shall assign the precinct election officials 1339
to their respective duties and shall have general charge of the 1340
polling place. 1341

Sec. 3501.32. (A) Except as otherwise provided in division 1342
(B) of this section, on the day of the election the polls shall be 1343
opened by proclamation by the ~~presiding judge~~ voting location 1344

manager, or in ~~his~~ the manager's absence by a ~~presiding judge~~ 1345
voting location manager chosen by the ~~judges~~ precinct election 1346
officials, at six-thirty a.m. and shall be closed by proclamation 1347
at seven-thirty p.m. unless there are voters waiting in line to 1348
cast their ballots, in which case the polls shall be kept open 1349
until such waiting voters have voted. 1350

(B) On the day of the election, any polling place located on 1351
an island not connected to the mainland by a highway or a bridge 1352
may close earlier than seven-thirty p.m. if all registered voters 1353
in the precinct have voted. When a polling place closes under 1354
division (B) of this section the ~~presiding judge~~ voting location 1355
manager shall immediately notify the board of elections of the 1356
closing. 1357

Sec. 3501.33. All ~~judges of~~ precinct election officials shall 1358
enforce peace and good order in and about the place of 1359
registration or election. They shall especially keep the place of 1360
access of the electors to the polling place open and unobstructed 1361
and prevent and stop any improper practices or attempts tending to 1362
obstruct, intimidate, or interfere with any elector in registering 1363
or voting. They shall protect observers against molestation and 1364
violence in the performance of their duties, and may eject from 1365
the polling place any observer for violation of any provision of 1366
Title XXXV of the Revised Code. They shall prevent riots, 1367
violence, tumult, or disorder. In the discharge of these duties, 1368
they may call upon the sheriff, police, or other peace officers to 1369
aid them in enforcing the law. They may order the arrest of any 1370
person violating Title XXXV of the Revised Code, but such an 1371
arrest shall not prevent the person from registering or voting if 1372
the person is entitled to do so. The sheriff, all constables, 1373
police officers, and other officers of the peace shall immediately 1374
obey and aid in the enforcement of any lawful order made by the 1375
precinct election officials in the enforcement of Title XXXV of 1376

the Revised Code. 1377

Sec. 3501.35. (A) During an election and the counting of the 1378
ballots, no person shall do any of the following: 1379

(1) Loiter, congregate, or engage in any kind of election 1380
campaigning within the area between the polling place and the 1381
small flags of the United States placed on the thoroughfares and 1382
walkways leading to the polling place, and if the line of electors 1383
waiting to vote extends beyond those small flags, within ten feet 1384
of any elector in that line; 1385

(2) In any manner hinder or delay an elector in reaching or 1386
leaving the place fixed for casting the elector's ballot; 1387

(3) Give, tender, or exhibit any ballot or ticket to any 1388
person other than the elector's own ballot to the ~~judge of~~ 1389
precinct election officials within the area between the polling 1390
place and the small flags of the United States placed on the 1391
thoroughfares and walkways leading to the polling place, and if 1392
the line of electors waiting to vote extends beyond those small 1393
flags, within ten feet of any elector in that line; 1394

(4) Exhibit any ticket or ballot which the elector intends to 1395
cast; 1396

(5) Solicit or in any manner attempt to influence any elector 1397
in casting the elector's vote. 1398

(B) Except as otherwise provided in division (C) of section 1399
3503.23 of the Revised Code, no person who is not an election 1400
official, employee, observer, or police officer shall be allowed 1401
to enter the polling place during the election, except for the 1402
purpose of voting or assisting another person to vote as provided 1403
in section 3505.24 of the Revised Code. 1404

(C) No more electors shall be allowed to approach the voting 1405
shelves at any time than there are voting shelves provided. 1406

(D) The ~~judges of~~ precinct election officials and the police 1407
officer shall strictly enforce the observance of this section. 1408

Sec. 3501.37. After each election, the ~~judges of elections~~ 1409
precinct election officials of each precinct, except when the 1410
board of elections assumes the duty, shall see that the movable 1411
booths and other equipment are returned for safekeeping to the 1412
fiscal officer of the township or to the clerk or auditor of the 1413
municipal corporation in which the precinct is situated. The 1414
fiscal officer, clerk, or auditor shall have booths and equipment 1415
on hand and in place at the polling places in each precinct before 1416
the time for opening the polls on election days, and for this 1417
service the board may allow the necessary expenses incurred. In 1418
cities, this duty shall devolve on the board. 1419

Sec. 3503.02. All registrars and ~~judges of elections~~ precinct 1420
election officials, in determining the residence of a person 1421
offering to register or vote, shall be governed by the following 1422
rules: 1423

(A) That place shall be considered the residence of a person 1424
in which the person's habitation is fixed and to which, whenever 1425
the person is absent, the person has the intention of returning. 1426

(B) A person shall not be considered to have lost the 1427
person's residence who leaves the person's home and goes into 1428
another state or county of this state, for temporary purposes 1429
only, with the intention of returning. 1430

(C) A person shall not be considered to have gained a 1431
residence in any county of this state into which the person comes 1432
for temporary purposes only, without the intention of making such 1433
county the permanent place of abode. 1434

(D) The place where the family of a married person resides 1435
shall be considered to be the person's place of residence; except 1436

that when the spouses have separated and live apart, the place 1437
where such a spouse resides the length of time required to entitle 1438
a person to vote shall be considered to be the spouse's place of 1439
residence. 1440

(E) If a person removes to another state with the intention 1441
of making such state the person's residence, the person shall be 1442
considered to have lost the person's residence in this state. 1443

(F) Except as otherwise provided in division (G) of this 1444
section, if a person removes from this state and continuously 1445
resides outside this state for a period of four years or more, the 1446
person shall be considered to have lost the person's residence in 1447
this state, notwithstanding the fact that the person may entertain 1448
an intention to return at some future period. 1449

(G)(1) If a person removes from this state to engage in the 1450
services of the United States government, the person shall not be 1451
considered to have lost the person's residence in this state, and 1452
likewise should the person enter the employment of the state, the 1453
place where such person resided at the time of the person's 1454
removal shall be considered to be the person's place of residence. 1455

(2) If a person removes from this state to a location outside 1456
of the United States and the person does not become a resident of 1457
another state, the person shall not be considered to have lost the 1458
person's residence in this state. The place where the person 1459
resided at the time of the person's removal shall be considered to 1460
be the person's place of residence. 1461

(3) If a person is eligible to vote in this state under 1462
division (D)(2) of section 3511.011 of the Revised Code, the place 1463
where the person's parent or legal guardian resided in this state 1464
prior to that parent or legal guardian's removal to a location 1465
outside of the United States shall be considered to be the 1466
person's place of residence. 1467

(4) If an address that is considered to be a person's place of residence under division (G) of this section ceases to be a recognized residential address, the board of elections shall assign an address to the applicable person for voting purposes.

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

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

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

(B) Notwithstanding division (A) of this section the board of elections shall maintain and make available for public inspection and copying at a reasonable cost all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of voter registration lists, including the names and addresses of all

registered electors sent confirmation notices and whether or not 1499
the elector responded to the confirmation notice. The board shall 1500
maintain all records described in this division for a period of 1501
two years. 1502

Sec. 3505.07. (A) If the board of elections, by a unanimous 1503
vote of its members, or if the secretary of state, in the 1504
secretary of state's sole discretion, finds it impracticable to 1505
place the names of candidates for any office of a minor political 1506
subdivision in the county or the wording of any question or issue 1507
to be voted upon in such minor political subdivision on the 1508
ballots under sections 3505.01 to 3505.09 of the Revised Code, 1509
then such board may, or at the direction of the secretary of state 1510
shall, provide separate ballots for the candidates, question, or 1511
issue. 1512

(B) If the secretary of state, in the secretary of state's 1513
sole discretion, determines that it is impracticable to place the 1514
names of candidates for any office or the wording for any question 1515
or issue to be voted upon on the ballot when the candidates, 1516
question, issue, or wording for the question or issue was ordered 1517
onto the ballot by a court of competent jurisdiction and the 1518
ballots have been printed prior to the court order, the board of 1519
elections, at the direction of the secretary of state, shall 1520
provide separate ballots for the candidates, question, or issue. 1521

(C) All separate ballots provided for in this section shall 1522
conform in quality of paper, style of printing, form of ballot, 1523
arrangement of names, and in all other ways, in so far as 1524
practicable, with the provisions relating to the printing of the 1525
general official ballot. ~~Separate ballot boxes shall be provided~~ 1526
~~for each such separate kind of ballot.~~ 1527

Sec. 3505.08. (A) Ballots shall be provided by the board of 1528

elections for all general and special elections. The ballots shall 1529
be printed with black ink on No. 2 white book paper fifty pounds 1530
in weight per ream assuming such ream to consist of five hundred 1531
sheets of such paper twenty-five by thirty-eight inches in size. 1532
Each ballot shall have attached at the top two stubs, each of the 1533
width of the ballot and not less than one-half inch in length, 1534
except that, if the board of elections has an alternate method to 1535
account for the ballots that the secretary of state has 1536
authorized, each ballot may have only one stub that shall be the 1537
width of the ballot and not less than one-half inch in length. In 1538
the case of ballots with two stubs, the stubs shall be separated 1539
from the ballot and from each other by perforated lines. The top 1540
stub shall be known as Stub B and shall have printed on its face 1541
"Stub B." The other stub shall be known as Stub A and shall have 1542
printed on its face "Stub A." Each stub shall also have printed on 1543
its face "Consecutive Number" 1544

Each ballot of each kind of ballot provided for use in each 1545
precinct shall be numbered consecutively beginning with number 1 1546
by printing such number upon both of the stubs attached to the 1547
ballot. On ballots bearing the names of candidates, each 1548
candidate's name shall be printed in twelve point boldface upper 1549
case type in an enclosed rectangular space, and an enclosed blank 1550
rectangular space shall be provided at the left of the candidate's 1551
name. The name of the political party of a candidate nominated at 1552
a primary election or certified by a party committee shall be 1553
printed in ten point lightface upper and lower case type and shall 1554
be separated by a two point blank space. The name of each 1555
candidate shall be indented one space within the enclosed 1556
rectangular space, and the name of the political party shall be 1557
indented two spaces within the enclosed rectangular space. 1558

The title of each office on the ballots shall be printed in 1559
twelve point boldface upper and lower case type in a separate 1560

enclosed rectangular space. A four point rule shall separate the 1561
name of a candidate or a group of candidates for the same office 1562
from the title of the office next appearing below on the ballot; a 1563
two point rule shall separate the title of the office from the 1564
names of candidates; and a one point rule shall separate names of 1565
candidates. Headings shall be printed in display Roman type. When 1566
the names of several candidates are grouped together as candidates 1567
for the same office, there shall be printed on the ballots 1568
immediately below the title of the office and within the separate 1569
rectangular space in which the title is printed "Vote for not more 1570
than," in six point boldface upper and lower case filling 1571
the blank space with that number which will indicate the number of 1572
persons who may be lawfully elected to the office. 1573

Columns on ballots shall be separated from each other by a 1574
heavy vertical border or solid line at least one-eighth of an inch 1575
wide, and a similar vertical border or line shall enclose the left 1576
and right side of ballots. Ballots shall be trimmed along the 1577
sides close to such lines. 1578

The ballots provided for by this section shall be comprised 1579
of four kinds of ballots designated as follows: office type 1580
ballot; nonpartisan ballot; questions and issues ballot; and 1581
presidential ballot. 1582

On the back of each office type ballot shall be printed 1583
"Official Office Type Ballot;" on the back of each nonpartisan 1584
ballot shall be printed "Official Nonpartisan Ballot;" on the back 1585
of each questions and issues ballot shall be printed "Official 1586
Questions and Issues Ballot;" and on the back of each presidential 1587
ballot shall be printed "Official Presidential Ballot." ~~On~~ At the 1588
~~back end~~ of every ballot also shall be printed the date of the 1589
election at which the ballot is used and the facsimile signatures 1590
of the members of the board of the county in which the ballot is 1591
used. For the purpose of identifying the kind of ballot, the back 1592

of every ballot may be numbered in the order the board shall 1593
determine. The numbers shall be printed in not less than 1594
thirty-six point type above the words "Official Office Type 1595
Ballot," "Official Nonpartisan Ballot," "Official Questions and 1596
Issues Ballot," or "Official Presidential Ballot," as the case may 1597
be. ~~Ballot boxes~~ A ballot box bearing corresponding numbers shall 1598
be furnished for each precinct in which the above-described 1599
numbered ballots are used. 1600

On the back of every ballot used, there shall be a solid 1601
black line printed opposite the blank rectangular space that is 1602
used to mark the choice of the voter. This line shall be printed 1603
wide enough so that the mark in the blank rectangular space will 1604
not be visible from the back side of the ballot. 1605

Sample ballots may be printed by the board of elections for 1606
all general elections. The ballots shall be printed on colored 1607
paper, and "Sample Ballot" shall be plainly printed in boldface 1608
type on the face of each ballot. In counties of less than one 1609
hundred thousand population, the board may print not more than 1610
five hundred sample ballots; in all other counties, it may print 1611
not more than one thousand sample ballots. The sample ballots 1612
shall not be distributed by a political party or a candidate, nor 1613
shall a political party or candidate cause their title or name to 1614
be imprinted on sample ballots. 1615

(B) Notwithstanding division (A) of this section, in 1616
approving the form of an official ballot, the secretary of state 1617
may authorize the use of fonts, type face settings, and ballot 1618
formats other than those prescribed in that division. 1619

Sec. 3505.16. Before the opening of the polls, the package of 1620
supplies and the ballot ~~boxes~~ box shall be opened in the presence 1621
of the precinct officials. The ballot ~~boxes~~ box, the package of 1622
ballots, registration forms, and other supplies shall at all times 1623

be in full sight of the observers, and no ballot box or unused 1624
ballots during the balloting or counting shall be removed or 1625
screened from their full sight until the counting has been closed 1626
and the final returns completed and the certificate signed by the 1627
judges. 1628

Sec. 3505.17. If by accident or casualty the ballots or other 1629
required papers, lists, or supplies are lost or destroyed, or in 1630
case none are delivered at the polling place, or if during the 1631
time the polls are open additional ballots or supplies are 1632
required, the board of elections, upon requisition by telephone or 1633
in writing and signed by a majority of the precinct election 1634
~~judges~~ officials of the precinct stating why such additional 1635
supplies are needed, shall supply them as speedily as possible. 1636

Sec. 3505.18. (A)(1) When an elector appears in a polling 1637
place to vote, the elector shall announce to the precinct election 1638
officials the elector's full name and current address and provide 1639
proof of the elector's identity in the form of a current and valid 1640
photo identification, a military identification, or a copy of a 1641
current utility bill, bank statement, government check, paycheck, 1642
or other government document, other than a notice of an election 1643
mailed by a board of elections under section 3501.19 of the 1644
Revised Code or a notice of voter registration mailed by a board 1645
of elections under section 3503.19 of the Revised Code, that shows 1646
the name and current address of the elector. If the elector 1647
provides either a driver's license or a state identification card 1648
issued under section 4507.50 of the Revised Code that does not 1649
contain the elector's current residence address, the elector shall 1650
provide the last four digits of the elector's driver's license 1651
number or state identification card number, and the precinct 1652
election official shall mark the poll list or signature pollbook 1653
to indicate that the elector has provided a driver's license or 1654

state identification card number with a former address and record 1655
the last four digits of the elector's driver's license number or 1656
state identification card number. 1657

(2) If an elector has but is unable to provide to the 1658
precinct election officials any of the forms of identification 1659
required under division (A)(1) of this section, but has a social 1660
security number, the elector may provide the last four digits of 1661
the elector's social security number. Upon providing the social 1662
security number information, the elector may cast a provisional 1663
ballot under section 3505.181 of the Revised Code, the envelope of 1664
which ballot shall include that social security number 1665
information. 1666

(3) If an elector has but is unable to provide to the 1667
precinct election officials any of the forms of identification 1668
required under division (A)(1) of this section and if the elector 1669
has a social security number but is unable to provide the last 1670
four digits of the elector's social security number, the elector 1671
may cast a provisional ballot under section 3505.181 of the 1672
Revised Code. 1673

(4) If an elector does not have any of the forms of 1674
identification required under division (A)(1) of this section and 1675
cannot provide the last four digits of the elector's social 1676
security number because the elector does not have a social 1677
security number, the elector may execute an affirmation under 1678
penalty of election falsification that the elector cannot provide 1679
the identification required under that division or the last four 1680
digits of the elector's social security number for those reasons. 1681
Upon signing the affirmation, the elector may cast a provisional 1682
ballot under section 3505.181 of the Revised Code. The secretary 1683
of state shall prescribe the form of the affirmation, which shall 1684
include spaces for all of the following: 1685

(a) The elector's name; 1686

(b) The elector's address; 1687

(c) The current date; 1688

(d) The elector's date of birth; 1689

(e) The elector's signature. 1690

(5) If an elector does not have any of the forms of 1691
identification required under division (A)(1) of this section and 1692
cannot provide the last four digits of the elector's social 1693
security number because the elector does not have a social 1694
security number, and if the elector declines to execute an 1695
affirmation under division (A)(4) of this section, the elector may 1696
cast a provisional ballot under section 3505.181 of the Revised 1697
Code, the envelope of which ballot shall include the elector's 1698
name. 1699

(6) If an elector has but declines to provide to the precinct 1700
election officials any of the forms of identification required 1701
under division (A)(1) of this section or the elector has a social 1702
security number but declines to provide to the precinct election 1703
officials the last four digits of the elector's social security 1704
number, the elector may cast a provisional ballot under section 1705
3505.181 of the Revised Code. 1706

(B) After the elector has announced the elector's full name 1707
and current address and provided any of the forms of 1708
identification required under division (A)(1) of this section, the 1709
elector shall write the elector's name and address at the proper 1710
place in the poll list or signature pollbook provided for the 1711
purpose, except that if, for any reason, an elector is unable to 1712
write the elector's name and current address in the poll list or 1713
signature pollbook, the elector may make the elector's mark at the 1714
place intended for the elector's name, and a precinct election 1715
official shall write the name of the elector at the proper place 1716
on the poll list or signature pollbook following the elector's 1717

mark. The making of such a mark shall be attested by the precinct 1718
election official, who shall evidence the same by signing the 1719
precinct election official's name on the poll list or signature 1720
pollbook as a witness to the mark. Alternatively, if applicable, 1721
an attorney in fact acting pursuant to section 3501.382 of the 1722
Revised Code may sign the elector's signature in the poll list or 1723
signature pollbook in accordance with that section. 1724

The elector's signature in the poll list or signature 1725
pollbook then shall be compared with the elector's signature on 1726
the elector's registration form or a digitized signature list as 1727
provided for in section 3503.13 of the Revised Code, and if, in 1728
the opinion of a majority of the precinct election officials, the 1729
signatures are the signatures of the same person, the election 1730
officials shall enter the date of the election on the registration 1731
form or shall record the date by other means prescribed by the 1732
secretary of state. The validity of an attorney in fact's 1733
signature on behalf of an elector shall be determined in 1734
accordance with section 3501.382 of the Revised Code. 1735

If the right of the elector to vote is not then challenged, 1736
or, if being challenged, the elector establishes the elector's 1737
right to vote, the elector shall be allowed to proceed to use the 1738
voting machine. If voting machines are not being used in that 1739
precinct, the ~~judge~~ precinct election official in charge of 1740
ballots shall then detach the next ballots to be issued to the 1741
elector from Stub B attached to each ballot, leaving Stub A 1742
attached to each ballot, hand the ballots to the elector, and call 1743
the elector's name and the stub number on each of the ballots. The 1744
~~judge~~ precinct election official shall enter the stub numbers 1745
opposite the signature of the elector in the pollbook. The elector 1746
shall then retire to one of the voting compartments to mark the 1747
elector's ballots. No mark shall be made on any ballot which would 1748
in any way enable any person to identify the person who voted the 1749

ballot. 1750

Sec. 3505.20. Any person offering to vote may be challenged 1751
at the polling place by any ~~judge of elections~~ precinct election 1752
official. If the board of elections has ruled on the question 1753
presented by a challenge prior to election day, its finding and 1754
decision shall be final, and the ~~presiding judge~~ voting location 1755
manager shall be notified in writing. If the board has not ruled, 1756
the question shall be determined as set forth in this section. If 1757
any person is so challenged as unqualified to vote, the ~~presiding~~ 1758
~~judge~~ voting location manager shall tender the person the 1759
following oath: "You do swear or affirm under penalty of election 1760
falsification that you will fully and truly answer all of the 1761
following questions put to you concerning your qualifications as 1762
an elector at this election." 1763

(A) If the person is challenged as unqualified on the ground 1764
that the person is not a citizen, the ~~judges~~ precinct election 1765
officials shall put the following questions: 1766

(1) Are you a citizen of the United States? 1767

(2) Are you a native or naturalized citizen? 1768

(3) Where were you born? 1769

(4) What official documentation do you possess to prove your 1770
citizenship? Please provide that documentation. 1771

If the person offering to vote claims to be a naturalized 1772
citizen of the United States, the person shall, before the vote is 1773
received, produce for inspection of the ~~judges~~ precinct election 1774
officials a certificate of naturalization and declare under oath 1775
that the person is the identical person named in the certificate. 1776
If the person states under oath that, by reason of the 1777
naturalization of the person's parents or one of them, the person 1778
has become a citizen of the United States, and when or where the 1779

person's parents were naturalized, the certificate of 1780
naturalization need not be produced. If the person is unable to 1781
provide a certificate of naturalization on the day of the 1782
election, the ~~judges~~ precinct election officials shall provide to 1783
the person, and the person may vote, a provisional ballot under 1784
section 3505.181 of the Revised Code. The provisional ballot shall 1785
not be counted unless it is properly completed and the board of 1786
elections determines that the voter is properly registered and 1787
eligible to vote in the election. 1788

(B) If the person is challenged as unqualified on the ground 1789
that the person has not resided in this state for thirty days 1790
immediately preceding the election, the ~~judges~~ precinct election
officials shall put the following questions: 1792

(1) Have you resided in this state for thirty days 1793
immediately preceding this election? If so, where have you 1794
resided? 1795

(2) Did you properly register to vote? 1796

(3) Can you provide some form of identification containing 1797
your current mailing address in this precinct? Please provide that 1798
identification. 1799

(4) Have you voted or attempted to vote at any other location 1800
in this or in any other state at this election? 1801

(5) Have you applied for an absent voter's ballot in any 1802
state for this election? 1803

If the ~~judges~~ precinct election officials are unable to 1804
verify the person's eligibility to cast a ballot in the election, 1805
the ~~judges~~ precinct election officials shall provide to the 1806
person, and the person may vote, a provisional ballot under 1807
section 3505.181 of the Revised Code. The provisional ballot shall 1808
not be counted unless it is properly completed and the board of 1809
elections determines that the voter is properly registered and 1810

eligible to vote in the election. 1811

(C) If the person is challenged as unqualified on the ground 1812
that the person is not a resident of the precinct where the person 1813
offers to vote, the ~~judges~~ precinct election officials shall put 1814
the following questions: 1815

(1) Do you reside in this precinct? 1816

(2) When did you move into this precinct? 1817

(3) When you came into this precinct, did you come for a 1818
temporary purpose merely or for the purpose of making it your 1819
home? 1820

(4) What is your current mailing address? 1821

(5) Do you have some official identification containing your 1822
current address in this precinct? Please provide that 1823
identification. 1824

(6) Have you voted or attempted to vote at any other location 1825
in this or in any other state at this election? 1826

(7) Have you applied for any absent voter's ballot in any 1827
state for this election? 1828

The ~~judges~~ precinct election officials shall direct an 1829
individual who is not in the appropriate polling place to the 1830
appropriate polling place. If the individual refuses to go to the 1831
appropriate polling place, or if the ~~judges~~ precinct election 1832
officials are unable to verify the person's eligibility to cast a 1833
ballot in the election, the ~~judges~~ precinct election officials 1834
shall provide to the person, and the person may vote, a 1835
provisional ballot under section 3505.181 of the Revised Code. The 1836
provisional ballot shall not be counted unless it is properly 1837
completed and the board of elections determines that the voter is 1838
properly registered and eligible to vote in the election. 1839

(D) If the person is challenged as unqualified on the ground 1840

that the person is not of legal voting age, the ~~judges~~ precinct election officials shall put the following questions: 1841
1842

(1) Are you eighteen years of age or more? 1843

(2) What is your date of birth? 1844

(3) Do you have some official identification verifying your age? Please provide that identification. 1845
1846

If the ~~judges~~ precinct election officials are unable to 1847
verify the person's age and eligibility to cast a ballot in the 1848
election, the ~~judges~~ precinct election officials shall provide to 1849
the person, and the person may vote, a provisional ballot under 1850
section 3505.181 of the Revised Code. The provisional ballot shall 1851
not be counted unless it is properly completed and the board of 1852
elections determines that the voter is properly registered and 1853
eligible to vote in the election. 1854

The ~~presiding judge~~ voting location manager shall put such 1855
other questions to the person challenged as are necessary to 1856
determine the person's qualifications as an elector at the 1857
election. If a person challenged refuses to answer fully any 1858
question put to the person, is unable to answer the questions as 1859
they were answered on the registration form by the person under 1860
whose name the person offers to vote, or refuses to sign the 1861
person's name or make the person's mark, or if for any other 1862
reason a majority of the ~~judges~~ precinct election officials 1863
believes the person is not entitled to vote, the ~~judges~~ precinct
election officials shall provide to the person, and the person may 1864
vote, a provisional ballot under section 3505.181 of the Revised 1865
Code. The provisional ballot shall not be counted unless it is 1866
properly completed and the board of elections determines that the 1867
voter is properly registered and eligible to vote in the election. 1868
1869

A qualified citizen who has certified the citizen's intention 1870
to vote for president and vice-president as provided by Chapter 1871

3504. of the Revised Code shall be eligible to receive only the 1872
ballot containing presidential and vice-presidential candidates. 1873

However, prior to the nineteenth day before the day of an 1874
election and in accordance with section 3503.24 of the Revised 1875
Code, any person qualified to vote may challenge the right of any 1876
other person to be registered as a voter, or the right to cast an 1877
absent voter's ballot, or to make application for such ballot. 1878
Such challenge shall be made in accordance with section 3503.24 of 1879
the Revised Code, and the board of elections of the county in 1880
which the voting residence of the challenged voter is situated 1881
shall make a final determination relative to the legality of such 1882
registration or application. 1883

Sec. 3505.21. (A) As used in this section, "during the 1884
casting of the ballots" includes any time during which a board of 1885
elections permits an elector to vote an absent voter's ballot in 1886
person at the office of the board and any time ballots may be cast 1887
in a precinct polling place on the day of an election. 1888

(B) At any primary, special, or general election, any 1889
political party supporting candidates to be voted upon at such 1890
election and any group of five or more candidates may appoint to 1891
the board of elections or to any of the precincts in the county or 1892
city one person, a qualified elector, who shall serve as observer 1893
for such party or such candidates during the casting of the 1894
ballots and during the counting of the ballots; provided that 1895
separate observers may be appointed to serve during the casting 1896
and during the counting of the ballots. No candidate, no uniformed 1897
peace officer as defined by section 2935.01 of the Revised Code, 1898
no uniformed state highway patrol trooper, no uniformed member of 1899
any fire department, no uniformed member of the armed services, no 1900
uniformed member of the organized militia, no person wearing any 1901
other uniform, and no person carrying a firearm or other deadly 1902

weapon shall serve as an observer, nor shall any candidate be 1903
represented by more than one observer at any one precinct or at 1904
the board of elections except that a candidate who is a member of 1905
a party controlling committee, as defined in section 3517.03 of 1906
the Revised Code, may serve as an observer. ~~Any~~ 1907

(C) Any political party or group of candidates appointing 1908
observers shall notify the board of elections of the names and 1909
addresses of its appointees and the precincts at which they shall 1910
serve or that they will serve at the board of elections. 1911

Notification of observers appointed to serve on the day of an 1912
election shall take place not less than eleven days before the day 1913
of the election on forms prescribed by the secretary of state and 1914
may be amended by filing an amendment with the board of elections 1915
at any time until four p.m. of the day before the election. 1916

Notification of observers appointed to serve at the office of the 1917
board during the time absent voter's ballots may be cast in person 1918
shall take place not less than eleven days before absent voter's 1919
ballots are required to be ready for use pursuant to section 1920
3509.01 of the Revised Code on forms prescribed by the secretary 1921
of state and may be amended by filing an amendment with the board 1922
of elections at any time until four p.m. of the day before the 1923
observer is appointed to serve. The observer serving on behalf of 1924
a political party shall be appointed in writing by the chairperson 1925
and secretary of the respective controlling party committee. 1926

Observers serving for any five or more candidates shall have their 1927
certificates signed by those candidates. Observers appointed to a 1928
precinct may file their certificates of appointment with the 1929
~~presiding judge~~ voting location manager of the precinct at the 1930
meeting on the evening prior to the election, or with the 1931
~~presiding judge~~ voting location manager of the precinct on the day 1932
of the election. ~~Upon~~ Observers appointed to the office of the 1933
board to observe the casting of absent voter's ballots in person 1934
prior to the day of the election may file their certificates with 1935

the director of the board of elections the day before or on the 1936
day that the observers are scheduled to serve at the office of the 1937
board. 1938

Upon the filing of a certificate, the person named as 1939
observer in the certificate shall be permitted to be in and about 1940
the applicable polling place ~~for the precinct~~ during the casting 1941
of the ballots and shall be permitted to watch every proceeding of 1942
the ~~judges of elections~~ precinct election officials from the time 1943
of the opening until the closing of the polls. The observer also 1944
may inspect the counting of all ballots in the polling place or 1945
board of elections from the time of the closing of the polls until 1946
the counting is completed and the final returns are certified and 1947
signed. Observers appointed to serve at the board of elections on 1948
the day of an election under this section may observe at the board 1949
of elections and may observe at any precinct in the county. The 1950
~~judges of elections~~ precinct election officials shall protect such 1951
observers in all of the rights and privileges granted to them by 1952
Title XXXV of the Revised Code. 1953

(D) No persons other than the ~~judges of elections~~ precinct 1954
election officials, the observers, a police officer, other persons 1955
who are detailed to any precinct on request of the board of 1956
elections, or the secretary of state or the secretary of state's 1957
legal representative shall be admitted to the polling place, or 1958
any room in which a board of elections is counting ballots, after 1959
the closing of the polls until the counting, certifying, and 1960
signing of the final returns of each election have been completed. 1961

(E) Not later than four p.m. of the twentieth day prior to an 1962
election at which questions are to be submitted to a vote of the 1963
people, any committee that in good faith advocates or opposes a 1964
measure may file a petition with the board of any county asking 1965
that the petitioners be recognized as the committee entitled to 1966
appoint observers to the count at the election. If more than one 1967

committee alleging themselves to advocate or oppose the same 1968
measure file such a petition, the board shall decide and announce 1969
by registered mail to each committee not less than twelve days 1970
immediately preceding the election which committee is recognized 1971
as being entitled to appoint observers. The decision shall not be 1972
final, but any aggrieved party may institute mandamus proceedings 1973
in the court of common pleas of the county in which the board has 1974
jurisdiction to compel the ~~judges of elections~~ precinct election
officials to accept the appointees of such aggrieved party. Any 1976
such recognized committee may appoint an observer to the count in 1977
each precinct. Committees appointing observers shall notify the 1978
board of elections of the names and addresses of its appointees 1979
and the precincts at which they shall serve. Notification shall 1980
take place not less than eleven days before the election on forms 1981
prescribed by the secretary of state and may be amended by filing 1982
an amendment with the board of elections at any time until four 1983
p.m. on the day before the election. A person so appointed shall 1984
file the person's certificate of appointment with the ~~presiding~~
~~judge~~ voting location manager in the precinct in which the person 1985
has been appointed to serve. Observers shall file their 1987
certificates before the polls are closed. In no case shall more 1988
than six observers be appointed for any one election in any one 1989
precinct. If more than three questions are to be voted on, the 1990
committees which have appointed observers may agree upon not to 1991
exceed six observers, and the ~~judges of elections~~ precinct
election officials shall appoint such observers. If such 1993
committees fail to agree, the ~~judges of elections~~ precinct
election officials shall appoint six observers from the appointees 1995
so certified, in such manner that each side of the several 1996
questions shall be represented. 1997

(F) No person shall serve as an observer at any precinct or 1998
at the board of elections unless the board of elections of the 1999
county in which such observer is to serve has first been notified 2000

of the name, address, and ~~precinct~~ location at which such observer 2001
is to serve. Notification to the board of elections shall be given 2002
by the political party, group of candidates, or committee 2003
appointing such observer as prescribed in this section. No such 2004
observers shall receive any compensation from the county, 2005
municipal corporation, or township, and they shall take the 2006
following oath, to be administered by one of the ~~judges of~~ 2007
~~elections~~ precinct election officials: 2008

"You do solemnly swear that you will faithfully and 2009
impartially discharge the duties as an official observer, assigned 2010
by law; that you will not cause any delay to persons offering to 2011
vote; and that you will not disclose or communicate to any person 2012
how any elector has voted at such election." 2013

Sec. 3505.23. No voter shall be allowed to occupy a voting 2014
compartment or use a voting machine more than five minutes when 2015
all the voting compartments or machines are in use and voters are 2016
waiting to occupy them. Except as otherwise provided by section 2017
3505.24 of the Revised Code, no voter shall occupy a voting 2018
compartment or machine with another person or speak to anyone, nor 2019
shall anyone speak to the voter, while the voter is in a voting 2020
compartment or machine. 2021

In precincts that do not use voting machines the following 2022
procedure shall be followed: 2023

If a voter tears, soils, defaces, or erroneously marks a 2024
ballot the voter may return it to the precinct election officials 2025
and a second ballot shall be issued to the voter. Before returning 2026
a torn, soiled, defaced, or erroneously marked ballot, the voter 2027
shall fold it so as to conceal any marks the voter made upon it, 2028
but the voter shall not remove Stub A therefrom. If the voter 2029
tears, soils, defaces, or erroneously marks such second ballot, 2030
the voter may return it to the precinct election officials, and a 2031

third ballot shall be issued to the voter. In no case shall more 2032
than three ballots be issued to a voter. Upon receiving a returned 2033
torn, soiled, defaced, or erroneously marked ballot the precinct 2034
election officials shall detach Stub A therefrom, write "Defaced" 2035
on the back of such ballot, and place the stub and the ballot in 2036
the separate containers provided therefor. 2037

No elector shall leave the polling place until the elector 2038
returns to the precinct election officials every ballot issued to 2039
the elector with Stub A on each ballot attached thereto, 2040
regardless of whether the elector has or has not placed any marks 2041
upon the ballot. 2042

Before leaving the voting compartment, the voter shall fold 2043
each ballot marked by the voter so that no part of the face of the 2044
ballot is visible, and so that the printing thereon indicating the 2045
kind of ballot it is and the facsimile signatures of the members 2046
of the board of elections are visible. The voter shall then leave 2047
the voting compartment, deliver the voter's ballots, and state the 2048
voter's name to the ~~judge~~ precinct election official having charge 2049
of the ballot ~~boxes~~ box, who shall announce the name, detach Stub 2050
A from each ballot, and announce the number on the stubs. The 2051
~~judges~~ precinct election officials in charge of the poll lists or 2052
poll books shall check to ascertain whether the number so 2053
announced is the number on Stub B of the ballots issued to such 2054
voter, and if no discrepancy appears to exist, the ~~judge~~ precinct 2055
election official in charge of the ballot ~~boxes~~ box shall, in the 2056
presence of the voter, deposit each such ballot in the ~~proper~~ 2057
ballot box and shall place Stub A from each ballot in the 2058
container provided therefor. The voter shall then immediately 2059
leave the polling place. 2060

No ballot delivered by a voter to the ~~judge~~ precinct election 2061
official in charge of the ballot ~~boxes~~ box with Stub A detached 2062
therefrom, and only ballots provided in accordance with Title XXXV 2063

of the Revised Code, shall be voted or deposited in the ballot 2064
~~boxes~~ box. 2065

In marking a presidential ballot, the voter shall record the 2066
vote in the manner provided on the ballot next to the names of the 2067
candidates for the offices of president and vice-president. Such 2068
ballot shall be considered and counted as a vote for each of the 2069
candidates for election as presidential elector whose names were 2070
certified to the secretary of state by the political party of such 2071
nominees for president and vice-president. 2072

In marking an office type ballot or nonpartisan ballot, the 2073
voter shall record the vote in the manner provided on the ballot 2074
next to the name of each candidate for whom the voter desires to 2075
vote. 2076

In marking a primary election ballot, the voter shall record 2077
the vote in the manner provided on the ballot next to the name of 2078
each candidate for whom the voter desires to vote. If the voter 2079
desires to vote for the nomination of a person whose name is not 2080
printed on the primary election ballot, the voter may do so by 2081
writing such person's name on the ballot in the proper place 2082
provided for such purpose. 2083

In marking a questions and issues ballot, the voter shall 2084
record the vote in the manner provided on the ballot at the left 2085
or at the right of "YES" or "NO" or other words of similar import 2086
which are printed on the ballot to enable the voter to indicate 2087
how the voter votes in connection with each question or issue upon 2088
which the voter desires to vote. 2089

In marking any ballot on which a blank space has been 2090
provided wherein an elector may write in the name of a person for 2091
whom the elector desires to vote, the elector shall write such 2092
person's name in such blank space and on no other place on the 2093
ballot. Unless specific provision is made by statute, no blank 2094

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 2125
forms provided therefor in the pollbook; 2126

(E) Count the voted ballots. If the number of voted ballots 2127
exceeds the number of voters whose names appear upon the 2128
pollbooks, the ~~presiding judge~~ voting location manager shall enter 2129
on the pollbooks an explanation of that discrepancy, and that 2130
explanation, if agreed to, shall be subscribed to by all of the 2131
~~judges~~ precinct election officials. Any ~~judge~~ precinct official 2132
having a different explanation shall enter it in the pollbooks and 2133
subscribe to it. 2134

(F) Put the unused ballots with stubs attached, and soiled 2135
and defaced ballots with stubs attached, in the envelopes or 2136
containers provided therefor, certify the number, and then proceed 2137
to count and tally the votes in the manner prescribed by section 2138
3505.27 of the Revised Code and certify the result of the election 2139
to the board of elections. 2140

Sec. 3505.28. (A)(1) No ballot shall be counted which is 2141
marked contrary to law, except that no ballot shall be rejected 2142
for any technical error unless it is impossible to determine the 2143
voter's choice. ¶ 2144

(2) A ballot is marked contrary to law and does not contain a 2145
technical error if the voter marks more selections for a 2146
particular office, question, or issue than the number of 2147
selections that the voter is allowed by law to make for that 2148
office, question, or issue. 2149

(3) Except as otherwise provided in this division, a voter 2150
makes more selections for a particular office than the voter is 2151
allowed by law to make for that office if the voter marks the 2152
ballot for a candidate and also writes in the name of a candidate 2153
as a write-in vote. If either of the following apply, then the 2154
ballot is not marked contrary to law and the ballot shall be 2155

<u>counted:</u>	2156
<u>(a)(i) The voter marks the ballot for a candidate and writes</u>	2157
<u>in the same candidate's name;</u>	2158
<u>(ii) The ballots are counted at a central location using</u>	2159
<u>automatic tabulating equipment; and</u>	2160
<u>(iii) At least three members of the board of elections agree</u>	2161
<u>that the candidate's name, as it appears on the ballot, and the</u>	2162
<u>name of the candidate written in by the voter identify the same</u>	2163
<u>candidate.</u>	2164
<u>(b) The voter did not make more selections for a particular</u>	2165
<u>office, question, or issue than the number of selections that the</u>	2166
<u>voter is allowed by law to make.</u>	2167
<u>(4) If the voter makes more selections for a particular</u>	2168
<u>office, question, or issue than the number of selections that the</u>	2169
<u>voter is allowed by law to make, the voter's ballot shall be</u>	2170
<u>invalidated for that office, question, or issue, but shall not be</u>	2171
<u>invalidated for any other office, question, or issue for which the</u>	2172
<u>voter has not marked an excess number of selections.</u>	2173
<u>(B) If two or more ballots are found folded together among</u>	2174
<u>the ballots removed from a ballot box, they shall be deemed to be</u>	2175
<u>fraudulent. Such ballots shall not be counted. They shall be</u>	2176
<u>marked "Fraudulent" and shall be placed in an envelope indorsed</u>	2177
<u>"Not Counted" with the reasons therefor, and such envelope shall</u>	2178
<u>be delivered to the board of elections together with other</u>	2179
<u>uncounted ballots.</u>	2180
<u>(C) No ballot shall be rejected because of being marked with</u>	2181
<u>ink or by any writing instrument other than one of the pencils</u>	2182
<u>provided by the board of elections.</u>	2183
Sec. 3505.29. From the time the ballot box is opened and the	2184
count of ballots begun until the ballots are counted and	2185

certificates of votes cast are made out, signed, certified and 2186
given to the ~~presiding judge~~ voting location manager for delivery 2187
to the headquarters of the board of elections, the ~~judges~~ precinct
election officials in each precinct shall not separate, nor shall 2188
a ~~judge~~ precinct election official leave the polling place except 2189
from unavoidable necessity. In cases of illness or unavoidable 2190
necessity, the board may substitute another qualified person for 2191
any precinct official so incapacitated. 2192
2193

Sec. 3505.30. When the results of the ballots have been 2194
ascertained, such results shall be embodied in a summary statement 2195
to be prepared by the ~~judges~~ precinct election officials in 2196
duplicate, on forms provided by the board of elections. One copy 2197
shall be certified by the ~~judges~~ precinct election officials and 2198
posted on the front of the polling place, and one copy, similarly 2199
certified, shall be transmitted without delay to the board in a 2200
sealed envelope along with the other returns of the election. The 2201
board shall, immediately upon receipt of such summary statements, 2202
compile and prepare an unofficial count and upon its completion 2203
shall transmit prepaid, immediately by telephone, facsimile 2204
machine, or other telecommunications device, the results of such 2205
unofficial count to the secretary of state, or to the board of the 2206
most populous county of the district which is authorized to 2207
canvass the returns. Such count, in no event, shall be made later 2208
than twelve noon on the day following the election. The board 2209
shall also, at the same time, certify the results thereof to the 2210
secretary of state by certified mail. The board shall remain in 2211
session from the time of the opening of the polls, continuously, 2212
until the results of the election are received from every precinct 2213
in the county and such results are communicated to the secretary 2214
of state. 2215

Sec. 3505.31. When the results of the voting in a polling 2216

place on the day of an election have been determined and entered 2217
upon the proper forms and the certifications of those results have 2218
been signed by the precinct officials, those officials, before 2219
leaving the polling place, shall place all ballots that they have 2220
counted in containers provided for that purpose by the board of 2221
elections, and shall seal each container in a manner that it 2222
cannot be opened without breaking the seal or the material of 2223
which the container is made. They shall also seal the pollbook, 2224
poll list or signature pollbook, and tally sheet in a manner that 2225
the data contained in these items cannot be seen without breaking 2226
the seals. On the outside of these items shall be a plain 2227
indication that they are to be filed with the board. The ~~presiding~~ 2228
~~judge~~ voting location manager and an employee or appointee of the 2229
board of elections who has taken an oath to uphold the laws and 2230
constitution of this state, including an oath that the person will 2231
promptly and securely perform the duties required under this 2232
section and who is a member of a different political party than 2233
the ~~presiding judge~~ voting location manager, shall then deliver to 2234
the board the containers of ballots and the sealed pollbook, poll 2235
list, and tally sheet, together with all other election reports, 2236
materials, and supplies required to be delivered to the board. 2237

The board shall carefully preserve all ballots prepared and 2238
provided by it for use in an election, whether used or unused, for 2239
sixty days after the day of the election, except that, if an 2240
election includes the nomination or election of candidates for any 2241
of the offices of president, vice-president, presidential elector, 2242
member of the senate of the congress of the United States, or 2243
member of the house of representatives of the congress of the 2244
United States, the board shall carefully preserve all ballots 2245
prepared and provided by it for use in that election, whether used 2246
or unused, for twenty-two months after the day of the election. If 2247
an election is held within that sixty-day period, the board shall 2248
have authority to transfer those ballots to other containers to 2249

preserve them until the sixty-day period has expired. After that 2250
sixty-day period, the ballots shall be disposed of by the board in 2251
a manner that the board orders, or where voting machines have been 2252
used the counters may be turned back to zero; provided that the 2253
secretary of state, within that sixty-day period, may order the 2254
board to preserve the ballots or any part of the ballots for a 2255
longer period of time, in which event the board shall preserve 2256
those ballots for that longer period of time. 2257

In counties where voting machines are used, if an election is 2258
to be held within the sixty days immediately following a primary, 2259
general, or special election or within any period of time within 2260
which the ballots have been ordered preserved by the secretary of 2261
state or a court of competent jurisdiction, the board, after 2262
giving notice to all interested parties and affording them an 2263
opportunity to have a representative present, shall open the 2264
compartments of the machines and, without unlocking the machines, 2265
shall recanvass the vote cast in them as if a recount were being 2266
held. The results shall be certified by the board, and this 2267
certification shall be filed in the board's office and retained 2268
for the remainder of the period for which ballots must be kept. 2269
After preparation of the certificate, the counters may be turned 2270
back to zero, and the machines may be used for the election. 2271

The board shall carefully preserve the pollbook, poll list or 2272
signature pollbook, and tally sheet delivered to it from each 2273
polling place until it has completed the official canvass of the 2274
election returns from all precincts in which electors were 2275
entitled to vote at an election, and has prepared and certified 2276
the abstracts of election returns, as required by law. The board 2277
shall not break, or permit anyone to break, the seals upon the 2278
pollbook, poll list or signature pollbook, and tally sheet, or 2279
make, or permit any one to make, any changes or notations in these 2280
items, while they are in its custody, except as provided by 2281

section 3505.32 of the Revised Code. 2282

Pollbooks and poll lists or signature pollbooks of a party 2283
primary election delivered to the board from polling places shall 2284
be carefully preserved by it for two years after the day of 2285
election in which they were used, and shall then be disposed of by 2286
the board in a manner that the board orders. 2287

Pollbooks, poll lists or signature pollbooks, tally sheets, 2288
summary statements, and other records and returns of an election 2289
delivered to it from polling places shall be carefully preserved 2290
by the board for two years after the day of the election in which 2291
they were used, and shall then be disposed of by the board in a 2292
manner that the board orders. 2293

Sec. 3506.021. (A) A board of elections may adopt the use of 2294
any electronic pollbook that has been certified for use in this 2295
state in accordance with section 3506.05 of the Revised Code, 2296
instead of using poll lists or signature pollbooks. A board of 2297
elections that opts to use electronic pollbooks shall notify the 2298
secretary of state of that decision. 2299

(B) The secretary of state shall provide each board of 2300
elections that adopts the use of electronic pollbooks under 2301
division (A) of this section with rules, instructions, directives, 2302
and advisories regarding the examination, testing, and use of 2303
electronic pollbooks, including rules regarding the sealing of the 2304
information in those pollbooks as required under section 3505.31 2305
of the Revised Code. 2306

(C) As used in this section, "electronic pollbook" has the 2307
same meaning as in section 3506.05 of the Revised Code. 2308

Sec. 3506.05. (A) As used in this section, ~~except:~~ 2309

(1) "Electronic pollbook" means an electronic list of 2310
registered voters for a particular precinct or polling location 2311

<u>that may be transported to a polling location.</u>	2312
(2) <u>Except</u> when used as part of the phrase "tabulating equipment" or "automatic tabulating equipment,"	2313
<u>+</u>	2314
(1) "Equipment" <u>"equipment"</u> means a voting machine, marking device, automatic tabulating equipment, or <u>software, or an electronic pollbook.</u>	2315
	2316
	2317
(2) <u>(3)</u> "Vendor" means the person that owns, manufactures, distributes, or has the legal right to control the use of equipment, or the person's agent.	2318
	2319
	2320
(B) No voting machine, marking device, automatic tabulating equipment, or software for the purpose of casting or tabulating votes or for communications among systems involved in the tabulation, storage, or casting of votes, <u>and no electronic pollbook,</u> shall be purchased, leased, put in use, or continued to be used, except for experimental use as provided in division (B) of section 3506.04 of the Revised Code, unless it, a manual of procedures governing its use, and training materials, service, and other support arrangements have been certified by the secretary of state and unless the board of elections of each county where the equipment will be used has assured that a demonstration of the use of the equipment has been made available to all interested electors. The secretary of state shall appoint a board of voting machine examiners to examine and approve equipment and its related manuals and support arrangements. The board shall consist of four members, who shall be appointed as follows:	2321
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	2336
(1) Two members appointed by the secretary of state.	2337
(2) One member appointed by either the speaker of the house of representatives or the minority leader of the house of representatives, whichever is a member of the opposite political party from the one to which the secretary of state belongs.	2338
	2339
	2340
	2341
(3) One member appointed by either the president of the	2342

senate or the minority leader of the senate, whichever is a member 2343
of the opposite political party from the one to which the 2344
secretary of state belongs. 2345

In all cases of a tie vote or a disagreement in the board, if 2346
no decision can be arrived at, the board shall submit the matter 2347
in controversy to the secretary of state, who shall summarily 2348
decide the question, and the secretary of state's decision shall 2349
be final. Each member of the board shall be a competent and 2350
experienced election officer or a person who is knowledgeable 2351
about the operation of voting equipment and shall serve during the 2352
secretary of state's term. Any vacancy on the board shall be 2353
filled in the same manner as the original appointment. The 2354
secretary of state shall provide staffing assistance to the board, 2355
at the board's request. 2356

For the member's service, each member of the board shall 2357
receive three hundred dollars per day for each combination of 2358
marking device, tabulating equipment, ~~and~~ voting machine, or 2359
electronic pollbook examined and reported, but in no event shall a 2360
member receive more than six hundred dollars to examine and report 2361
on any one marking device, item of tabulating equipment, ~~or~~ voting 2362
machine, or electronic pollbook. Each member of the board shall be 2363
reimbursed for expenses the member incurs during an examination or 2364
during the performance of any related duties that may be required 2365
by the secretary of state. Reimbursement of these expenses shall 2366
be made in accordance with, and shall not exceed, the rates 2367
provided for under section 126.31 of the Revised Code. 2368

Neither the secretary of state nor the board, nor any public 2369
officer who participates in the authorization, examination, 2370
testing, or purchase of equipment, shall have any pecuniary 2371
interest in the equipment or any affiliation with the vendor. 2372

(C)(1) A vendor who desires to have the secretary of state 2373
certify equipment shall first submit the equipment, all current 2374

related procedural manuals, and a current description of all 2375
related support arrangements to the board of voting machine 2376
examiners for examination, testing, and approval. The submission 2377
shall be accompanied by a fee of two thousand four hundred dollars 2378
and a detailed explanation of the construction and method of 2379
operation of the equipment, a full statement of its advantages, 2380
and a list of the patents and copyrights used in operations 2381
essential to the processes of vote recording and tabulating, vote 2382
storage, system security, pollbook storage and security, and other 2383
crucial operations of the equipment as may be determined by the 2384
board. An additional fee, in an amount to be set by rules 2385
promulgated by the board, may be imposed to pay for the costs of 2386
alternative testing or testing by persons other than board 2387
members, record-keeping, and other extraordinary costs incurred in 2388
the examination process. Moneys not used shall be returned to the 2389
person or entity submitting the equipment for examination. 2390

(2) Fees collected by the secretary of state under this 2391
section shall be deposited into the state treasury to the credit 2392
of the board of voting machine examiners fund, which is hereby 2393
created. All moneys credited to this fund shall be used solely for 2394
the purpose of paying for the services and expenses of each member 2395
of the board or for other expenses incurred relating to the 2396
examination, testing, reporting, or certification of ~~voting~~ 2397
~~machine devices~~ equipment, the performance of any related duties 2398
as required by the secretary of state, or the reimbursement of any 2399
person submitting an examination fee as provided in this chapter. 2400

(D) Within sixty days after the submission of the equipment 2401
and payment of the fee, or as soon thereafter as is reasonably 2402
practicable, but in any event within not more than ninety days 2403
after the submission and payment, the board of voting machine 2404
examiners shall examine the equipment and file with the secretary 2405
of state a written report on the equipment with its 2406

recommendations and, if applicable, its determination or condition 2407
of approval regarding whether the equipment, manual, and other 2408
related materials or arrangements meet the criteria set forth in 2409
sections 3506.07 and 3506.10 of the Revised Code and can be safely 2410
used by the voters at elections under the conditions prescribed in 2411
Title XXXV of the Revised Code, or a written statement of reasons 2412
for which testing requires a longer period. The board may grant 2413
temporary approval for the purpose of allowing experimental use of 2414
equipment. If the board finds that the equipment meets ~~the~~ any 2415
applicable criteria set forth in sections 3506.06, 3506.07, and 2416
3506.10 of the Revised Code, can be used safely and, if 2417
applicable, can be depended upon to record and count accurately 2418
and continuously the votes of electors, and has the capacity to be 2419
warranted, maintained, and serviced, it shall approve the 2420
equipment and recommend that the secretary of state certify the 2421
equipment. The secretary of state shall notify all boards of 2422
elections of any such certification. Equipment of the same model 2423
and make, if it ~~provides for recording of voter intent, system~~ 2424
~~security, voter privacy, retention of vote, and communication of~~ 2425
~~voting records~~ operates in an identical manner, may then be 2426
adopted for use at elections. 2427

(E) The vendor shall notify the secretary of state, who shall 2428
then notify the board of voting machine examiners, of any 2429
enhancement and any significant adjustment to the hardware or 2430
software that could result in a patent or copyright change or that 2431
significantly alters the methods of recording voter intent, system 2432
security, voter privacy, retention of the vote, communication of 2433
~~voting~~ records, and connections between the system and other 2434
systems. The vendor shall provide the secretary of state with an 2435
updated operations manual for the equipment, and the secretary of 2436
state shall forward the manual to the board. Upon receiving such a 2437
notification and manual, the board may require the vendor to 2438
submit the equipment to an examination and test in order for the 2439

equipment to remain certified. The board or the secretary of state 2440
shall periodically examine, test, and inspect certified equipment 2441
to determine continued compliance with the requirements of this 2442
chapter and the initial certification. Any examination, test, or 2443
inspection conducted for the purpose of continuing certification 2444
of any equipment in which a significant problem has been uncovered 2445
or in which a record of continuing problems exists shall be 2446
performed pursuant to divisions (C) and (D) of this section, in 2447
the same manner as the examination, test, or inspection is 2448
performed for initial approval and certification. 2449

(F) If, at any time after the certification of equipment, the 2450
board of voting machine examiners or the secretary of state is 2451
notified by a board of elections of any significant problem with 2452
the equipment or determines that the equipment fails to meet the 2453
requirements necessary for approval or continued compliance with 2454
the requirements of this chapter, or if the board of voting 2455
machine examiners determines that there are significant 2456
enhancements or adjustments to the hardware or software, or if 2457
notice of such enhancements or adjustments has not been given as 2458
required by division (E) of this section, the secretary of state 2459
shall notify the users and vendors of that equipment that 2460
certification of the equipment may be withdrawn. 2461

(G)(1) The notice given by the secretary of state under 2462
division (F) of this section shall be in writing and shall specify 2463
both of the following: 2464

(a) The reasons why the certification may be withdrawn; 2465

(b) The date on which certification will be withdrawn unless 2466
the vendor takes satisfactory corrective measures or explains why 2467
there are no problems with the equipment or why the enhancements 2468
or adjustments to the equipment are not significant. 2469

(2) A vendor who receives a notice under division (F) of this 2470

section shall, within thirty days after receiving it, submit to 2471
the board of voting machine examiners in writing a description of 2472
the corrective measures taken and the date on which they were 2473
taken, or the explanation required under division (G)(1)(b) of 2474
this section. 2475

(3) Not later than fifteen days after receiving a written 2476
description or explanation under division (G)(2) of this section 2477
from a vendor, the board shall determine whether the corrective 2478
measures taken or the explanation is satisfactory to allow 2479
continued certification of the equipment, and the secretary of 2480
state shall send the vendor a written notice of the board's 2481
determination, specifying the reasons for it. If the board has 2482
determined that the measures taken or the explanation given is 2483
unsatisfactory, the notice shall include the effective date of 2484
withdrawal of the certification. This date may be different from 2485
the date originally specified in division (G)(1)(b) of this 2486
section. 2487

(4) A vendor who receives a notice under division (G)(3) of 2488
this section indicating a decision to withdraw certification may, 2489
within thirty days after receiving it, request in writing that the 2490
board hold a hearing to reconsider its decision. Any interested 2491
party shall be given the opportunity to submit testimony or 2492
documentation in support of or in opposition to the board's 2493
recommendation to withdraw certification. Failure of the vendor to 2494
take appropriate steps as described in division (G)(1)(b) or to 2495
comply with division (G)(2) of this section results in a waiver of 2496
the vendor's rights under division (G)(4) of this section. 2497

(H)(1) The secretary of state, in consultation with the board 2498
of voting machine examiners, shall establish, by rule, guidelines 2499
for the approval, certification, and continued certification of 2500
the voting machines, marking devices, ~~and~~ tabulating equipment, 2501
and electronic pollbooks to be used under Title XXXV of the 2502

Revised Code. The guidelines shall establish procedures requiring 2503
vendors or computer software developers to place in escrow with an 2504
independent escrow agent approved by the secretary of state a copy 2505
of all source code and related documentation, together with 2506
periodic updates as they become known or available. The secretary 2507
of state shall require that the documentation include a system 2508
configuration and that the source code include all relevant 2509
program statements in low- or high-level languages. As used in 2510
this division, "source code" does not include variable codes 2511
created for specific elections. 2512

(2) Nothing in any rule adopted under division (H) of this 2513
section shall be construed to limit the ability of the secretary 2514
of state to follow or adopt, or to preclude the secretary of state 2515
from following or adopting, any guidelines proposed by the federal 2516
election commission, any entity authorized by the federal election 2517
commission to propose guidelines, the election assistance 2518
commission, or any entity authorized by the election assistance 2519
commission to propose guidelines. 2520

(3)(a) Before the initial certification of any direct 2521
recording electronic voting machine with a voter verified paper 2522
audit trail, and as a condition for the continued certification 2523
and use of those machines, the secretary of state shall establish, 2524
by rule, standards for the certification of those machines. Those 2525
standards shall include, but are not limited to, all of the 2526
following: 2527

(i) A definition of a voter verified paper audit trail as a 2528
paper record of the voter's choices that is verified by the voter 2529
prior to the casting of the voter's ballot and that is securely 2530
retained by the board of elections; 2531

(ii) Requirements that the voter verified paper audit trail 2532
shall not be retained by any voter and shall not contain 2533
individual voter information; 2534

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

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

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

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

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

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

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

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

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

(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.

(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.

(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.

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:

(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 2596
size and location of each selected polling place, available 2597
parking, handicap accessibility and other accessibility to the 2598
polling place, and the number of candidates and issues to be voted 2599
on. Notwithstanding section 3501.22 of the Revised Code, the board 2600
may appoint more than four precinct officers to each precinct if 2601
this is made necessary by the number of voting machines to be used 2602
in that precinct. 2603

(B) Except as otherwise provided in this division, shall 2604
establish one or more counting stations to receive voted ballots 2605
and other precinct election supplies after the polling precincts 2606
are closed. Those stations shall be under the supervision and 2607
direction of the board of elections. Processing and counting of 2608
voted ballots, and the preparation of summary sheets, shall be 2609
done in the presence of observers approved by the board. A 2610
certified copy of the summary sheet for the precinct shall be 2611
posted at each counting station immediately after completion of 2612
the summary sheet. 2613

~~In counties where punch card ballots are used, one or more 2614
counting stations, located at the board of elections, shall be 2615
established, at which location all punch card ballots shall be 2616
counted. 2617~~

~~As used in this division, "punch card ballot" has the same 2618
meaning as in section 3506.16 of the Revised Code. 2619~~

Sec. 3506.15. The secretary of state shall provide each board 2620
of elections with rules, instructions, directives, and advisories 2621
regarding the examination, testing, and use of the voting machine 2622
and tabulating equipment, the assignment of duties of booth 2623
officials, the procedure for casting a vote on the machine, and 2624
how the vote shall be tallied and reported to the board, and with 2625
other rules, instructions, directives, and advisories the 2626

secretary of state finds necessary to ensure the adequate care and 2627
custody of voting equipment, and the accurate registering, 2628
counting, and canvassing of the votes as required by this chapter. 2629
The boards of elections shall be charged with the responsibility 2630
of providing for the adequate instruction of voters and election 2631
officials in the proper use of the voting machine and marking 2632
devices. ~~The boards' instructions shall include, in counties where 2633~~
~~punch card ballots are used, instructions that each voter shall 2634~~
~~examine the voter's marked ballot card and remove any chads that 2635~~
~~remain partially attached to it before returning it to election 2636~~
~~officials.~~ 2637

The secretary of state's rules, instructions, directives, and 2638
advisories provided under this section shall comply, insofar as 2639
practicable, with this chapter. The provisions of Title XXXV of 2640
the Revised Code, not inconsistent with the provisions relating to 2641
voting machines, apply in any county using a voting machine. 2642

~~As used in this section, "chad" and "punch card ballot" have 2643~~
~~the same meanings as in section 3506.16 of the Revised Code.~~ 2644

Sec. 3509.01. (A) The board of elections of each county shall 2645
provide absent voter's ballots for use at every primary and 2646
general election, or special election to be held on the day 2647
specified by division (E) of section 3501.01 of the Revised Code 2648
for the holding of a primary election, designated by the general 2649
assembly for the purpose of submitting constitutional amendments 2650
proposed by the general assembly to the voters of the state. Those 2651
ballots shall be the same size, shall be printed on the same kind 2652
of paper, and shall be in the same form as has been approved for 2653
use at the election for which those ballots are to be voted; 2654
except that, in counties using marking devices, ballot cards may 2655
be used for absent voter's ballots, and those absent voters shall 2656
be instructed to record the vote in the manner provided on the 2657

~~ballot cards. In counties where punch card ballots are used, those~~ 2658
~~absent voters shall be instructed to examine their marked ballot~~ 2659
~~cards and to remove any chads that remain partially attached to~~ 2660
~~them before returning them to election officials.~~ 2661

(B) The rotation of names of candidates and questions and 2662
issues shall be substantially complied with on absent voter's 2663
ballots, within the limitation of time allotted. Those ballots 2664
shall be designated as "Absent Voter's Ballots." Except as 2665
otherwise provided in division (D) of this section, those ballots 2666
shall be printed and ready for use as follows: 2667

(1) For overseas voters and absent uniformed services voters 2668
eligible to vote under the Uniformed and Overseas Citizens 2669
Absentee Voting Act, Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 2670
1973ff, et seq., as amended, ballots shall be printed and ready 2671
for use on the forty-fifth day before the day of the election. 2672

(2) For all other voters who are applying to vote absent 2673
voter's ballots, ballots shall be printed and ready for use on the 2674
thirty-fifth day before the day of the election. 2675

(C) Absent voter's ballots provided for use at a general or 2676
primary election, or special election to be held on the day 2677
specified by division (E) of section 3501.01 of the Revised Code 2678
for the holding of a primary election, designated by the general 2679
assembly for the purpose of submitting constitutional amendments 2680
proposed by the general assembly to the voters of the state, shall 2681
include only those questions, issues, and candidacies that have 2682
been lawfully ordered submitted to the electors voting at that 2683
election. 2684

(D) If the laws governing the holding of a special election 2685
on a day other than the day on which a primary or general election 2686
is held make it impossible for absent voter's ballots to be 2687
printed and ready for use by the deadlines established in division 2688

(B) of this section, absent voter's ballots for those special 2689
elections shall be ready for use as many days before the day of 2690
the election as reasonably possible under the laws governing the 2691
holding of that special election. 2692

(E) A copy of the absent voter's ballots shall be forwarded 2693
by the director of the board in each county to the secretary of 2694
state at least twenty-five days before the election. 2695

~~(F) As used in this section, "chad" and "punch card ballot" 2696
have the same meanings as in section 3506.16 of the Revised Code. 2697~~

Sec. 3509.06. (A) The board of elections shall determine 2698
whether absent voter's ballots shall be counted in each precinct, 2699
at the office of the board, or at some other location designated 2700
by the board, and shall proceed accordingly under division (B) or 2701
(C) of this section. 2702

(B) When the board of elections determines that absent 2703
voter's ballots shall be counted in each precinct, the director 2704
shall deliver to the ~~presiding judge~~ voting location manager of 2705
each precinct on election day identification envelopes purporting 2706
to contain absent voter's ballots of electors whose voting 2707
residence appears from the statement of voter on the outside of 2708
each of those envelopes, to be located in ~~such presiding judge's~~ 2709
that manager's precinct, and which were received by the director 2710
not later than the close of the polls on election day. The 2711
director shall deliver to ~~such presiding judge~~ the voting location 2712
manager a list containing the name and voting residence of each 2713
person whose voting residence is in such precinct to whom absent 2714
voter's ballots were mailed. 2715

(C) When the board of elections determines that absent 2716
voter's ballots shall be counted at the office of the board of 2717
elections or at another location designated by the board, special 2718
election ~~judges~~ officials shall be appointed by the board for that 2719

purpose having the same authority as is exercised by precinct
~~judges~~ election officials. The votes so cast shall be added to the
vote totals by the board, and the absent voter's ballots shall be
preserved separately by the board, in the same manner and for the
same length of time as provided by section 3505.31 of the Revised
Code.

(D) Each of the identification envelopes purporting to
contain absent voter's ballots delivered to the ~~presiding judge~~
voting location manager of the precinct or the special ~~judge~~
election official appointed by the board of elections shall be
handled as follows: The election officials shall compare the
signature of the elector on the outside of the identification
envelope with the signature of that elector on the elector's
registration form and verify that the absent voter's ballot is
eligible to be counted under section 3509.07 of the Revised Code.
Any of the precinct officials may challenge the right of the
elector named on the identification envelope to vote the absent
voter's ballots upon the ground that the signature on the envelope
is not the same as the signature on the registration form, or upon
any other of the grounds upon which the right of persons to vote
may be lawfully challenged. If no such challenge is made, or if
such a challenge is made and not sustained, the ~~presiding judge~~
voting location manager shall open the envelope without defacing
the statement of voter and without mutilating the ballots in it,
and shall remove the ballots contained in it and proceed to count
them.

The name of each person voting who is entitled to vote only
an absent voter's presidential ballot shall be entered in a
pollbook or poll list or signature pollbook followed by the words
"Absentee Presidential Ballot." The name of each person voting an
absent voter's ballot, other than such persons entitled to vote
only a presidential ballot, shall be entered in the pollbook or

poll list or signature pollbook and the person's registration card 2752
marked to indicate that the person has voted. 2753

The date of such election shall also be entered on the 2754
elector's registration form. If any such challenge is made and 2755
sustained, the identification envelope of such elector shall not 2756
be opened, shall be endorsed "Not Counted" with the reasons the 2757
ballots were not counted, and shall be delivered to the board. 2758

(E) Special election ~~judges~~ officials, employees or members 2759
of the board of elections, or observers shall not disclose the 2760
count or any portion of the count of absent voter's ballots prior 2761
to the time of the closing of the polling places. No person shall 2762
recklessly disclose the count or any portion of the count of 2763
absent voter's ballots in such a manner as to jeopardize the 2764
secrecy of any individual ballot. 2765

(F) Observers may be appointed under section 3505.21 of the 2766
Revised Code to witness the examination and opening of 2767
identification envelopes and the counting of absent voters' 2768
ballots under this section. 2769

Sec. 3513.131. In the event two or more persons with 2770
identical surnames run for the same office in a primary election 2771
on the same ballot, the names of the candidates shall be 2772
differentiated on the ballot by varying combinations of first and 2773
middle names and initials. Within twenty-four hours after the 2774
final date for filing declarations of candidacy or petitions for 2775
candidacy, the director of the board of elections for local, 2776
municipal, county, general, or special elections, or the director 2777
of the board of elections of the most populous county for 2778
district, general, or special elections, or the secretary of state 2779
for state-wide general and special elections shall notify the 2780
persons with identical given names and surnames that the names of 2781
such persons will be differentiated on the ballot. If one of the 2782

candidates is an incumbent who is a candidate to succeed himself 2783
self for the office ~~he~~ the incumbent occupies, ~~he~~ the incumbent 2784
shall have first choice of the name by which ~~he~~ the incumbent is 2785
designated on the ballot. If an incumbent does not make a choice 2786
within two days after notification or if none of the candidates is 2787
an incumbent, the board of elections within three days after 2788
notification shall designate the names by which the candidates are 2789
identified on the ballot. In case of a district candidate the 2790
board of elections in the most populous county shall make the 2791
determination. In case of state-wide candidates, or in the case 2792
any board of elections fails to make a designation within three 2793
days after notification, the secretary of state shall immediately 2794
make the determination. 2795

"Notification" as required by this section shall be by the 2796
director of the board of elections or secretary of state by 2797
~~special delivery or telegram~~ certified mail at the candidate's 2798
address listed in ~~his~~ the candidate's declaration or petition of 2799
candidacy. 2800

Sec. 3513.18. Party primaries shall be held at the same place 2801
and time, but there shall be separate pollbooks, and tally sheets, 2802
~~and ballot boxes~~ provided at each polling place for each party 2803
participating in the election, ~~and the ballot of each voter shall~~ 2804
~~be placed in the ballot box of the party with which he is~~ 2805
affiliated. ~~Each ballot box shall be plainly marked with the name~~ 2806
~~of the political party whose ballots are to be placed therein, by~~ 2807
~~letters pasted or printed thereon or by a card attached thereto,~~ 2808
~~or both, and so placed that the designation may be easily seen and~~ 2809
~~read by the voter.~~ 2810

If a special election on a question or issue is held on the 2811
day of a primary election, there shall be provided in the 2812
pollbooks pages on which shall be recorded the names of all 2813

electors voting on said question or issue and not voting in such 2814
primary. It shall not be necessary for electors desiring to vote 2815
only on the question or issue to declare their political 2816
affiliation. 2817

Sec. 3513.19. (A) It is the duty of any ~~judge of elections~~ 2818
precinct election official, whenever any ~~judge of elections~~ such 2819
official doubts that a person attempting to vote at a primary 2820
election is legally entitled to vote at that election, to 2821
challenge the right of that person to vote. The right of a person 2822
to vote at a primary election may be challenged upon the following 2823
grounds: 2824

(1) That the person whose right to vote is challenged is not 2825
a legally qualified elector; 2826

(2) That the person has received or has been promised some 2827
valuable reward or consideration for the person's vote; 2828

(3) That the person is not affiliated with or is not a member 2829
of the political party whose ballot the person desires to vote. 2830
Such party affiliation shall be determined by examining the 2831
elector's voting record for the current year and the immediately 2832
preceding two calendar years as shown on the voter's registration 2833
card, using the standards of affiliation specified in the seventh 2834
paragraph of section 3513.05 of the Revised Code. Division (A)(3) 2835
of this section and the seventh paragraph of section 3513.05 of 2836
the Revised Code do not prohibit a person who holds an elective 2837
office for which candidates are nominated at a party primary 2838
election from doing any of the following: 2839

(a) If the person voted as a member of a different political 2840
party at any primary election within the current year and the 2841
immediately preceding two calendar years, being a candidate for 2842
nomination at a party primary held during the times specified in 2843
division (C)(2) of section 3513.191 of the Revised Code provided 2844

that the person complies with the requirements of that section; 2845

(b) Circulating the person's own petition of candidacy for 2846
party nomination in the primary election. 2847

(B) When the right of a person to vote is challenged upon the 2848
ground set forth in division (A)(3) of this section, membership in 2849
or political affiliation with a political party shall be 2850
determined by the person's statement, made under penalty of 2851
election falsification, that the person desires to be affiliated 2852
with and supports the principles of the political party whose 2853
primary ballot the person desires to vote. 2854

Sec. 3513.21. At the close of the polls in a primary 2855
election, the ~~judges of~~ precinct election officials shall proceed 2856
without delay to canvass the vote, sign and seal it, and make 2857
returns thereof to the board of elections forthwith on the forms 2858
to be provided by the board. The provisions of Title XXXV of the 2859
Revised Code relating to the accounting for and return of all 2860
ballots at general elections apply to primary ballots. 2861

If there is any disagreement as to how a ballot should be 2862
counted it shall be submitted to all of the ~~judges~~ precinct 2863
election officials. If three of the ~~judges~~ precinct election 2864
officials do not agree as to how any part of the ballot shall be 2865
counted, that part of such ballot which three of the ~~judges~~ 2866
officials do agree shall be counted and a notation made upon the 2867
ballot indicating what part has not been counted, and shall be 2868
placed in an envelope provided for that purpose, marked "Disputed 2869
Ballots" and returned to the board. 2870

The board shall, on the day when the vote is canvassed, open 2871
such sealed envelopes, determine what ballots and for whom they 2872
should be counted, and proceed to count and tally the votes on 2873
such ballots. 2874

Sec. 3515.04. At the time and place fixed for making a 2875
recount, the board of elections, in the presence of all observers 2876
who may be in attendance, shall open the sealed containers 2877
containing the ballots to be recounted, and shall recount them. ~~If~~ 2878
~~a county used punch card ballots and if a chad is attached to a~~ 2879
~~punch card ballot by three or four corners, the voter shall be~~ 2880
~~deemed by the board not to have recorded a candidate, question, or~~ 2881
~~issue choice at the particular position on the ballot, and a vote~~ 2882
~~shall not be counted at that particular position on the ballot in~~ 2883
~~the recount.~~ Ballots shall be handled only by the members of the 2884
board or by the director or other employees of the board. 2885
Observers shall be permitted to see the ballots, but they shall 2886
not be permitted to touch them, and the board shall not permit the 2887
counting or tabulation of votes shown on the ballots for any 2888
nomination, or for election to any office or position, or upon any 2889
question or issue, other than the votes shown on such ballots for 2890
the nomination, election, question, or issue concerning which a 2891
recount of ballots was applied for. 2892

At any time before the ballots from all of the precincts 2893
listed in an application for the recount or involved in a recount 2894
pursuant to section 3515.011 of the Revised Code have been 2895
recounted, the applicant or declared losing candidate or nominee 2896
or each of the declared losing candidates or nominees entitled to 2897
file a request prior to the commencement of a recount, as provided 2898
in section 3515.03 of the Revised Code, may file with the board a 2899
written request to stop the recount and not recount the ballots 2900
from the precincts so listed that have not been recounted prior to 2901
the time of the request. If, upon the request, the board finds 2902
that results of the votes in the precincts recounted, if 2903
substituted for the results of the votes in those precincts as 2904
shown in the abstract of the votes in those precincts, would not 2905
cause the applicant, if a person for whom votes were cast for 2906

nomination or election, to be declared nominated or elected or if 2907
an election upon a question or issue would not cause a result 2908
contrary to the result as declared prior to such recount, it shall 2909
grant the request and shall not recount the ballots of the 2910
precincts listed in the application for recount that have not been 2911
recounted prior to that time. If the board finds otherwise, it 2912
shall deny the request and shall continue to recount ballots until 2913
the ballots from all of the precincts listed in the application 2914
for recount have been recounted; provided that, if the request is 2915
denied, it may be renewed from time to time. Upon any such 2916
renewal, the board shall consider and act upon the request in the 2917
same manner as provided in this section in connection with an 2918
original request. 2919

~~As used in this section, "chad" and "punch card ballot" have 2920
the same meanings as in section 3506.16 of the Revised Code. 2921~~

Sec. 3517.106. (A) As used in this section: 2922

(1) "Statewide office" means any of the offices of governor, 2923
lieutenant governor, secretary of state, auditor of state, 2924
treasurer of state, attorney general, chief justice of the supreme 2925
court, and justice of the supreme court. 2926

(2) "Addendum to a statement" includes an amendment or other 2927
correction to that statement. 2928

(B)(1) The secretary of state shall store on computer the 2929
information contained in statements of contributions and 2930
expenditures and monthly statements required to be filed under 2931
section 3517.10 of the Revised Code and in statements of 2932
independent expenditures required to be filed under section 2933
3517.105 of the Revised Code by any of the following: 2934

(a) The campaign committees of candidates for statewide 2935
office; 2936

(b) The political action committees and political contributing entities described in division (A)(1) of section 3517.11 of the Revised Code;	2937 2938 2939
(c) Legislative campaign funds;	2940
(d) State political parties;	2941
(e) Individuals, partnerships, corporations, labor organizations, or other entities that make independent expenditures in support of or opposition to a statewide candidate or a statewide ballot issue or question;	2942 2943 2944 2945
(f) The campaign committees of candidates for the office of member of the general assembly;	2946 2947
(g) County political parties, with respect to their state candidate funds.	2948 2949
(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.	2950 2951 2952 2953
(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.	2954 2955 2956 2957
(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.	2958 2959 2960 2961
(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.	2962 2963 2964 2965
(C)(1) The secretary of state shall make available to the	2966

campaign committees, political action committees, political 2967
contributing entities, legislative campaign funds, political 2968
parties, individuals, partnerships, corporations, labor 2969
organizations, treasurers of transition funds, and other entities 2970
described in division (B) of this section, and to members of the 2971
news media and other interested persons, for a reasonable fee, 2972
computer programs that are compatible with the secretary of 2973
state's method of storing the information contained in the 2974
statements. 2975

(2) The secretary of state shall make the information 2976
required to be stored under division (B) of this section available 2977
on computer at the secretary of state's office so that, to the 2978
maximum extent feasible, individuals may obtain at the secretary 2979
of state's office any part or all of that information for any 2980
given year, subject to the limitation expressed in division (D) of 2981
this section. 2982

(D) The secretary of state shall keep the information stored 2983
on computer under division (B) of this section for at least six 2984
years. 2985

(E)(1) Subject to division (L) of this section and subject to 2986
the secretary of state having implemented, tested, and verified 2987
the successful operation of any system the secretary of state 2988
prescribes pursuant to division (H)(1) of this section and 2989
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 2990
Code for the filing of campaign finance statements by electronic 2991
means of transmission, the campaign committee of each candidate 2992
for statewide office may file the statements prescribed by section 2993
3517.10 of the Revised Code by electronic means of transmission 2994
or, if the total amount of the contributions received or the total 2995
amount of the expenditures made by the campaign committee for the 2996
applicable reporting period as specified in division (A) of 2997
section 3517.10 of the Revised Code exceeds ten thousand dollars, 2998

shall file those statements by electronic means of transmission. 2999

Except as otherwise provided in this division, within five 3000
business days after a statement filed by a campaign committee of a 3001
candidate for statewide office is received by the secretary of 3002
state by electronic or other means of transmission, the secretary 3003
of state shall make available online to the public through the 3004
internet, as provided in division (I) of this section, the 3005
contribution and expenditure information in that statement. The 3006
secretary of state shall not make available online to the public 3007
through the internet any contribution or expenditure information 3008
contained in a statement for any candidate until the secretary of 3009
state is able to make available online to the public through the 3010
internet the contribution and expenditure information for all 3011
candidates for a particular office, or until the applicable filing 3012
deadline for that statement has passed, whichever is sooner. As 3013
soon as the secretary of state has available all of the 3014
contribution and expenditure information for all candidates for a 3015
particular office, or as soon as the applicable filing deadline 3016
for a statement has passed, whichever is sooner, the secretary of 3017
state shall simultaneously make available online to the public 3018
through the internet the information for all candidates for that 3019
office. 3020

If a statement filed by electronic means of transmission is 3021
found to be incomplete or inaccurate after the examination of the 3022
statement for completeness and accuracy pursuant to division 3023
(B)(3)(a) of section 3517.11 of the Revised Code, the campaign 3024
committee shall file by electronic means of transmission any 3025
addendum to the statement that provides the information necessary 3026
to complete or correct the statement or, if required by the 3027
secretary of state under that division, an amended statement. 3028

Within five business days after the secretary of state 3029
receives from a campaign committee of a candidate for statewide 3030

office an addendum to the statement or an amended statement by 3031
electronic or other means of transmission under this division or 3032
division (B)(3)(a) of section 3517.11 of the Revised Code, the 3033
secretary of state shall make the contribution and expenditure 3034
information in the addendum or amended statement available online 3035
to the public through the internet as provided in division (I) of 3036
this section. 3037

(2) 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 political action committee and 3043
a political contributing entity described in division (B)(1)(b) of 3044
this section, a legislative campaign fund, and a state political 3045
party may file the statements prescribed by section 3517.10 of the 3046
Revised Code by electronic means of transmission or, if the total 3047
amount of the contributions received or the total amount of the 3048
expenditures made by the political action committee, political 3049
contributing entity, legislative campaign fund, or state political 3050
party for the applicable reporting period as specified in division 3051
(A) of section 3517.10 of the Revised Code exceeds ten thousand 3052
dollars, shall file those statements by electronic means of 3053
transmission. 3054

Within five business days after a statement filed by a 3055
political action committee or a political contributing entity 3056
described in division (B)(1)(b) of this section, a legislative 3057
campaign fund, or a state political party is received by the 3058
secretary of state by electronic or other means of transmission, 3059
the secretary of state shall make available online to the public 3060
through the internet, as provided in division (I) of this section, 3061
the contribution and expenditure information in that statement. 3062

If a statement filed by electronic means of transmission is 3063
found to be incomplete or inaccurate after the examination of the 3064
statement for completeness and accuracy pursuant to division 3065
(B)(3)(a) of section 3517.11 of the Revised Code, the political 3066
action committee, political contributing entity, legislative 3067
campaign fund, or state political party shall file by electronic 3068
means of transmission any addendum to the statement that provides 3069
the information necessary to complete or correct the statement or, 3070
if required by the secretary of state under that division, an 3071
amended statement. 3072

Within five business days after the secretary of state 3073
receives from a political action committee or a political 3074
contributing entity described in division (B)(1)(b) of this 3075
section, a legislative campaign fund, or a state political party 3076
an addendum to the statement or an amended statement by electronic 3077
or other means of transmission under this division or division 3078
(B)(3)(a) of section 3517.11 of the Revised Code, the secretary of 3079
state shall make the contribution and expenditure information in 3080
the addendum or amended statement available online to the public 3081
through the internet as provided in division (I) of this section. 3082

(3) Subject to the secretary of state having implemented, 3083
tested, and verified the successful operation of any system the 3084
secretary of state prescribes pursuant to division (H)(1) of this 3085
section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of 3086
the Revised Code for the filing of campaign finance statements by 3087
electronic means of transmission, a county political party shall 3088
file the statements prescribed by section 3517.10 of the Revised 3089
Code with respect to its state candidate fund by electronic means 3090
of transmission to the office of the secretary of state. 3091

Within five business days after a statement filed by a county 3092
political party with respect to its state candidate fund is 3093
received by the secretary of state by electronic means of 3094

transmission, the secretary of state shall make available online 3095
to the public through the internet, as provided in division (I) of 3096
this section, the contribution and expenditure information in that 3097
statement. 3098

If a statement is found to be incomplete or inaccurate after 3099
the examination of the statement for completeness and accuracy 3100
pursuant to division (B)(3)(a) of section 3517.11 of the Revised 3101
Code, a county political party shall file by electronic means of 3102
transmission any addendum to the statement that provides the 3103
information necessary to complete or correct the statement or, if 3104
required by the secretary of state under that division, an amended 3105
statement. 3106

Within five business days after the secretary of state 3107
receives from a county political party an addendum to the 3108
statement or an amended statement by electronic means of 3109
transmission under this division or division (B)(3)(a) of section 3110
3517.11 of the Revised Code, the secretary of state shall make the 3111
contribution and expenditure information in the addendum or 3112
amended statement available online to the public through the 3113
internet as provided in division (I) of this section. 3114

(F)(1) Subject to division (L) of this section and subject to 3115
the secretary of state having implemented, tested, and verified 3116
the successful operation of any system the secretary of state 3117
prescribes pursuant to division (H)(1) of this section and 3118
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 3119
Code for the filing of campaign finance statements by electronic 3120
means of transmission, a campaign committee of a candidate for the 3121
office of member of the general assembly or a campaign committee 3122
of a candidate for the office of judge of a court of appeals may 3123
file the statements prescribed by section 3517.10 of the Revised 3124
Code in accordance with division (A)(2) of section 3517.11 of the 3125
Revised Code or by electronic means of transmission to the office 3126

of the secretary of state or, if the total amount of the 3127
contributions received by the campaign committee for the 3128
applicable reporting period as specified in division (A) of 3129
section 3517.10 of the Revised Code exceeds ten thousand dollars, 3130
shall file those statements by electronic means of transmission to 3131
the office of the secretary of state. 3132

Except as otherwise provided in this division, within five 3133
business days after a statement filed by a campaign committee of a 3134
candidate for the office of member of the general assembly or a 3135
campaign committee of a candidate for the office of judge of a 3136
court of appeals is received by the secretary of state by 3137
electronic or other means of transmission, the secretary of state 3138
shall make available online to the public through the internet, as 3139
provided in division (I) of this section, the contribution and 3140
expenditure information in that statement. The secretary of state 3141
shall not make available online to the public through the internet 3142
any contribution or expenditure information contained in a 3143
statement for any candidate until the secretary of state is able 3144
to make available online to the public through the internet the 3145
contribution and expenditure information for all candidates for a 3146
particular office, or until the applicable filing deadline for 3147
that statement has passed, whichever is sooner. As soon as the 3148
secretary of state has available all of the contribution and 3149
expenditure information for all candidates for a particular 3150
office, or as soon as the applicable filing deadline for a 3151
statement has passed, whichever is sooner, the secretary of state 3152
shall simultaneously make available online to the public through 3153
the internet the information for all candidates for that office. 3154

If a statement filed by electronic means of transmission is 3155
found to be incomplete or inaccurate after the examination of the 3156
statement for completeness and accuracy pursuant to division 3157
(B)(3)(a) of section 3517.11 of the Revised Code, the campaign 3158

committee shall file by electronic means of transmission to the 3159
office of the secretary of state any addendum to the statement 3160
that provides the information necessary to complete or correct the 3161
statement or, if required by the secretary of state under that 3162
division, an amended statement. 3163

Within five business days after the secretary of state 3164
receives from a campaign committee of a candidate for the office 3165
of member of the general assembly or a campaign committee of a 3166
candidate for the office of judge of a court of appeals an 3167
addendum to the statement or an amended statement by electronic or 3168
other means of transmission under this division or division 3169
(B)(3)(a) of section 3517.11 of the Revised Code, the secretary of 3170
state shall make the contribution and expenditure information in 3171
the addendum or amended statement available online to the public 3172
through the internet as provided in division (I) of this section. 3173

(2) If a statement, addendum, or amended statement is not 3174
filed by electronic means of transmission to the office of the 3175
secretary of state but is filed by printed version only under 3176
division (A)(2) of section 3517.11 of the Revised Code with the 3177
appropriate board of elections, the campaign committee of a 3178
candidate for the office of member of the general assembly or a 3179
campaign committee of a candidate for the office of judge of a 3180
court of appeals shall file two copies of the printed version of 3181
the statement, addendum, or amended statement with the board of 3182
elections. The board of elections shall send one of those copies 3183
by certified mail or an electronic copy to the secretary of state 3184
before the close of business on the day the board of elections 3185
receives the statement, addendum, or amended statement. 3186

(G) Subject to the secretary of state having implemented, 3187
tested, and verified the successful operation of any system the 3188
secretary of state prescribes pursuant to division (H)(1) of this 3189
section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of 3190

the Revised Code for the filing of campaign finance statements by 3191
electronic means of transmission, any individual, partnership, or 3192
other entity that makes independent expenditures in support of or 3193
opposition to a statewide candidate or a statewide ballot issue or 3194
question as provided in division (B)(2)(b) or (C)(2)(b) of section 3195
3517.105 of the Revised Code may file the statement specified in 3196
that division by electronic means of transmission or, if the total 3197
amount of independent expenditures made during the reporting 3198
period under that division exceeds ten thousand dollars, shall 3199
file the statement specified in that division by electronic means 3200
of transmission. 3201

Within five business days after a statement filed by an 3202
individual, partnership, or other entity is received by the 3203
secretary of state by electronic or other means of transmission, 3204
the secretary of state shall make available online to the public 3205
through the internet, as provided in division (I) of this section, 3206
the expenditure information in that statement. 3207

If a statement filed by electronic means of transmission is 3208
found to be incomplete or inaccurate after the examination of the 3209
statement for completeness and accuracy pursuant to division 3210
(B)(3)(a) of section 3517.11 of the Revised Code, the individual, 3211
partnership, or other entity shall file by electronic means of 3212
transmission any addendum to the statement that provides the 3213
information necessary to complete or correct the statement or, if 3214
required by the secretary of state under that division, an amended 3215
statement. 3216

Within five business days after the secretary of state 3217
receives from an individual, partnership, or other entity 3218
described in division (B)(2)(b) or (C)(2)(b) of section 3517.105 3219
of the Revised Code an addendum to the statement or an amended 3220
statement by electronic or other means of transmission under this 3221
division or division (B)(3)(a) of section 3517.11 of the Revised 3222

Code, the secretary of state shall make the expenditure 3223
information in the addendum or amended statement available online 3224
to the public through the internet as provided in division (I) of 3225
this section. 3226

(H)(1) The secretary of state, by rule adopted pursuant to 3227
section 3517.23 of the Revised Code, shall prescribe one or more 3228
techniques by which a person who executes and transmits by 3229
electronic means a statement of contributions and expenditures, a 3230
statement of independent expenditures, a disclosure of 3231
electioneering communications statement, a deposit and 3232
disbursement statement, a gift and disbursement statement, or a 3233
donation and disbursement statement, an addendum to any of those 3234
statements, an amended statement of contributions and 3235
expenditures, an amended statement of independent expenditures, an 3236
amended disclosure of electioneering communications statement, an 3237
amended deposit and disbursement statement, an amended gift and 3238
disbursement statement, or an amended donation and disbursement 3239
statement, under this section or section 3517.10, 3517.105, 3240
3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the Revised Code 3241
shall electronically sign the statement, addendum, or amended 3242
statement. Any technique prescribed by the secretary of state 3243
pursuant to this division shall create an electronic signature 3244
that satisfies all of the following: 3245

(a) It is unique to the signer. 3246

(b) It objectively identifies the signer. 3247

(c) It involves the use of a signature device or other means 3248
or method that is under the sole control of the signer and that 3249
cannot be readily duplicated or compromised. 3250

(d) It is created and linked to the electronic record to 3251
which it relates in a manner that, if the record or signature is 3252
intentionally or unintentionally changed after signing, the 3253

electronic signature is invalidated. 3254

(2) An electronic signature prescribed by the secretary of 3255
state under division (H)(1) of this section shall be attached to 3256
or associated with the statement of contributions and 3257
expenditures, the statement of independent expenditures, the 3258
disclosure of electioneering communications statement, the deposit 3259
and disbursement statement, the gift and disbursement statement, 3260
or the donation and disbursement statement, the addendum to any of 3261
those statements, the amended statement of contributions and 3262
expenditures, the amended statement of independent expenditures, 3263
the amended disclosure of electioneering communications statement, 3264
the amended deposit and disbursement statement, the amended gift 3265
and disbursement statement, or the amended donation and 3266
disbursement statement that is executed and transmitted by 3267
electronic means by the person to whom the electronic signature is 3268
attributed. The electronic signature that is attached to or 3269
associated with the statement, addendum, or amended statement 3270
under this division shall be binding on all persons and for all 3271
purposes under the campaign finance reporting law as if the 3272
signature had been handwritten in ink on a printed form. 3273

(I) The secretary of state shall make the contribution and 3274
expenditure, the contribution and disbursement, the deposit and 3275
disbursement, the gift and disbursement, or the donation and 3276
disbursement information in all statements, all addenda to the 3277
statements, and all amended statements that are filed with the 3278
secretary of state by electronic or other means of transmission 3279
under this section or section 3517.10, 3517.105, 3517.1011, 3280
3517.1012, 3517.1013, 3517.1014, or 3517.11 of the Revised Code 3281
available online to the public by any means that are searchable, 3282
viewable, and accessible through the internet. 3283

(J)(1) As used in this division, "library" means a library 3284
that is open to the public and that is one of the following: 3285

(a) A library that is maintained and regulated under section 715.13 of the Revised Code;	3286 3287
(b) A library that is created, maintained, and regulated under Chapter 3375. of the Revised Code.	3288 3289
(2) The secretary of state shall notify all libraries of the location on the internet at which the contribution and expenditure, contribution and disbursement, deposit and disbursement, gift and disbursement, or donation and disbursement information in campaign finance statements required to be made available online to the public through the internet pursuant to division (I) of this section may be accessed.	3290 3291 3292 3293 3294 3295 3296
If that location is part of the world wide web and if the secretary of state has notified a library of that world wide web location as required by this division, the library shall include a link to that world wide web location on each internet-connected computer it maintains that is accessible to the public.	3297 3298 3299 3300 3301
(3) If the system the secretary of state prescribes for the filing of campaign finance statements by electronic means of transmission pursuant to division (H)(1) of this section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised Code includes filing those statements through the internet via the world wide web, the secretary of state shall notify all libraries of the world wide web location at which those statements may be filed.	3302 3303 3304 3305 3306 3307 3308 3309
If those statements may be filed through the internet via the world wide web and if the secretary of state has notified a library of that world wide web location as required by this division, the library shall include a link to that world wide web location on each internet-connected computer it maintains that is accessible to the public.	3310 3311 3312 3313 3314 3315
(K) It is an affirmative defense to a complaint or charge	3316

brought against any campaign committee, political action 3317
committee, political contributing entity, legislative campaign 3318
fund, or political party, any individual, partnership, or other 3319
entity, any person making disbursements to pay the direct costs of 3320
producing or airing electioneering communications, or any 3321
treasurer of a transition fund, for the failure to file by 3322
electronic means of transmission a campaign finance statement as 3323
required by this section or section 3517.10, 3517.105, 3517.1011, 3324
3517.1012, 3517.1013, or 3517.1014 of the Revised Code that all of 3325
the following apply to the campaign committee, political action 3326
committee, political contributing entity, legislative campaign 3327
fund, or political party, the individual, partnership, or other 3328
entity, the person making disbursements to pay the direct costs of 3329
producing or airing electioneering communications, or the 3330
treasurer of a transition fund that failed to so file: 3331

(1) The campaign committee, political action committee, 3332
political contributing entity, legislative campaign fund, or 3333
political party, the individual, partnership, or other entity, the 3334
person making disbursements to pay the direct costs of producing 3335
or airing electioneering communications, or the treasurer of a 3336
transition fund attempted to file by electronic means of 3337
transmission the required statement prior to the deadline set 3338
forth in the applicable section. 3339

(2) The campaign committee, political action committee, 3340
political contributing entity, legislative campaign fund, or 3341
political party, the individual, partnership, or other entity, the 3342
person making disbursements to pay the direct costs of producing 3343
or airing electioneering communications, or the treasurer of a 3344
transition fund was unable to file by electronic means of 3345
transmission due to an expected or unexpected shutdown of the 3346
whole or part of the electronic campaign finance statement-filing 3347
system, such as for maintenance or because of hardware, software, 3348

or network connection failure. 3349

(3) The campaign committee, political action committee, 3350
political contributing entity, legislative campaign fund, or 3351
political party, the individual, partnership, or other entity, the 3352
person making disbursements to pay the direct costs of producing 3353
or airing electioneering communications, or the treasurer of a 3354
transition fund filed by electronic means of transmission the 3355
required statement within a reasonable period of time after being 3356
unable to so file it under the circumstance described in division 3357
(K)(2) of this section. 3358

(L)(1) The secretary of state shall adopt rules pursuant to 3359
Chapter 119. of the Revised Code to permit a campaign committee of 3360
a candidate for statewide office that makes expenditures of less 3361
than twenty-five thousand dollars during the filing period or a 3362
campaign committee for the office of member of the general 3363
assembly or the office of judge of a court of appeals that would 3364
otherwise be required to file campaign finance statements by 3365
electronic means of transmission under division (E) or (F) of this 3366
section to file those statements by paper with the office of the 3367
secretary of state. Those rules shall provide for all of the 3368
following: 3369

(a) An eligible campaign committee that wishes to file a 3370
campaign finance statement by paper instead of by electronic means 3371
of transmission shall file the statement on paper with the office 3372
of the secretary of state not sooner than twenty-four hours after 3373
the end of the filing period set forth in section 3517.10 of the 3374
Revised Code that is covered by the applicable statement. 3375

(b) The statement shall be accompanied by a fee, the amount 3376
of which the secretary of state shall determine by rule. The 3377
amount of the fee established under this division shall not exceed 3378
the data entry and data verification costs the secretary of state 3379
will incur to convert the information on the statement to an 3380

electronic format as required under division (I) of this section. 3381

(c) The secretary of state shall arrange for the information 3382
in campaign finance statements filed pursuant to division (L) of 3383
this section to be made available online to the public through the 3384
internet in the same manner, and at the same times, as information 3385
is made available under divisions (E), (F), and (I) of this 3386
section for candidates whose campaign committees file those 3387
statements by electronic means of transmission. 3388

(d) The candidate of an eligible campaign committee that 3389
intends to file a campaign finance statement pursuant to division 3390
(L) of this section shall file a notice indicating that the 3391
candidate's campaign committee intends to so file and stating that 3392
filing the statement by electronic means of transmission would 3393
constitute a hardship for the candidate or for the eligible 3394
campaign committee. 3395

(e) An eligible campaign committee that files a campaign 3396
finance statement on paper pursuant to division (L) of this 3397
section shall review the contribution and information made 3398
available online by the secretary of state with respect to that 3399
paper filing and shall notify the secretary of state of any errors 3400
with respect to that filing that appear in the data made available 3401
on that web site. 3402

(f) If an eligible campaign committee whose candidate has 3403
filed a notice in accordance with rules adopted under division 3404
(L)(1)(d) of this section subsequently fails to file that 3405
statement on paper by the applicable deadline established in rules 3406
adopted under division (L)(1)(a) of this section, penalties for 3407
the late filing of the campaign finance statement shall apply to 3408
that campaign committee for each day after that paper filing 3409
deadline, as if the campaign committee had filed the statement 3410
after the applicable deadline set forth in division (A) of section 3411
3517.10 of the Revised Code. 3412

(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 penalties for the failure of campaign committees to file campaign finance statements by electronic means of transmission shall be suspended until such time as that process is in effect and available for use.

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

Sec. 3517.11. (A)(1) Campaign committees of candidates for statewide office or the state board of education, political action committees or political contributing entities that make contributions to campaign committees of candidates that are required to file the statements prescribed by section 3517.10 of the Revised Code with the secretary of state, political action committees or political contributing entities that make contributions to campaign committees of candidates for member of the general assembly, political action committees or political contributing entities that make contributions to state and national political parties and to legislative campaign funds,

political action committees or political contributing entities 3445
that receive contributions or make expenditures in connection with 3446
a statewide ballot issue, political action committees or political 3447
contributing entities that make contributions to other political 3448
action committees or political contributing entities, political 3449
parties, and campaign committees, except as set forth in division 3450
(A)(3) of this section, legislative campaign funds, and state and 3451
national political parties shall file the statements prescribed by 3452
section 3517.10 of the Revised Code with the secretary of state. 3453

(2)(a) Except as otherwise provided in division (F) of 3454
section 3517.106 of the Revised Code, campaign committees of 3455
candidates for all other offices shall file the statements 3456
prescribed by section 3517.10 of the Revised Code with the board 3457
of elections where their candidates are required to file their 3458
petitions or other papers for nomination or election. 3459

(b) A campaign committee of a candidate for office of member 3460
of the general assembly or a campaign committee of a candidate for 3461
the office of judge of a court of appeals shall file two copies of 3462
the printed version of any statement, addendum, or amended 3463
statement if the committee does not file pursuant to division 3464
(F)(1) or (L) of section 3517.106 of the Revised Code but files by 3465
printed version only with the appropriate board of elections. The 3466
board of elections shall send one of those copies by certified 3467
mail or an electronic copy to the secretary of state before the 3468
close of business on the day the board of elections receives the 3469
statement, addendum, or amended statement. 3470

(3) Political action committees or political contributing 3471
entities that only contribute to a county political party, 3472
contribute to campaign committees of candidates whose nomination 3473
or election is to be submitted only to electors within a county, 3474
subdivision, or district, excluding candidates for member of the 3475
general assembly, and receive contributions or make expenditures 3476

in connection with ballot questions or issues to be submitted only 3477
to electors within a county, subdivision, or district shall file 3478
the statements prescribed by section 3517.10 of the Revised Code 3479
with the board of elections in that county or in the county 3480
contained in whole or part within the subdivision or district 3481
having a population greater than that of any other county 3482
contained in whole or part within that subdivision or district, as 3483
the case may be. 3484

(4) Except as otherwise provided in division (E)(3) of 3485
section 3517.106 of the Revised Code with respect to state 3486
candidate funds, county political parties shall file the 3487
statements prescribed by section 3517.10 of the Revised Code with 3488
the board of elections of their respective counties. 3489

(B)(1) The official with whom petitions and other papers for 3490
nomination or election to public office are filed shall furnish 3491
each candidate at the time of that filing a copy of sections 3492
3517.01, 3517.08 to 3517.11, 3517.13 to 3517.993, 3599.03, and 3493
3599.031 of the Revised Code and any other materials that the 3494
secretary of state may require. Each candidate receiving the 3495
materials shall acknowledge their receipt in writing. 3496

(2) On or before the tenth day before the dates on which 3497
statements are required to be filed by section 3517.10 of the 3498
Revised Code, every candidate subject to the provisions of this 3499
section and sections 3517.10 and 3517.106 of the Revised Code 3500
shall be notified of the requirements and applicable penalties of 3501
those sections. The secretary of state, by certified mail, return 3502
receipt requested, shall notify all candidates required to file 3503
those statements with the secretary of state's office. The board 3504
of elections of every county shall notify by first class mail any 3505
candidate who has personally appeared at the office of the board 3506
on or before the tenth day before the statements are required to 3507
be filed and signed a form, to be provided by the secretary of 3508

state, attesting that the candidate has been notified of the 3509
candidate's obligations under the campaign finance law. The board 3510
shall forward the completed form to the secretary of state. The 3511
board shall use certified mail, return receipt requested, to 3512
notify all other candidates required to file those statements with 3513
it. 3514

(3)(a) Any statement required to be filed under sections 3515
3517.081 to 3517.17 of the Revised Code that is found to be 3516
incomplete or inaccurate by the officer to whom it is submitted 3517
shall be accepted on a conditional basis, and the person who filed 3518
it shall be notified by certified mail as to the incomplete or 3519
inaccurate nature of the statement. The secretary of state may 3520
examine statements filed for candidates for the office of member 3521
of the general assembly and candidates for the office of judge of 3522
a court of appeals for completeness and accuracy. The secretary of 3523
state shall examine for completeness and accuracy statements that 3524
campaign committees of candidates for the office of member of the 3525
general assembly and campaign committees of candidates for the 3526
office of judge of a court of appeals file pursuant to division 3527
(F) or (L) of section 3517.106 of the Revised Code. If an officer 3528
at the board of elections where a statement filed for a candidate 3529
for the office of member of the general assembly or for a 3530
candidate for the office of judge of a court of appeals was 3531
submitted finds the statement to be incomplete or inaccurate, the 3532
officer shall immediately notify the secretary of state of its 3533
incomplete or inaccurate nature. If either an officer at the board 3534
of elections or the secretary of state finds a statement filed for 3535
a candidate for the office of member of the general assembly or 3536
for a candidate for the office of judge of a court of appeals to 3537
be incomplete or inaccurate, only the secretary of state shall 3538
send the notification as to the incomplete or inaccurate nature of 3539
the statement. 3540

Within twenty-one days after receipt of the notice, in the case of a pre-election statement, a postelection statement, a monthly statement, an annual statement, or a semiannual statement prescribed by section 3517.10, an annual statement prescribed by section 3517.101, or a statement prescribed by division (B)(2)(b) or (C)(2)(b) of section 3517.105 or section 3517.107 of the Revised Code, the recipient shall file an addendum, amendment, or other correction to the statement providing the information necessary to complete or correct the statement. The secretary of state may require that, in lieu of filing an addendum, amendment, or other correction to a statement that is filed by electronic means of transmission to the office of the secretary of state pursuant to section 3517.106 of the Revised Code, the recipient of the notice described in this division file by electronic means of transmission an amended statement that incorporates the information necessary to complete or correct the statement.

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

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

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

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

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

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

An addendum, amendment, or other correction to a statement 3572
that is filed by electronic means of transmission pursuant to 3573
section 3517.106 of the Revised Code shall be filed in the same 3574
manner as the statement. 3575

The provisions of sections 3517.10, 3517.106, 3517.1011, 3576
3517.1012, 3517.1013, and 3517.1014 of the Revised Code pertaining 3577
to the filing of statements of contributions and expenditures, 3578
statements of independent expenditures, disclosure of 3579
electioneering communications statements, deposit and disbursement 3580
statements, gift and disbursement statements, and donation and 3581
disbursement statements by electronic means of transmission apply 3582
to the filing of addenda, amendments, or other corrections to 3583
those statements by electronic means of transmission and the 3584
filing of amended statements by electronic means of transmission. 3585

(b) Within five business days after the secretary of state 3586
receives, by electronic or other means of transmission, an 3587
addendum, amendment, or other correction to a statement or an 3588
amended statement under division (B)(3)(a) of this section, the 3589
secretary of state, pursuant to divisions (E), (F), (G), and (I) 3590
of section 3517.106 or division (D) of section 3517.1011 of the 3591
Revised Code, shall make the contribution and expenditure, 3592
contribution and disbursement, deposit and disbursement, gift and 3593
disbursement, or donation and disbursement information in that 3594
addendum, amendment, correction, or amended statement available 3595
online to the public through the internet. 3596

(4)(a) The secretary of state or the board of elections shall 3597
examine all statements for compliance with sections 3517.08 to 3598
3517.17 of the Revised Code. 3599

(b) The secretary of state may contract with an individual or 3600
entity not associated with the secretary of state and experienced 3601
in interpreting the campaign finance law of this state to conduct 3602
examinations of statements filed by any statewide candidate, as 3603

defined in section 3517.103 of the Revised Code. 3604

(c) The examination shall be conducted by a person or entity 3605
qualified to conduct it. The results of the examination shall be 3606
available to the public, and, when the examination is conducted by 3607
an individual or entity not associated with the secretary of 3608
state, the results of the examination shall be reported to the 3609
secretary of state. 3610

(C)(1) In the event of a failure to file or a late filing of 3611
a statement required to be filed under sections 3517.081 to 3612
3517.17 of the Revised Code, or if a filed statement or any 3613
addendum, amendment, or other correction to a statement or any 3614
amended statement, if an addendum, amendment, or other correction 3615
or an amended statement is required to be filed, is incomplete or 3616
inaccurate or appears to disclose a failure to comply with or a 3617
violation of law, the official whose duty it is to examine the 3618
statement shall promptly file a complaint with the Ohio elections 3619
commission under section 3517.153 of the Revised Code if the law 3620
is one over which the commission has jurisdiction to hear 3621
complaints, or the official shall promptly report the failure or 3622
violation to the board of elections and the board shall promptly 3623
report it to the prosecuting attorney in accordance with division 3624
(J) of section 3501.11 of the Revised Code. If the official files 3625
a complaint with the commission, the commission shall proceed in 3626
accordance with sections 3517.154 to 3517.157 of the Revised Code. 3627

(2) For purposes of division (C)(1) of this section, a 3628
statement or an addendum, amendment, or other correction to a 3629
statement or an amended statement required to be filed under 3630
sections 3517.081 to 3517.17 of the Revised Code is incomplete or 3631
inaccurate under this section if the statement, addendum, 3632
amendment, other correction, or amended statement fails to 3633
disclose substantially all contributions, gifts, or donations that 3634
are received or deposits that are made that are required to be 3635

reported under sections 3517.10, 3517.107, 3517.108, 3517.1011, 3636
3517.1012, 3517.1013, and 3517.1014 of the Revised Code or if the 3637
statement, addendum, amendment, other correction, or amended 3638
statement fails to disclose at least ninety per cent of the total 3639
contributions, gifts, or donations received or deposits made or of 3640
the total expenditures or disbursements made during the reporting 3641
period. 3642

(D) No certificate of nomination or election shall be issued 3643
to a person, and no person elected to an office shall enter upon 3644
the performance of the duties of that office, until that person or 3645
that person's campaign committee, as appropriate, has fully 3646
complied with this section and sections 3517.08, 3517.081, 3647
3517.10, and 3517.13 of the Revised Code. 3648

Sec. 3599.07. No ~~judge of elections~~ precinct election 3649
official, observer, or police officer admitted into the polling 3650
rooms at the election, at any time while the polls are open, shall 3651
have in the individual's possession, distribute, or give out any 3652
ballot or ticket to any person on any pretense during the 3653
receiving, counting, or certifying of the votes, or have any 3654
ballot or ticket in the individual's possession or control, except 3655
in the proper discharge of the individual's official duty in 3656
receiving, counting, or canvassing the votes. This section does 3657
not prevent the lawful exercise by a ~~judge of elections~~ precinct 3658
election official or observer of the individual right to vote at 3659
such election. 3660

Sec. 3599.17. (A) No elections official serving as a 3661
registrar or ~~judge of elections~~ precinct election official shall 3662
do any of the following: 3663

(1) Fail to appear before the board of elections, or its 3664
representative, after notice has been served personally upon the 3665

official or left at the official's usual place of residence, for 3666
examination as to the official's qualifications; 3667

(2) Fail to appear at the polling place to which the official 3668
is assigned at the hour and during the hours set for the 3669
registration or election; 3670

(3) Fail to take the oath prescribed by section 3501.31 of 3671
the Revised Code, unless excused by such board; 3672

(4) Refuse or sanction the refusal of another registrar or 3673
~~judge of elections~~ precinct election official to administer an 3674
oath required by law; 3675

(5) Fail to send notice to the board of the appointment of a 3676
~~judge~~ precinct election official to fill a vacancy; 3677

(6) Act as registrar or ~~judge~~ precinct election official 3678
without having been appointed and having received a certificate of 3679
appointment, except a ~~judge~~ precinct election official appointed 3680
to fill a vacancy caused by absence or removal; 3681

(7) Fail in any other way to perform any duty imposed by law. 3682

(B) Whoever violates division (A) of this section is guilty 3683
of a misdemeanor of the first degree. 3684

Sec. 3599.19. (A) No ~~judge of elections~~ precinct election 3685
official shall knowingly do any of the following: 3686

(1) Unlawfully open or permit to be opened the sealed package 3687
containing registration lists, ballots, blanks, pollbooks, and 3688
other papers and material to be used in an election; 3689

(2) Unlawfully misplace, carry away, negligently lose or 3690
permit to be taken from the ~~judge~~ precinct election official, fail 3691
to deliver, or destroy any such packages, papers, or material; 3692

(3) Receive or sanction the reception of a ballot from a 3693
person not a qualified elector or from a person who refused to 3694

answer a question in accordance with the election law;	3695
(4) Refuse to receive or sanction the rejection of a ballot from a person, knowing that person to be a qualified elector;	3696 3697
(5) Permit a fraudulent ballot to be placed in the ballot box;	3698 3699
(6) Place or permit to be placed in any ballot box any ballot known by the judge <u>precinct election official</u> to be improperly or falsely marked;	3700 3701 3702
(7) Count or permit to be counted any illegal or fraudulent ballot;	3703 3704
(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;	3705 3706 3707 3708
(9) Alter or mark or permit any alteration or marking on any ballot when counting the ballots;	3709 3710
(10) Unlawfully count or tally or sanction the wrongful counting or tallying of votes;	3711 3712
(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> ;	3713 3714 3715 3716 3717
(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;	3718 3719 3720 3721
(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;	3722 3723 3724

(14) Refuse to admit or sanction the refusal to admit any person, upon lawful request for admission, who is legally qualified to be present;

(15) Permit or sanction the counting of the ballots contrary to the manner prescribed by law;

(16) Neglect or unlawfully execute any duty enjoined upon the ~~judge~~ precinct election official by law.

(B) Whoever violates division (A) of this section is guilty of a misdemeanor of the first degree.

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

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

Section 2. That existing sections 2101.44, 3501.01, 3501.05, 3501.051, 3501.06, 3501.11, 3501.13, 3501.17, 3501.22, 3501.26, 3501.27, 3501.28, 3501.29, 3501.30, 3501.31, 3501.32, 3501.33, 3501.35, 3501.37, 3503.02, 3503.26, 3505.07, 3505.08, 3505.16, 3505.17, 3505.18, 3505.20, 3505.21, 3505.23, 3505.24, 3505.26, 3505.28, 3505.29, 3505.30, 3505.31, 3506.05, 3506.12, 3506.15, 3509.01, 3509.06, 3513.131, 3513.18, 3513.19, 3513.21, 3515.04, 3517.106, 3517.11, 3599.07, 3599.17, 3599.19, and 3599.31 and section 3506.16 of the Revised Code are hereby repealed.