

As Introduced

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S. B. No. 216

Senator Seitz

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A B I L L

To amend sections 3501.22, 3503.16, 3505.18, 1
3505.181, 3505.182, and 3505.183 of the Revised 2
Code to revise the law concerning provisional 3
ballots and to specify permitted procedures for a 4
voting location that serves more than one 5
precinct. 6

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

Section 1. That sections 3501.22, 3503.16, 3505.18, 3505.181, 7
3505.182, and 3505.183 of the Revised Code be amended to read as 8
follows: 9

Sec. 3501.22. (A)(1) On or before the fifteenth day of 10
September in each year, the board of elections by a majority vote 11
shall, after careful examination and investigation as to their 12
qualifications, appoint for each election precinct four residents 13
of the county in which the precinct is located, as judges. Except 14
as otherwise provided in division (C) of this section, all judges 15
of election shall be qualified electors. The judges shall 16
constitute the election officers of the precinct. Not more than 17
one-half of the total number of judges shall be members of the 18
same political party. The term of such precinct officers shall be 19
for one year. The board may, at any time, designate any number of 20

election officers, not more than one-half of whom shall be members 21
of the same political party, to perform their duties at any 22
precinct in any election. The board may appoint additional 23
officials, equally divided between the two major political 24
parties, when necessary to expedite voting. 25

Vacancies for unexpired terms shall be filled by the board. 26
When new precincts have been created, the board shall appoint 27
judges for those precincts for the unexpired term. Any judge may 28
be summarily removed from office at any time by the board for 29
neglect of duty, malfeasance, or misconduct in office or for any 30
other good and sufficient reason. 31

Precinct election officials shall perform all of the duties 32
provided by law for receiving the ballots and supplies, opening 33
and closing the polls, and overseeing the casting of ballots 34
during the time the polls are open, and any other duties required 35
by section 3501.26 of the Revised Code. 36

A board of elections may designate two precinct election 37
officials as counting officials to count and tally the votes cast 38
and certify the results of the election at each precinct, and 39
perform other duties as provided by law. To expedite the counting 40
of votes at each precinct, the board may appoint additional 41
officials, not more than one-half of whom shall be members of the 42
same political party. 43

The Except as otherwise provided in division (A)(2) of this 44
section, the board shall designate one of the precinct election 45
officials who is a member of the dominant political party to serve 46
as a presiding judge, whose duty it is to deliver the returns of 47
the election and all supplies to the office of the board. For 48
these services, the presiding judge shall receive additional 49
compensation in an amount, consistent with section 3501.28 of the 50
Revised Code, determined by the board of elections. 51

The board shall issue to each precinct election official a certificate of appointment, which the official shall present to the presiding judge at the time the polls are opened.

(2) If the board of elections, by a vote of at least three members of the board, opts to have a single voting location serve more than one precinct, the board may do both of the following:

(a) Designate a single presiding judge for the voting location. The presiding judge shall be a member of the political party whose candidate received the highest number of votes for governor at the most recent general election for that office in the precincts whose polling places are located at the applicable voting location, when tallying the combined vote for governor in all such precincts.

(b) Combine the pollbooks for those precincts to create a single pollbook for the voting location.

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

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

In addition to the requirements established by division (C)(2) of this section, a board of education, governing authority,

or chief administrator that establishes a program under this 83
division in conjunction with a board of elections may establish 84
additional criteria that students shall meet to be eligible to 85
participate in that program. 86

(2)(a) To be eligible to participate in a program established 87
under division (C)(1) of this section, a student shall be a United 88
States citizen, a resident of the county, at least seventeen years 89
of age, and enrolled in the senior year of high school. 90

(b) Any student applying to participate in a program 91
established under division (C)(1) of this section, as part of the 92
student's application process, shall declare the student's 93
political party affiliation with the board of elections. 94

(3) No student appointed as a precinct officer pursuant to a 95
program established under division (C)(1) of this section shall be 96
designated as a presiding judge. 97

(4) Any student participating in a program established under 98
division (C)(1) of this section shall be excused for that 99
student's absence from school on the day of an election at which 100
the student is serving as a precinct officer. 101

(D) In any precinct with six or more precinct officers, up to 102
two students participating in a program established under division 103
(C)(1) of this section who are under eighteen years of age may 104
serve as precinct officers. Not more than one precinct officer in 105
any given precinct with fewer than six precinct officers shall be 106
under eighteen years of age. 107

Sec. 3503.16. (A) Whenever a registered elector changes the 108
place of residence of that registered elector from one precinct to 109
another within a county or from one county to another, or has a 110
change of name, that registered elector shall report the change by 111
delivering a change of residence or change of name form, whichever 112

is appropriate, as prescribed by the secretary of state under 113
section 3503.14 of the Revised Code to the state or local office 114
of a designated agency, a public high school or vocational school, 115
a public library, the office of the county treasurer, the office 116
of the secretary of state, any office of the registrar or deputy 117
registrar of motor vehicles, or any office of a board of elections 118
in person or by a third person. Any voter registration, change of 119
address, or change of name application, returned by mail, may be 120
sent only to the secretary of state or the board of elections. 121

A registered elector also may update the registration of that 122
registered elector by filing a change of residence or change of 123
name form on the day of a special, primary, or general election at 124
the polling place in the precinct in which that registered elector 125
resides or at the board of elections or at another site designated 126
by the board. 127

(B)(1)(a) Any registered elector who moves within a precinct 128
on or prior to the day of a general, primary, or special election 129
and has not filed a notice of change of residence with the board 130
of elections may vote in that election by going to that registered 131
elector's assigned polling place, completing and signing a notice 132
of change of residence, showing identification in the form of a 133
current and valid photo identification, a military identification, 134
or a copy of a current utility bill, bank statement, government 135
check, paycheck, or other government document, other than a notice 136
of voter registration mailed by a board of elections under section 137
3503.19 of the Revised Code, that shows the name and current 138
address of the elector, and casting a ballot. If the elector 139
provides either a driver's license or a state identification card 140
issued under section 4507.50 of the Revised Code that does not 141
contain the elector's current residence address, the elector shall 142
provide the last four digits of the elector's driver's license 143
number or state identification card number, and the precinct 144

election official shall mark the poll list or signature pollbook 145
to indicate that the elector has provided a driver's license or 146
state identification card number with a former address and record 147
the last four digits of the elector's driver's license number or 148
state identification card number. 149

(b) Any registered elector who changes the name of that 150
registered elector and remains within a precinct on or prior to 151
the day of a general, primary, or special election and has not 152
filed a notice of change of name with the board of elections may 153
vote in that election by going to that registered elector's 154
assigned polling place, completing and signing a notice of a 155
change of name, and casting a provisional ballot under section 156
3505.181 of the Revised Code. 157

(2) Any registered elector who moves from one precinct to 158
another within a county or moves from one precinct to another and 159
changes the name of that registered elector on or prior to the day 160
of a general, primary, or special election and has not filed a 161
notice of change of residence or change of name, whichever is 162
appropriate, with the board of elections may vote in that election 163
if that registered elector complies with division (G) of this 164
section or does all of the following: 165

(a) Appears at anytime during regular business hours on or 166
after the twenty-eighth day prior to the election in which that 167
registered elector wishes to vote or, if the election is held on 168
the day of a presidential primary election, the twenty-fifth day 169
prior to the election, through noon of the Saturday prior to the 170
election at the office of the board of elections, appears at any 171
time during regular business hours on the Monday prior to the 172
election at the office of the board of elections, or appears on 173
the day of the election at either of the following locations: 174

(i) The polling place in the precinct in which that 175
registered elector resides; 176

(ii) The office of the board of elections or, if pursuant to 177
division (C) of section 3501.10 of the Revised Code the board has 178
designated another location in the county at which registered 179
electors may vote, at that other location instead of the office of 180
the board of elections. 181

(b) Completes and signs, under penalty of election 182
falsification, the written affirmation on the provisional ballot 183
envelope, which shall serve as a notice of change of residence or 184
change of name, whichever is appropriate, ~~and files it with~~ 185
~~election officials at the polling place, at the office of the~~ 186
~~board of elections, or, if pursuant to division (C) of section~~ 187
~~3501.10 of the Revised Code the board has designated another~~ 188
~~location in the county at which registered electors may vote, at~~ 189
~~that other location instead of the office of the board of~~ 190
~~elections, whichever is appropriate;~~ 191

(c) Votes a provisional ballot under section 3505.181 of the 192
Revised Code at the polling place, at the office of the board of 193
elections, or, if pursuant to division (C) of section 3501.10 of 194
the Revised Code the board has designated another location in the 195
county at which registered electors may vote, at that other 196
location instead of the office of the board of elections, 197
whichever is appropriate, using the address to which that 198
registered elector has moved or the name of that registered 199
elector as changed, whichever is appropriate; 200

(d) Completes and signs, under penalty of election 201
falsification, a statement attesting that that registered elector 202
moved or had a change of name, whichever is appropriate, on or 203
prior to the day of the election, has voted a provisional ballot 204
at the polling place in the precinct in which that registered 205
elector resides, at the office of the board of elections, or, if 206
pursuant to division (C) of section 3501.10 of the Revised Code 207
the board has designated another location in the county at which 208

registered electors may vote, at that other location instead of 209
the office of the board of elections, whichever is appropriate, 210
and will not vote or attempt to vote at any other location for 211
that particular election. ~~The statement required under division 212
(B)(2)(d) of this section shall be included on the notice of 213
change of residence or change of name, whichever is appropriate, 214
required under division (B)(2)(b) of this section. 215~~

(C) Any registered elector who moves from one county to 216
another county within the state on or prior to the day of a 217
general, primary, or special election and has not registered to 218
vote in the county to which that registered elector moved may vote 219
in that election if that registered elector complies with division 220
(G) of this section or does all of the following: 221

(1) Appears at any time during regular business hours on or 222
after the twenty-eighth day prior to the election in which that 223
registered elector wishes to vote or, if the election is held on 224
the day of a presidential primary election, the twenty-fifth day 225
prior to the election, through noon of the Saturday prior to the 226
election at the office of the board of elections or, if pursuant 227
to division (C) of section 3501.10 of the Revised Code the board 228
has designated another location in the county at which registered 229
electors may vote, at that other location instead of the office of 230
the board of elections, appears during regular business hours on 231
the Monday prior to the election at the office of the board of 232
elections or, if pursuant to division (C) of section 3501.10 of 233
the Revised Code the board has designated another location in the 234
county at which registered electors may vote, at that other 235
location instead of the office of the board of elections, or 236
appears on the day of the election at the office of the board of 237
elections or, if pursuant to division (C) of section 3501.10 of 238
the Revised Code the board has designated another location in the 239
county at which registered electors may vote, at that other 240

location instead of the office of the board of elections; 241

(2) Completes and signs, under penalty of election 242
falsification, the written affirmation on the provisional ballot 243
envelope, which shall serve as a notice of change of residence and 244
~~files it with election officials at the board of elections or, if~~ 245
~~pursuant to division (C) of section 3501.10 of the Revised Code~~ 246
~~the board has designated another location in the county at which~~ 247
~~registered electors may vote, at that other location instead of~~ 248
~~the office of the board of elections;~~ 249

(3) Votes a provisional ballot under section 3505.181 of the 250
Revised Code at the office of the board of elections or, if 251
pursuant to division (C) of section 3501.10 of the Revised Code 252
the board has designated another location in the county at which 253
registered electors may vote, at that other location instead of 254
the office of the board of elections, using the address to which 255
that registered elector has moved; 256

(4) Completes and signs, under penalty of election 257
falsification, a statement attesting that that registered elector 258
has moved from one county to another county within the state on or 259
prior to the day of the election, has voted at the office of the 260
board of elections or, if pursuant to division (C) of section 261
3501.10 of the Revised Code the board has designated another 262
location in the county at which registered electors may vote, at 263
that other location instead of the office of the board of 264
elections, and will not vote or attempt to vote at any other 265
location for that particular election. ~~The statement required~~ 266
~~under division (C)(4) of this section shall be included on the~~ 267
~~notice of change of residence required under division (C)(2) of~~ 268
~~this section.~~ 269

(D) A person who votes by absent voter's ballots pursuant to 270
division (G) of this section shall not make written application 271
for the ballots pursuant to Chapter 3509. of the Revised Code. 272

Ballots cast pursuant to division (G) of this section shall be set 273
aside in a special envelope and counted during the official 274
canvass of votes in the manner provided for in sections 3505.32 275
and 3509.06 of the Revised Code insofar as that manner is 276
applicable. The board shall examine the pollbooks to verify that 277
no ballot was cast at the polls or by absent voter's ballots under 278
Chapter 3509. or 3511. of the Revised Code by an elector who has 279
voted by absent voter's ballots pursuant to division (G) of this 280
section. Any ballot determined to be insufficient for any of the 281
reasons stated above or stated in section 3509.07 of the Revised 282
Code shall not be counted. 283

Subject to division (C) of section 3501.10 of the Revised 284
Code, a board of elections may lease or otherwise acquire a site 285
different from the office of the board at which registered 286
electors may vote pursuant to division (B) or (C) of this section. 287

(E) Upon receiving a notice of change of residence or change 288
of name ~~form~~, the board of elections shall immediately send the 289
registrant an acknowledgment notice. If the change of residence or 290
change of name ~~form~~ notice is valid, the board shall update the 291
voter's registration as appropriate. If that form is incomplete, 292
the board shall inform the registrant in the acknowledgment notice 293
specified in this division of the information necessary to 294
complete or update that registrant's registration. 295

(F) Change of residence and change of name forms shall be 296
available at each polling place, and when these forms are 297
completed, noting changes of residence or name, as appropriate, 298
they shall be filed with election officials at the polling place. 299
Election officials shall return completed forms, together with the 300
pollbooks and tally sheets, to the board of elections. 301

The board of elections shall provide change of residence and 302
change of name forms to the probate court and court of common 303
pleas. The court shall provide the forms to any person eighteen 304

years of age or older who has a change of name by order of the 305
court or who applies for a marriage license. The court shall 306
forward all completed forms to the board of elections within five 307
days after receiving them. 308

(G) A registered elector who otherwise would qualify to vote 309
under division (B) or (C) of this section but is unable to appear 310
at the office of the board of elections or, if pursuant to 311
division (C) of section 3501.10 of the Revised Code the board has 312
designated another location in the county at which registered 313
electors may vote, at that other location, on account of personal 314
illness, physical disability, or infirmity, may vote on the day of 315
the election if that registered elector does all of the following: 316

(1) Makes a written application that includes all of the 317
information required under section 3509.03 of the Revised Code to 318
the appropriate board for an absent voter's ballot on or after the 319
twenty-seventh day prior to the election in which the registered 320
elector wishes to vote through noon of the Saturday prior to that 321
election and requests that the absent voter's ballot be sent to 322
the address to which the registered elector has moved if the 323
registered elector has moved, or to the address of that registered 324
elector who has not moved but has had a change of name; 325

(2) Declares that the registered elector has moved or had a 326
change of name, whichever is appropriate, and otherwise is 327
qualified to vote under the circumstances described in division 328
(B) or (C) of this section, whichever is appropriate, but that the 329
registered elector is unable to appear at the board of elections 330
because of personal illness, physical disability, or infirmity; 331

(3) Completes and returns along with the completed absent 332
voter's ballot a notice of change of residence indicating the 333
address to which the registered elector has moved, or a notice of 334
change of name, whichever is appropriate; 335

(4) Completes and signs, under penalty of election 336
falsification, a statement attesting that the registered elector 337
has moved or had a change of name on or prior to the day before 338
the election, has voted by absent voter's ballot because of 339
personal illness, physical disability, or infirmity that prevented 340
the registered elector from appearing at the board of elections, 341
and will not vote or attempt to vote at any other location or by 342
absent voter's ballot mailed to any other location or address for 343
that particular election. 344

Sec. 3505.18. (A)(1) When an elector appears in a polling 345
place to vote, the elector shall announce to the precinct election 346
officials the elector's full name and current address and provide 347
proof of the elector's identity in the form of a current and valid 348
photo identification, a military identification, or a copy of a 349
current utility bill, bank statement, government check, paycheck, 350
or other government document, other than a notice of voter 351
registration mailed by a board of elections under section 3503.19 352
of the Revised Code, that shows the name and current address of 353
the elector. If the elector provides either a driver's license or 354
a state identification card issued under section 4507.50 of the 355
Revised Code that does not contain the elector's current residence 356
address, the elector shall provide the last four digits of the 357
elector's driver's license number or state identification card 358
number, and the precinct election official shall mark the poll 359
list or signature pollbook to indicate that the elector has 360
provided a driver's license or state identification card number 361
with a former address and record the last four digits of the 362
elector's driver's license number or state identification card 363
number. 364

(2) If an elector ~~has but~~ does not have or is unable to 365
provide to the precinct election officials any of the forms of 366
identification required under division (A)(1) of this section, ~~but~~ 367

~~has a social security number, the elector may provide the last 368
four digits of the elector's social security number. Upon 369
providing the social security number information, the elector may 370
cast a provisional ballot under section 3505.181 of the Revised 371
Code, the envelope of which ballot shall include that social 372
security number information and do either of the following: 373~~

~~(a) Write the last four digits of the elector's social 374
security number on the provisional ballot envelope; or 375~~

~~(b) Appear at the office of the board of elections not later 376
than the Friday after the day of the election and provide the 377
identification required under division (A)(1) of this section or 378
the last four digits of the elector's social security number. 379~~

~~(3) If an elector has but is unable to provide to the 380
precinct election officials any of the forms of identification 381
required under division (A)(1) of this section and if the elector 382
has a social security number but is unable to provide the last 383
four digits of the elector's social security number, the elector 384
may cast a provisional ballot under section 3505.181 of the 385
Revised Code. 386~~

~~(4) If an elector does not have any of the forms of 387
identification required under division (A)(1) of this section and 388
cannot provide the last four digits of the elector's social 389
security number because the elector does not have a social 390
security number, the elector may execute an affirmation under 391
penalty of election falsification that the elector cannot provide 392
the identification required under that division or the last four 393
digits of the elector's social security number for those reasons. 394
Upon signing the affirmation, the elector may cast a provisional 395
ballot under section 3505.181 of the Revised Code. The secretary 396
of state shall prescribe the form of the affirmation, which shall 397
include spaces for all of the following: 398~~

(a) The elector's name;	399
(b) The elector's address;	400
(c) The current date;	401
(d) The elector's date of birth;	402
(e) The elector's signature.	403
(5) If an elector does not have any of the forms of	404
identification required under division (A)(1) of this section and	405
cannot provide the last four digits of the elector's social	406
security number because the elector does not have a social	407
security number, and if the elector declines to execute an	408
affirmation under division (A)(4) of this section, the elector may	409
cast a provisional ballot under section 3505.181 of the Revised	410
Code, the envelope of which ballot shall include the elector's	411
name.	412
(6) If an elector has but declines to provide to the precinct	413
election officials any of the forms of identification required	414
under division (A)(1) of this section or the elector has a social	415
security number but declines to provide to the precinct election	416
officials the last four digits of the elector's social security	417
number, the elector may cast a provisional ballot under section	418
3505.181 of the Revised Code.	419
(B) After the elector has announced the elector's full name	420
and current address and provided any of the forms of	421
identification required under division (A)(1) of this section, the	422
elector shall write the elector's name and address at the proper	423
place in the poll list or signature pollbook provided for the	424
purpose, except that if, for any reason, an elector is unable to	425
write the elector's name and current address in the poll list or	426
signature pollbook, the elector may make the elector's mark at the	427
place intended for the elector's name, and a precinct election	428
official shall write the name of the elector at the proper place	429

on the poll list or signature pollbook following the elector's 430
mark. The making of such a mark shall be attested by the precinct 431
election official, who shall evidence the same by signing the 432
precinct election official's name on the poll list or signature 433
pollbook as a witness to the mark. Alternatively, if applicable, 434
an attorney in fact acting pursuant to section 3501.382 of the 435
Revised Code may sign the elector's signature in the poll list or 436
signature pollbook in accordance with that section. 437

The elector's signature in the poll list or signature 438
pollbook then shall be compared with the elector's signature on 439
the elector's registration form or a digitized signature list as 440
provided for in section 3503.13 of the Revised Code, and if, in 441
the opinion of a majority of the precinct election officials, the 442
signatures are the signatures of the same person, the election 443
officials shall enter the date of the election on the registration 444
form or shall record the date by other means prescribed by the 445
secretary of state. The validity of an attorney in fact's 446
signature on behalf of an elector shall be determined in 447
accordance with section 3501.382 of the Revised Code. 448

If the right of the elector to vote is not then challenged, 449
or, if being challenged, the elector establishes the elector's 450
right to vote, the elector shall be allowed to proceed to use the 451
voting machine. If voting machines are not being used in that 452
precinct, the judge in charge of ballots shall then detach the 453
next ballots to be issued to the elector from Stub B attached to 454
each ballot, leaving Stub A attached to each ballot, hand the 455
ballots to the elector, and call the elector's name and the stub 456
number on each of the ballots. The judge shall enter the stub 457
numbers opposite the signature of the elector in the pollbook. The 458
elector shall then retire to one of the voting compartments to 459
mark the elector's ballots. No mark shall be made on any ballot 460
which would in any way enable any person to identify the person 461

who voted the ballot. 462

Sec. 3505.181. (A) All of the following individuals shall be 463
permitted to cast a provisional ballot at an election: 464

(1) An individual who declares that the individual is a 465
registered voter in the jurisdiction in which the individual 466
desires to vote and that the individual is eligible to vote in an 467
election, but the name of the individual does not appear on the 468
official list of eligible voters for the polling place or an 469
election official asserts that the individual is not eligible to 470
vote; 471

~~(2) An individual who has a social security number and 472
provides to the election officials the last four digits of the 473
individual's social security number as permitted by division 474
(A)(2) of section 3505.18 of the Revised Code; 475~~

~~(3) An individual who has but does not have or is unable to 476
provide to the election officials any of the forms of 477
identification required under division (A)(1) of section 3505.18 478
of the Revised Code and who has a social security number but is 479
unable to provide the last four digits of the individual's social 480
security number as permitted under division (A)(2) of that 481
section; 482~~

~~(4) An individual who does not have any of the forms of 483
identification required under division (A)(1) of section 3505.18 484
of the Revised Code, who cannot provide the last four digits of 485
the individual's social security number under division (A)(2) of 486
that section because the individual does not have a social 487
security number, and who has executed an affirmation as permitted 488
under division (A)(4) of that section; 489~~

~~(5)(3)~~ An individual whose name in the poll list or signature 490
pollbook has been marked under section 3509.09 or 3511.13 of the 491

Revised Code as having requested an absent voter's ballot or ~~an~~ 492
~~armed service~~ a uniformed services or overseas absent voter's 493
ballot for that election and who appears to vote at the polling 494
place; 495

~~(6)~~(4) An individual whose notification of registration has 496
been returned undelivered to the board of elections and whose name 497
in the official registration list and in the poll list or 498
signature pollbook has been marked under division (C)(2) of 499
section 3503.19 of the Revised Code; 500

~~(7) An individual who is challenged under section 3505.20 of~~ 501
~~the Revised Code and the election officials determine that the~~ 502
~~person is ineligible to vote or are unable to determine the~~ 503
~~person's eligibility to vote;~~ 504

~~(8)~~(5) An individual who has been successfully challenged 505
under section 3505.20 or 3513.20 of the Revised Code or whose 506
application or challenge hearing has been postponed until after 507
the day of the election under division (D)(1) of section 3503.24 508
of the Revised Code; 509

~~(9)~~(6) An individual who changes the individual's name and 510
remains within the precinct, moves from one precinct to another 511
within a county, moves from one precinct to another and changes 512
the individual's name, or moves from one county to another within 513
the state, and completes and signs the required forms and 514
statements under division (B) or (C) of section 3503.16 of the 515
Revised Code; 516

~~(10)~~(7) An individual whose signature, in the opinion of the 517
precinct officers under section 3505.22 of the Revised Code, is 518
not that of the person who signed that name in the registration 519
forms; 520

~~(11) An individual who is challenged under section 3513.20 of~~ 521
~~the Revised Code who refuses to make the statement required under~~ 522

~~that section or who a majority of the precinct officials find~~ 523
~~lacks any of the qualifications to make the individual a qualified~~ 524
~~elector;~~ 525

~~(12) An individual who does not have any of the forms of~~ 526
~~identification required under division (A)(1) of section 3505.18~~ 527
~~of the Revised Code, who cannot provide the last four digits of~~ 528
~~the individual's social security number under division (A)(2) of~~ 529
~~that section because the person does not have a social security~~ 530
~~number, and who declines to execute an affirmation as permitted~~ 531
~~under division (A)(4) of that section;~~ 532

~~(13) An individual who has but declines to provide to the~~ 533
~~precinct election officials any of the forms of identification~~ 534
~~required under division (A)(1) of section 3501.18 of the Revised~~ 535
~~Code or who has a social security number but declines to provide~~ 536
~~to the precinct election officials the last four digits of the~~ 537
~~individual's social security number.~~ 538

(B) An individual who is eligible to cast a provisional 539
ballot under division (A) of this section shall be permitted to 540
cast a provisional ballot as follows: 541

(1) An election official at the polling place shall notify 542
the individual that the individual may cast a provisional ballot 543
in that election. 544

(2) ~~The Except as otherwise provided in division (F) of this~~ 545
~~section, the individual shall be permitted to cast a provisional~~ 546
~~ballot at that polling place upon the execution of complete and~~ 547
~~execute a written affirmation by the individual before an election~~ 548
official at the polling place stating that the individual is both 549
of the following: 550

(a) A registered voter in the jurisdiction in which the 551
individual desires to vote; 552

(b) Eligible to vote in that election. 553

(3) An election official at the polling place shall transmit 554
the ballot cast by the individual, the voter information contained 555
in the written affirmation executed by the individual under 556
division (B)(2) of this section, or the individual's name if the 557
individual declines to execute such an affirmation to an 558
appropriate local election official for verification under 559
division (B)(4) of this section. 560

(4) If the appropriate local election official to whom the 561
ballot or voter or address information is transmitted under 562
division (B)(3) of this section determines that the individual is 563
eligible to vote, the individual's provisional ballot shall be 564
counted as a vote in that election. 565

(5)(a) At the time that an individual casts a provisional 566
ballot, the appropriate local election official shall give the 567
individual written information that states that any individual who 568
casts a provisional ballot will be able to ascertain under the 569
system established under division (B)(5)(b) of this section 570
whether the vote was counted, and, if the vote was not counted, 571
the reason that the vote was not counted. 572

(b) The appropriate state or local election official shall 573
establish a free access system, in the form of a toll-free 574
telephone number, that any individual who casts a provisional 575
ballot may access to discover whether the vote of that individual 576
was counted, and, if the vote was not counted, the reason that the 577
vote was not counted. The free access system established under 578
this division also shall provide to an individual whose 579
provisional ballot was not counted information explaining how that 580
individual may contact the board of elections to register to vote 581
or to resolve problems with the individual's voter registration. 582

The appropriate state or local election official shall 583
establish and maintain reasonable procedures necessary to protect 584
the security, confidentiality, and integrity of personal 585

information collected, stored, or otherwise used by the free 586
access system established under this division. Access to 587
information about an individual ballot shall be restricted to the 588
individual who cast the ballot. 589

(6) If, at the time that an individual casts a provisional 590
ballot, the individual provides identification in the form of a 591
current and valid photo identification, a military identification, 592
or a copy of a current utility bill, bank statement, government 593
check, paycheck, or other government document, other than a notice 594
of voter registration mailed by a board of elections under section 595
3503.19 of the Revised Code, that shows the individual's name and 596
current address, or provides the last four digits of the 597
individual's social security number, ~~or executes an affirmation~~ 598
~~that the elector does not have any of those forms of~~ 599
~~identification or the last four digits of the individual's social~~ 600
~~security number because the individual does not have a social~~ 601
~~security number, or declines to execute such an affirmation,~~ 602
~~the appropriate local election official individual shall record the~~ 603
type of identification provided, or the social security number 604
information, ~~the fact that the affirmation was executed, or the~~ 605
~~fact that the individual declined to execute such an affirmation~~ 606
and include that information with the ~~transmission of the~~ 607
provisional ballot ~~or voter or address information~~ affirmation 608
under division (B)(3) of this section. If the individual declines 609
to execute such an affirmation, the appropriate local election 610
official shall record the individual's name and include that 611
information with the transmission of the ballot under division 612
(B)(3) of this section. 613

(7) If an individual casts a provisional ballot ~~pursuant to~~ 614
~~division (A)(3), (7), (8), (12), or (13) of this section~~ because 615
the individual does not have or is unable to provide to the 616
election officials any of the required forms of identification, 617

because the individual has been successfully challenged under 618
section 3505.20 of the Revised Code, or because an application or 619
challenge hearing concerning the individual has been postponed 620
until after the day of the election, the election official 621
individual shall indicate, on the provisional ballot verification 622
statement required under section 3505.182 of the Revised Code, 623
that the individual is required to provide additional information 624
to the board of elections or that an application or challenge 625
hearing has been postponed with respect to the individual, such 626
that additional information is required for the board of elections 627
to determine the eligibility of the individual who cast the 628
provisional ballot. 629

(8) ~~During the ten days~~ Not later than the Friday after the 630
day of an election, an individual who casts a provisional ballot 631
~~pursuant to division (A)(3), (7), (12), or (13) of this section~~ 632
because the individual does not have or is unable to provide to 633
the election officials any of the required forms of identification 634
or because the individual has been successfully challenged under 635
section 3505.20 of the Revised Code shall appear at the office of 636
the board of elections and provide to the board any additional 637
information necessary to determine the eligibility of the 638
individual who cast the provisional ballot. 639

(a) For a provisional ballot cast ~~pursuant to division~~ 640
~~(A)(3), (12), or (13) of this section~~ by an individual who does 641
not have or is unable to provide to the election officials any of 642
the required forms of identification to be eligible to be counted, 643
the individual who cast that ballot, ~~within ten days~~ not later 644
than the Friday after the day of the election, shall do ~~any~~ either 645
of the following: 646

(i) Provide to the board of elections proof of the 647
individual's identity in the form of a current and valid photo 648
identification, a military identification, or a copy of a current 649

utility bill, bank statement, government check, paycheck, or other 650
government document, other than a notice of voter registration 651
mailed by a board of elections under section 3503.19 of the 652
Revised Code, that shows the individual's name and current 653
address; or 654

(ii) Provide to the board of elections the last four digits 655
of the individual's social security number. 656

~~(iii) In the case of a provisional ballot executed pursuant 657
to division (A)(12) of this section, execute an affirmation as 658
permitted under division (A)(4) of section 3505.18 of the Revised 659
Code. 660~~

(b) For a provisional ballot cast ~~pursuant to division (A)(7)~~ 661
~~of this section~~ by an individual who has been successfully 662
challenged under section 3505.20 of the Revised Code to be 663
eligible to be counted, the individual who cast that ballot, 664
~~within ten days~~ not later than the Friday after the day of that 665
election, shall provide to the board of elections any 666
identification or other documentation required to be provided by 667
the applicable challenge questions asked of that individual under 668
section 3505.20 of the Revised Code. 669

(C)(1) If an individual declares that the individual is 670
eligible to vote in a jurisdiction other than the jurisdiction in 671
which the individual desires to vote, or if, upon review of the 672
precinct voting location guide using the residential street 673
address provided by the individual, an election official at the 674
polling place at which the individual desires to vote determines 675
that the individual is not eligible to vote in that jurisdiction, 676
the election official shall direct the individual to the polling 677
place for the jurisdiction in which the individual appears to be 678
eligible to vote, explain that the individual may cast a 679
provisional ballot at the current location but the ballot will not 680
be counted if it is cast in the wrong precinct, and provide the 681

telephone number of the board of elections in case the individual 682
has additional questions. 683

(2) If the individual refuses to travel to the polling place 684
for the correct jurisdiction or to the office of the board of 685
elections to cast a ballot, the individual shall be permitted to 686
vote a provisional ballot at that jurisdiction in accordance with 687
division (B) of this section. If the individual is in the correct 688
polling location for the precinct in which the individual is 689
registered and eligible to vote, the election official shall 690
complete and sign, under penalty of election falsification, a form 691
that includes all of the following, and attach the form to the 692
individual's provisional ballot affirmation: 693

(a) The name or number of the individual's correct precinct; 694

(b) A statement that the election official instructed the 695
individual to travel to the correct precinct to vote; 696

(c) A statement that the election official informed the 697
individual that casting a provisional ballot in the wrong precinct 698
would result in all votes on the ballot being rejected; 699

(d) The name or number of the precinct in which the 700
individual is casting a provisional ballot; and 701

(e) The name of the polling location in which the individual 702
is casting a provisional ballot. 703

(3) Except as otherwise provided in division (C) of section 704
3505.183 of the Revised Code, if any of the following apply, the 705
provisional ballot cast by that individual shall not be opened or 706
counted: 707

(a) The individual is not properly registered in that 708
jurisdiction. 709

(b) The individual is not eligible to vote in that election 710
in that jurisdiction. 711

(c) The individual's eligibility to vote in that jurisdiction 712
in that election cannot be established upon examination of the 713
records on file with the board of elections. 714

(D) The appropriate local election official shall cause 715
voting information to be publicly posted at each polling place on 716
the day of each election. 717

(E) As used in this section and sections 3505.182 and 718
3505.183 of the Revised Code: 719

(1) "Jurisdiction" means the precinct in which a person is a 720
legally qualified elector. 721

(2) "Precinct voting location guide" means either of the 722
following: 723

(a) An electronic or paper record that lists the correct 724
jurisdiction and polling place for either each specific 725
residential street address in the county or the range of 726
residential street addresses located in each neighborhood block in 727
the county; 728

(b) Any other method that a board of elections creates that 729
allows a precinct election official or any elector who is at a 730
polling place in that county to determine the correct jurisdiction 731
and polling place of any qualified elector who resides in the 732
county. 733

(3) "Voting information" means all of the following: 734

(a) A sample version of the ballot that will be used for that 735
election; 736

(b) Information regarding the date of the election and the 737
hours during which polling places will be open; 738

(c) Instructions on how to vote, including how to cast a vote 739
and how to cast a provisional ballot; 740

(d) Instructions for mail-in registrants and first-time 741

voters under applicable federal and state laws; 742

(e) General information on voting rights under applicable 743
federal and state laws, including information on the right of an 744
individual to cast a provisional ballot and instructions on how to 745
contact the appropriate officials if these rights are alleged to 746
have been violated; 747

(f) General information on federal and state laws regarding 748
prohibitions against acts of fraud and misrepresentation. 749

(F) Nothing in this section or section 3505.183 of the 750
Revised Code is in derogation of section 3505.24 of the Revised 751
Code, which permits a blind, disabled, or illiterate elector to 752
receive assistance in the marking of the elector's ballot by two 753
precinct election officials of different political parties. A 754
blind, disabled, or illiterate elector may receive assistance in 755
marking that elector's provisional ballot and in completing the 756
required affirmation in the same manner as an elector may receive 757
assistance on the day of an election under that section. 758

Sec. 3505.182. Each individual who casts a provisional ballot 759
under section 3505.181 of the Revised Code shall execute a written 760
affirmation. The form of the written affirmation shall be printed 761
upon the face of the provisional ballot envelope and shall be 762
substantially as follows: 763

"Provisional Ballot Affirmation 764

STATE OF OHIO 765

I, (Name of provisional voter), solemnly 766
swear or affirm that I am a citizen of the United States; that I 767
will be at least 18 years of age at the time of the general 768
election; that I have lived in this state for 30 days immediately 769
preceding this election in which I am voting this ballot; that I 770
am a registered voter in the jurisdiction in which I am voting 771

this provisional ballot; and that I am eligible to vote in the 772
election in which I am voting this provisional ballot. 773

I understand that, if the above-provided information is not 774
fully completed and correct, if the board of elections determines 775
that I am not registered to vote, a resident of this precinct, or 776
eligible to vote in this election, or if the board of elections 777
determines that I have already voted in this election, my 778
provisional ballot will not be counted. I understand that, if I am 779
not currently registered to vote or if I am not registered at my 780
current address or under my current name, this form will serve as 781
an application to register to vote or update my registration for 782
future elections, as long as I provide all of the information 783
required to register to vote or update my registration. I further 784
understand that knowingly providing false information is a 785
violation of law and subjects me to possible criminal prosecution. 786

I hereby declare, under penalty of election falsification, 787
that the above statements are true and correct to the best of my 788
knowledge and belief. 789

..... 790

(Signature of Voter) 791

..... 792

(Voter's date of birth) 793

..... 794

(Voter's current address) 795

The last four digits of the 796
voter's social security number

..... 797

(To be provided if the voter is 798
unable to provide a current and
valid photo identification, a
military identification, or a
current utility bill, bank

statement, government check,
paycheck, or other government
document, other than a notice of
voter registration mailed by a
board of elections under section
3503.19 of the Revised Code, that
shows the voter's name and
current address but is able to
provide these last four digits)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 799
OF THE FIFTH DEGREE. 800

Additional Information For Determining Ballot Validity 801

(May be completed at voter's discretion) 802

~~Voter's current address:~~ 803

Voter's former address if 804

photo identification does
not contain voter's current
address

Voter's driver's license 805

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

(Please circle number type) 806

(Voter may attach a copy of any of the following for 807

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

Reason for voting provisional ballot (Check one): 808

..... Requested, but did not receive, absent voter's ballot 809

..... Other	810
Verification Statement	811
(To be completed by election official)	812
The Provisional Ballot Affirmation printed above was	813
subscribed and affirmed before me this day of	814
..... (Month), (Year).	815
(If applicable, the election official <u>provisional voter</u> must	816
check the following true statement concerning additional	817
information needed to determine the eligibility of the provisional	818
voter.)	819
..... The provisional voter is <u>I am</u> required to provide	820
additional information to the board of elections.	821
..... An application or challenge hearing regarding this	822
voter <u>my voter registration</u> has been postponed until after the	823
election.	824
(The election official <u>provisional voter</u> must check the	825
following true statement concerning identification provided by the	826
provisional voter, if any.)	827
..... The provisional voter <u>I</u> provided a current and valid	828
photo identification.	829
..... The provisional voter <u>I</u> provided a current valid photo	830
identification, other than a driver's license or a state	831
identification card, with the voter's <u>my</u> former address instead of	832
<u>my</u> current address and has <u>have</u> provided the election official	833
both the current and former addresses.	834
..... The provisional voter <u>I</u> provided a military	835
identification or a copy of a current utility bill, bank	836
statement, government check, paycheck, or other government	837
document, other than a notice of voter registration mailed by a	838
board of elections under section 3503.19 of the Revised Code, with	839
the voter's <u>my</u> name and current address.	840

..... ~~The provisional voter I~~ provided the last four digits 841
of the voter's my social security number. 842

..... ~~The provisional voter is I am~~ not able to provide a 843
current and valid photo identification, a military identification, 844
~~or~~ a copy of a current utility bill, bank statement, government 845
check, paycheck, or other government document, other than a notice 846
of voter registration mailed by a board of elections under section 847
3503.19 of the Revised Code, with ~~the voter's my~~ name and current 848
address ~~but does have one of these forms of identification, or the~~ 849
last four digits of my social security number. ~~The provisional~~ 850
~~voter I~~ must provide one of the foregoing items of identification 851
to the board of elections ~~within ten days~~ not later than the 852
Friday after the election. 853

~~..... The provisional voter is not able to provide a current~~ 854
~~and valid photo identification, a military identification, or a~~ 855
~~copy of a current utility bill, bank statement, government check,~~ 856
~~paycheck, or other government document, other than a notice of~~ 857
~~voter registration mailed by a board of elections under section~~ 858
~~3503.19 of the Revised Code, with the voter's name and current~~ 859
~~address but does have one of these forms of identification.~~ 860
~~Additionally, the provisional voter does have a social security~~ 861
~~number but is not able to provide the last four digits of the~~ 862
~~voter's social security number before voting. The provisional~~ 863
~~voter must provide one of the foregoing items of identification or~~ 864
~~the last four digits of the voter's social security number to the~~ 865
~~board of elections within ten days after the election.~~ 866

~~..... The provisional voter does not have a current and valid~~ 867
~~photo identification, a military identification, a copy of a~~ 868
~~current utility bill, bank statement, government check, paycheck,~~ 869
~~or other government document with the voter's name and current~~ 870
~~address, or a social security number, but has executed an~~ 871
~~affirmation.~~ 872

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

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

Verification Statement

(To be completed by election official)

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

.....

(Signature of Election Official)"

In addition to any information required to be included on the written affirmation, an individual casting a provisional ballot may provide additional information to the election official to assist the board of elections in determining the individual's eligibility to vote in that election, including the date and location at which the individual registered to vote, if known.

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

If the individual provided all of the information required 905
under section 3503.14 of the Revised Code to register to vote or 906
to update the individual's registration on the provisional ballot 907
affirmation, the board of elections shall consider the 908
individual's provisional ballot affirmation to also serve as a 909
notice of change of name, change of residence, or both, or as a 910
voter registration form, as applicable, for that individual only 911
for the purposes of future elections. 912

Sec. 3505.183. (A) When the ballot boxes are delivered to the 913
board of elections from the precincts, the board shall separate 914
the provisional ballot envelopes from the rest of the ballots. 915
Teams of employees of the board consisting of one member of each 916
major political party shall place the sealed provisional ballot 917
envelopes in a secure location within the office of the board. The 918
sealed provisional ballot envelopes shall remain in that secure 919
location until the validity of those ballots is determined under 920
division (B) of this section. While the provisional ballot is 921
stored in that secure location, and prior to the counting of the 922
provisional ballots, if the board receives information regarding 923
the validity of a specific provisional ballot under division (B) 924
of this section, the board may note, on the sealed provisional 925
ballot envelope for that ballot, whether the ballot is valid and 926
entitled to be counted. 927

(B)(1) To determine whether a provisional ballot is valid and 928
entitled to be counted, the board shall examine its records and 929
determine whether the individual who cast the provisional ballot 930
is registered and eligible to vote in the applicable election. The 931
board shall examine the information contained in the written 932
affirmation executed by the individual who cast the provisional 933
ballot under division (B)(2) of section 3505.181 of the Revised 934
Code. ~~If the individual declines to execute such an affirmation,~~ 935
~~the individual's name, written by either the individual or the~~ 936

~~election official at the direction of the individual, shall be~~ 937
~~included in a written affirmation in order for the provisional~~ 938
~~ballot to be eligible to be counted; otherwise, the~~ The following 939
information shall be included in the written affirmation in order 940
for the provisional ballot to be eligible to be counted: 941

(a) The individual's name ~~and~~, signature, date of birth, and 942
current address; 943

(b) A statement that the individual is a registered voter in 944
the jurisdiction in which the provisional ballot is being voted; 945

(c) A statement that the individual is eligible to vote in 946
the election in which the provisional ballot is being voted. 947

(2) In addition to the information required to be included in 948
an affirmation under division (B)(1) of this section, in 949
determining whether a provisional ballot is valid and entitled to 950
be counted, the board also shall examine any additional 951
information for determining ballot validity provided by the 952
provisional voter on the affirmation, provided by the provisional 953
voter to an election official under section 3505.182 of the 954
Revised Code, or provided to the board of elections ~~during the ten~~ 955
~~days~~ not later than the Friday after the day of the election under 956
division (B)(8) of section 3505.181 of the Revised Code, to assist 957
the board in determining the individual's eligibility to vote. 958

(3) If, in examining a provisional ballot affirmation and 959
additional information under divisions (B)(1) and (2) of this 960
section and comparing the information required under division 961
(B)(1) of this section with the elector's information in the 962
statewide voter registration database, the board determines that 963
all of the following apply, the provisional ballot envelope shall 964
be opened, and the ballot shall be placed in a ballot box to be 965
counted: 966

(a) The individual named on the affirmation is properly 967

registered to vote. 968

(b) The individual named on the affirmation is eligible to 969
cast a ballot in the precinct and for the election in which the 970
individual cast the provisional ballot. 971

(c) The individual provided all of the information required 972
under division (B)(1) of this section in the affirmation that the 973
individual executed at the time the individual cast the 974
provisional ballot. 975

(d) The last four digits of the elector's social security 976
number or the elector's driver's license number or state 977
identification number are not different from the last four digits 978
of the elector's social security number or the elector's driver's 979
license number or state identification number contained in the 980
statewide voter registration database. 981

(e) The elector's date of birth is not different from the 982
elector's date of birth contained in the statewide voter 983
registration database. 984

(f) The elector's current address is not different from the 985
elector's address contained in the statewide voter registration 986
database, unless the elector is casting a provisional ballot under 987
division (A)(6) of section 3505.181 of the Revised Code. 988

(g) If applicable, the individual provided any additional 989
information required under division (B)(8) of section 3505.181 of 990
the Revised Code ~~within ten days~~ not later than the Friday 991
after the day of the election. 992

~~(f)~~(h) If applicable, the hearing conducted under division 993
(B) of section 3503.24 of the Revised Code after the day of the 994
election resulted in the individual's inclusion in the official 995
registration list. 996

(4)(a) ~~ff~~ Except as otherwise provided in division (C) of 997

this section, if, in examining a provisional ballot affirmation 998
and additional information under divisions (B)(1) and (2) of this 999
section and comparing the information required under division 1000
(B)(1) of this section with the elector's information in the 1001
statewide voter registration database, the board determines that 1002
any of the following applies, the provisional ballot envelope 1003
shall not be opened, and the ballot shall not be counted: 1004

(i) The individual named on the affirmation is not qualified 1005
or is not properly registered to vote. 1006

(ii) The individual named on the affirmation is not eligible 1007
to cast a ballot in the precinct or for the election in which the 1008
individual cast the provisional ballot. 1009

(iii) The individual did not provide all of the information 1010
required under division (B)(1) of this section in the affirmation 1011
that the individual executed at the time the individual cast the 1012
provisional ballot. 1013

(iv) The individual has already cast a ballot for the 1014
election in which the individual cast the provisional ballot. 1015

(v) If applicable, the individual did not provide any 1016
additional information required under division (B)(8) of section 1017
3505.181 of the Revised Code ~~within ten days~~ not later than the 1018
Friday after the day of the election. 1019

(vi) If applicable, the hearing conducted under division (B) 1020
of section 3503.24 of the Revised Code after the day of the 1021
election did not result in the individual's inclusion in the 1022
official registration list. 1023

(vii) The individual failed to provide a current and valid 1024
photo identification, a military identification, a copy of a 1025
current utility bill, bank statement, government check, paycheck, 1026
or other government document, other than a notice of voter 1027
registration mailed by a board of elections under section 3503.19 1028

of the Revised Code, with the voter's name and current address, or 1029
the last four digits of the individual's social security number or 1030
to execute an affirmation under ~~division (A) of section 3505.18~~ or 1031
division (B) of section 3505.181 of the Revised Code. 1032

(viii) The last four digits of the elector's social security 1033
number or the elector's driver's license number or state 1034
identification number are different from the last four digits of 1035
the elector's social security number or the elector's driver's 1036
license number or state identification number contained in the 1037
statewide voter registration database. 1038

(ix) The elector's date of birth is different from the 1039
elector's date of birth contained in the statewide voter 1040
registration database. 1041

(x) The elector's current address is different from the 1042
elector's address contained in the statewide voter registration 1043
database, unless the elector is casting a provisional ballot under 1044
division (A)(6) of section 3505.181 of the Revised Code. 1045

(b) If, in examining a provisional ballot affirmation and 1046
additional information under divisions (B)(1) and (2) of this 1047
section and comparing the information required under division 1048
(B)(1) of this section with the elector's information in the 1049
statewide voter registration database, the board is unable to 1050
determine either of the following, the provisional ballot envelope 1051
shall not be opened, and the ballot shall not be counted: 1052

(i) Whether the individual named on the affirmation is 1053
qualified or properly registered to vote; 1054

(ii) Whether the individual named on the affirmation is 1055
eligible to cast a ballot in the precinct or for the election in 1056
which the individual cast the provisional ballot. 1057

(C)(1) If an individual cast a provisional ballot in a 1058
precinct in which the individual is not registered and eligible to 1059

vote, but in the correct polling location for the precinct in 1060
which the individual is registered and eligible to vote, and the 1061
election official failed to direct the individual to the correct 1062
precinct, the individual's ballot shall be remade under division 1063
(C)(2) of this section. The board of elections shall examine all 1064
available evidence to determine whether the election official 1065
failed to direct the individual to the correct precinct. The 1066
election official shall be presumed to have directed the 1067
individual to the correct precinct if the election official 1068
correctly completed the form described in division (C)(2) of 1069
section 3505.181 of the Revised Code. 1070

(2) A board of elections that remakes a provisional ballot 1071
under division (C)(1) of this section shall remake the provisional 1072
ballot on a ballot for the appropriate precinct to reflect the 1073
offices, questions, and issues for which the individual was 1074
eligible to cast a ballot and for which the individual attempted 1075
to cast a provisional ballot. The remade ballot shall be counted 1076
for each office, question, and issue for which the individual was 1077
eligible to vote. 1078

(3) If an individual cast a provisional ballot in a precinct 1079
in which the individual is not registered and eligible to vote and 1080
in the incorrect polling location for the precinct in which the 1081
individual is registered and eligible to vote, the provisional 1082
ballot envelope shall not be opened, and the ballot shall not be 1083
counted. 1084

(D)(1) For each provisional ballot rejected under division 1085
(B)(4) of this section, the board shall record the name of the 1086
provisional voter who cast the ballot, the identification number 1087
of the provisional ballot envelope, the names of the election 1088
officials who determined the validity of that ballot, the date and 1089
time that the determination was made, and the reason that the 1090
ballot was not counted. 1091

(2) Provisional ballots that are rejected under division 1092
(B)(4) of this section shall not be counted but shall be preserved 1093
in their provisional ballot envelopes unopened until the time 1094
provided by section 3505.31 of the Revised Code for the 1095
destruction of all other ballots used at the election for which 1096
ballots were provided, at which time they shall be destroyed. 1097

~~(D)~~(E) Provisional ballots that the board determines are 1098
eligible to be counted under division (B)(3) or (C) of this 1099
section shall be counted in the same manner as provided for other 1100
ballots under section 3505.27 of the Revised Code. No provisional 1101
ballots shall be counted in a particular county until the board 1102
determines the eligibility to be counted of all provisional 1103
ballots cast in that county under division (B) of this section for 1104
that election. Observers, as provided in section 3505.21 of the 1105
Revised Code, may be present at all times that the board is 1106
determining the eligibility of provisional ballots to be counted 1107
and counting those provisional ballots determined to be eligible. 1108
No person shall recklessly disclose the count or any portion of 1109
the count of provisional ballots in such a manner as to jeopardize 1110
the secrecy of any individual ballot. 1111

~~(E)~~(F)(1) Except as otherwise provided in division ~~(E)~~(F)(2) 1112
of this section, nothing in this section shall prevent a board of 1113
elections from examining provisional ballot affirmations and 1114
additional information under divisions (B)(1) and (2) of this 1115
section to determine the eligibility of provisional ballots to be 1116
counted during the ten days after the day of an election. 1117

(2) A board of elections shall not examine the provisional 1118
ballot affirmation and additional information under divisions 1119
(B)(1) and (2) of this section of any provisional ballot for which 1120
an election official has indicated under division (B)(7) of 1121
section 3505.181 of the Revised Code that additional information 1122
is required for the board of elections to determine the 1123

eligibility of the individual who cast that provisional ballot 1124
until the individual provides any information required under 1125
division (B)(8) of section 3505.181 of the Revised Code, until any 1126
hearing required to be conducted under section 3503.24 of the 1127
Revised Code with regard to the provisional voter is held, or 1128
until the eleventh day after the day of the election, whichever is 1129
earlier. 1130

Section 2. That existing sections 3501.22, 3503.16, 3505.18, 1131
3505.181, 3505.182, and 3505.183 of the Revised Code are hereby 1132
repealed. 1133

Section 3. Section 3505.181 of the Revised Code is presented 1134
in this act as a composite of the section as amended by both Am. 1135
S.B. 10 and Sub. S.B. 47 of the 130th General Assembly. The 1136
General Assembly, applying the principle stated in division (B) of 1137
section 1.52 of the Revised Code that amendments are to be 1138
harmonized if reasonably capable of simultaneous operation, finds 1139
that the composite is the resulting version of the section in 1140
effect prior to the effective date of the section as presented in 1141
this act. 1142