

As Passed by the Senate

**130th General Assembly
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Sub. S. B. No. 216

Senator Seitz

Cosponsors: Senators Burke, Eklund, Jordan, Uecker

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A B I L L

To amend sections 3501.22, 3503.16, 3505.18, 1
3505.181, 3505.182, 3505.183, 3509.06, and 3509.07 2
of the Revised Code to revise the law concerning 3
provisional ballots, to permit an absent voter to 4
cure a defective identification envelope, and to 5
specify permitted procedures for a voting location 6
that serves more than one precinct. 7

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

Section 1. That sections 3501.22, 3503.16, 3505.18, 3505.181, 8
3505.182, 3505.183, 3509.06, and 3509.07 of the Revised Code be 9
amended to read as follows: 10

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

same political party. The term of such precinct officers shall be 20
for one year. The board may, at any time, designate any number of 21
election officers, not more than one-half of whom shall be members 22
of the same political party, to perform their duties at any 23
precinct in any election. The board may appoint additional 24
officials, equally divided between the two major political 25
parties, when necessary to expedite voting. 26

Vacancies for unexpired terms shall be filled by the board. 27
When new precincts have been created, the board shall appoint 28
judges for those precincts for the unexpired term. Any judge may 29
be summarily removed from office at any time by the board for 30
neglect of duty, malfeasance, or misconduct in office or for any 31
other good and sufficient reason. 32

Precinct election officials shall perform all of the duties 33
provided by law for receiving the ballots and supplies, opening 34
and closing the polls, and overseeing the casting of ballots 35
during the time the polls are open, and any other duties required 36
by section 3501.26 of the Revised Code. 37

A board of elections may designate two precinct election 38
officials as counting officials to count and tally the votes cast 39
and certify the results of the election at each precinct, and 40
perform other duties as provided by law. To expedite the counting 41
of votes at each precinct, the board may appoint additional 42
officials, not more than one-half of whom shall be members of the 43
same political party. 44

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

Revised Code, determined by the board of elections. 52

The board shall issue to each precinct election official a 53
certificate of appointment, which the official shall present to 54
the presiding judge at the time the polls are opened. 55

(2) If the board of elections, by a vote of at least three 56
members of the board, opts to have a single voting location serve 57
more than one precinct, the board may do both of the following: 58

(a) Designate a single presiding judge for the voting 59
location. The presiding judge shall be a member of the political 60
party whose candidate received the highest number of votes for 61
governor at the most recent general election for that office in 62
the precincts whose polling places are located at the applicable 63
voting location, when tallying the combined vote for governor in 64
all such precincts. 65

(b) Combine the pollbooks for those precincts to create a 66
single pollbook for the voting location. 67

(B) If the board of elections determines that not enough 68
qualified electors in a precinct are available to serve as 69
precinct officers, it may appoint persons to serve as precinct 70
officers at a primary, special, or general election who are at 71
least seventeen years of age and are registered to vote in 72
accordance with section 3503.07 of the Revised Code. 73

(C)(1) A board of elections, in conjunction with the board of 74
education of a city, local, or exempted village school district, 75
the governing authority of a community school established under 76
Chapter 3314. of the Revised Code, or the chief administrator of a 77
nonpublic school may establish a program permitting certain high 78
school students to apply and, if appointed by the board of 79
elections, to serve as precinct officers at a primary, special, or 80
general election. 81

In addition to the requirements established by division 82

(C)(2) of this section, a board of education, governing authority, 83
or chief administrator that establishes a program under this 84
division in conjunction with a board of elections may establish 85
additional criteria that students shall meet to be eligible to 86
participate in that program. 87

(2)(a) To be eligible to participate in a program established 88
under division (C)(1) of this section, a student shall be a United 89
States citizen, a resident of the county, at least seventeen years 90
of age, and enrolled in the senior year of high school. 91

(b) Any student applying to participate in a program 92
established under division (C)(1) of this section, as part of the 93
student's application process, shall declare the student's 94
political party affiliation with the board of elections. 95

(3) No student appointed as a precinct officer pursuant to a 96
program established under division (C)(1) of this section shall be 97
designated as a presiding judge. 98

(4) Any student participating in a program established under 99
division (C)(1) of this section shall be excused for that 100
student's absence from school on the day of an election at which 101
the student is serving as a precinct officer. 102

(D) In any precinct with six or more precinct officers, up to 103
two students participating in a program established under division 104
(C)(1) of this section who are under eighteen years of age may 105
serve as precinct officers. Not more than one precinct officer in 106
any given precinct with fewer than six precinct officers shall be 107
under eighteen years of age. 108

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

delivering a change of residence or change of name form, whichever 113
is appropriate, as prescribed by the secretary of state under 114
section 3503.14 of the Revised Code to the state or local office 115
of a designated agency, a public high school or vocational school, 116
a public library, the office of the county treasurer, the office 117
of the secretary of state, any office of the registrar or deputy 118
registrar of motor vehicles, or any office of a board of elections 119
in person or by a third person. Any voter registration, change of 120
address, or change of name application, returned by mail, may be 121
sent only to the secretary of state or the board of elections. 122

A registered elector also may update the registration of that 123
registered elector by filing a change of residence or change of 124
name form on the day of a special, primary, or general election at 125
the polling place in the precinct in which that registered elector 126
resides or at the board of elections or at another site designated 127
by the board. 128

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

~~number or state identification card number, and the precinct 145
election official shall mark the poll list or signature pollbook 146
to indicate that the elector has provided a driver's license or 147
state identification card number with a former address and record 148
the last four digits of the elector's driver's license number or 149
state identification card number. 150~~

(b) Any registered elector who changes the name of that 151
registered elector and remains within a precinct on or prior to 152
the day of a general, primary, or special election and has not 153
filed a notice of change of name with the board of elections may 154
vote in that election by going to that registered elector's 155
assigned polling place, completing and signing a notice of a 156
change of name, and casting a provisional ballot under section 157
3505.181 of the Revised Code. If the registered elector provides 158
to the precinct election officials proof of a legal name change, 159
such as a marriage license or court order that includes the 160
elector's current and prior names, the elector may complete and 161
sign a notice of change of name and cast a regular ballot. 162

(2) Any registered elector who moves from one precinct to 163
another within a county or moves from one precinct to another and 164
changes the name of that registered elector on or prior to the day 165
of a general, primary, or special election and has not filed a 166
notice of change of residence or change of name, whichever is 167
appropriate, with the board of elections may vote in that election 168
if that registered elector complies with division (G) of this 169
section or does all of the following: 170

(a) Appears at anytime during regular business hours on or 171
after the twenty-eighth day prior to the election in which that 172
registered elector wishes to vote or, if the election is held on 173
the day of a presidential primary election, the twenty-fifth day 174
prior to the election, through noon of the Saturday prior to the 175
election at the office of the board of elections, appears at any 176

time during regular business hours on the Monday prior to the 177
election at the office of the board of elections, or appears on 178
the day of the election at either of the following locations: 179

(i) The polling place ~~in~~ for the precinct in which that 180
registered elector resides; 181

(ii) The office of the board of elections or, if pursuant to 182
division (C) of section 3501.10 of the Revised Code the board has 183
designated another location in the county at which registered 184
electors may vote, at that other location instead of the office of 185
the board of elections. 186

(b) Completes and signs, under penalty of election 187
falsification, the written affirmation on the provisional ballot 188
envelope, which shall serve as a notice of change of residence or 189
change of name, whichever is appropriate, ~~and files it with~~ 190
~~election officials at the polling place, at the office of the~~ 191
~~board of elections, or, if pursuant to division (C) of section~~ 192
~~3501.10 of the Revised Code the board has designated another~~ 193
~~location in the county at which registered electors may vote, at~~ 194
~~that other location instead of the office of the board of~~ 195
~~elections, whichever is appropriate;~~ 196

(c) Votes a provisional ballot under section 3505.181 of the 197
Revised Code at the polling place, at the office of the board of 198
elections, or, if pursuant to division (C) of section 3501.10 of 199
the Revised Code the board has designated another location in the 200
county at which registered electors may vote, at that other 201
location instead of the office of the board of elections, 202
whichever is appropriate, using the address to which that 203
registered elector has moved or the name of that registered 204
elector as changed, whichever is appropriate; 205

(d) Completes and signs, under penalty of election 206
falsification, a statement attesting that that registered elector 207

moved or had a change of name, whichever is appropriate, on or 208
prior to the day of the election, has voted a provisional ballot 209
at the polling place ~~in~~ for the precinct in which that registered 210
elector resides, at the office of the board of elections, or, if 211
pursuant to division (C) of section 3501.10 of the Revised Code 212
the board has designated another location in the county at which 213
registered electors may vote, at that other location instead of 214
the office of the board of elections, whichever is appropriate, 215
and will not vote or attempt to vote at any other location for 216
that particular election. ~~The statement required under division~~ 217
~~(B)(2)(d) of this section shall be included on the notice of~~ 218
~~change of residence or change of name, whichever is appropriate,~~ 219
~~required under division (B)(2)(b) of this section.~~ 220

(C) Any registered elector who moves from one county to 221
another county within the state on or prior to the day of a 222
general, primary, or special election and has not registered to 223
vote in the county to which that registered elector moved may vote 224
in that election if that registered elector complies with division 225
(G) of this section or does all of the following: 226

(1) Appears at any time during regular business hours on or 227
after the twenty-eighth day prior to the election in which that 228
registered elector wishes to vote or, if the election is held on 229
the day of a presidential primary election, the twenty-fifth day 230
prior to the election, through noon of the Saturday prior to the 231
election at the office of the board of elections or, if pursuant 232
to division (C) of section 3501.10 of the Revised Code the board 233
has designated another location in the county at which registered 234
electors may vote, at that other location instead of the office of 235
the board of elections, appears during regular business hours on 236
the Monday prior to 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, or 241
appears on the day of the election at the office of the board of 242
elections or, if pursuant to division (C) of section 3501.10 of 243
the Revised Code the board has designated another location in the 244
county at which registered electors may vote, at that other 245
location instead of the office of the board of elections; 246

(2) Completes and signs, under penalty of election 247
falsification, the written affirmation on the provisional ballot 248
envelope, which shall serve as a notice of change of residence and 249
~~files it with election officials at the board of elections or, if~~ 250
~~pursuant to division (C) of section 3501.10 of the Revised Code~~ 251
~~the board has designated another location in the county at which~~ 252
~~registered electors may vote, at that other location instead of~~ 253
~~the office of the board of elections;~~ 254

(3) Votes a provisional ballot under section 3505.181 of the 255
Revised Code at the office of the board of elections or, if 256
pursuant to division (C) of section 3501.10 of the Revised Code 257
the board has designated another location in the county at which 258
registered electors may vote, at that other location instead of 259
the office of the board of elections, using the address to which 260
that registered elector has moved; 261

(4) Completes and signs, under penalty of election 262
falsification, a statement attesting that that registered elector 263
has moved from one county to another county within the state on or 264
prior to the day of the election, has voted at the office of the 265
board of elections or, if pursuant to division (C) of section 266
3501.10 of the Revised Code the board has designated another 267
location in the county at which registered electors may vote, at 268
that other location instead of the office of the board of 269
elections, and will not vote or attempt to vote at any other 270
location for that particular election. ~~The statement required~~ 271

~~under division (C)(4) of this section shall be included on the~~ 272
~~notice of change of residence required under division (C)(2) of~~ 273
~~this section.~~ 274

(D) A person who votes by absent voter's ballots pursuant to 275
division (G) of this section shall not make written application 276
for the ballots pursuant to Chapter 3509. of the Revised Code. 277
Ballots cast pursuant to division (G) of this section shall be set 278
aside in a special envelope and counted during the official 279
canvass of votes in the manner provided for in sections 3505.32 280
and 3509.06 of the Revised Code insofar as that manner is 281
applicable. The board shall examine the pollbooks to verify that 282
no ballot was cast at the polls or by absent voter's ballots under 283
Chapter 3509. or 3511. of the Revised Code by an elector who has 284
voted by absent voter's ballots pursuant to division (G) of this 285
section. Any ballot determined to be insufficient for any of the 286
reasons stated above or stated in section 3509.07 of the Revised 287
Code shall not be counted. 288

Subject to division (C) of section 3501.10 of the Revised 289
Code, a board of elections may lease or otherwise acquire a site 290
different from the office of the board at which registered 291
electors may vote pursuant to division (B) or (C) of this section. 292

(E) Upon receiving a notice of change of residence or change 293
of name ~~form~~, the board of elections shall immediately send the 294
registrant an acknowledgment notice. If the change of residence or 295
change of name ~~form~~ notice is valid, the board shall update the 296
voter's registration as appropriate. If that form is incomplete, 297
the board shall inform the registrant in the acknowledgment notice 298
specified in this division of the information necessary to 299
complete or update that registrant's registration. 300

(F) Change of residence and change of name forms shall be 301
available at each polling place, and when these forms are 302
completed, noting changes of residence or name, as appropriate, 303

they shall be filed with election officials at the polling place. 304
Election officials shall return completed forms, together with the 305
pollbooks and tally sheets, to the board of elections. 306

The board of elections shall provide change of residence and 307
change of name forms to the probate court and court of common 308
pleas. The court shall provide the forms to any person eighteen 309
years of age or older who has a change of name by order of the 310
court or who applies for a marriage license. The court shall 311
forward all completed forms to the board of elections within five 312
days after receiving them. 313

(G) A registered elector who otherwise would qualify to vote 314
under division (B) or (C) of this section but is unable to appear 315
at the office of the board of elections or, if pursuant to 316
division (C) of section 3501.10 of the Revised Code the board has 317
designated another location in the county at which registered 318
electors may vote, at that other location, on account of personal 319
illness, physical disability, or infirmity, may vote on the day of 320
the election if that registered elector does all of the following: 321

(1) Makes a written application that includes all of the 322
information required under section 3509.03 of the Revised Code to 323
the appropriate board for an absent voter's ballot on or after the 324
twenty-seventh day prior to the election in which the registered 325
elector wishes to vote through noon of the Saturday prior to that 326
election and requests that the absent voter's ballot be sent to 327
the address to which the registered elector has moved if the 328
registered elector has moved, or to the address of that registered 329
elector who has not moved but has had a change of name; 330

(2) Declares that the registered elector has moved or had a 331
change of name, whichever is appropriate, and otherwise is 332
qualified to vote under the circumstances described in division 333
(B) or (C) of this section, whichever is appropriate, but that the 334
registered elector is unable to appear at the board of elections 335

because of personal illness, physical disability, or infirmity; 336

(3) Completes and returns along with the completed absent 337
voter's ballot a notice of change of residence indicating the 338
address to which the registered elector has moved, or a notice of 339
change of name, whichever is appropriate; 340

(4) Completes and signs, under penalty of election 341
falsification, a statement attesting that the registered elector 342
has moved or had a change of name on or prior to the day before 343
the election, has voted by absent voter's ballot because of 344
personal illness, physical disability, or infirmity that prevented 345
the registered elector from appearing at the board of elections, 346
and will not vote or attempt to vote at any other location or by 347
absent voter's ballot mailed to any other location or address for 348
that particular election. 349

Sec. 3505.18. (A)(1) When an elector appears in a polling 350
place to vote, the elector shall announce to the precinct election 351
officials the elector's full name and current address and provide 352
proof of the elector's identity in the form of a current and valid 353
photo identification, a military identification, or a copy of a 354
current utility bill, bank statement, government check, paycheck, 355
or other government document, other than a notice of voter 356
registration mailed by a board of elections under section 3503.19 357
of the Revised Code, that shows the name and current address of 358
the elector. ~~If the elector provides either a driver's license or 359
a state identification card issued under section 4507.50 of the 360
Revised Code that does not contain the elector's current residence 361
address, the elector shall provide the last four digits of the 362
elector's driver's license number or state identification card 363
number, and the precinct election official shall mark the poll 364
list or signature pollbook to indicate that the elector has 365
provided a driver's license or state identification card number 366~~

~~with a former address and record the last four digits of the
elector's driver's license number or state identification card
number.~~ 367
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(2) If an elector ~~has but~~ does not have or is unable to 370
provide to the precinct election officials any of the forms of 371
identification required under division (A)(1) of this section, ~~but~~ 372
~~has a social security number, the elector may provide the last~~ 373
~~four digits of the elector's social security number. Upon~~ 374
~~providing the social security number information,~~ the elector may 375
cast a provisional ballot under section 3505.181 of the Revised 376
Code, ~~the envelope of which ballot shall include that social~~ 377
~~security number information and do either of the following:~~ 378

(a) Write the elector's driver's license or state 379
identification card number or the last four digits of the 380
elector's social security number on the provisional ballot 381
envelope; or 382

(b) Appear at the office of the board of elections not later 383
than the seventh day after the day of the election and provide the 384
identification required under division (A)(1) of this section, the 385
elector's driver's license or state identification card number, or 386
the last four digits of the elector's social security number. 387

~~(3) If an elector has but is unable to provide to the~~ 388
~~precinct election officials any of the forms of identification~~ 389
~~required under division (A)(1) of this section and if the elector~~ 390
~~has a social security number but is unable to provide the last~~ 391
~~four digits of the elector's social security number, the elector~~ 392
~~may cast a provisional ballot under section 3505.181 of the~~ 393
~~Revised Code.~~ 394

~~(4) If an elector does not have any of the forms of~~ 395
~~identification required under division (A)(1) of this section and~~ 396
~~cannot provide the last four digits of the elector's social~~ 397

~~security number because the elector does not have a social 398
security number, the elector may execute an affirmation under 399
penalty of election falsification that the elector cannot provide 400
the identification required under that division or the last four 401
digits of the elector's social security number for those reasons. 402
Upon signing the affirmation, the elector may cast a provisional 403
ballot under section 3505.181 of the Revised Code. The secretary 404
of state shall prescribe the form of the affirmation, which shall 405
include spaces for all of the following: 406~~

~~(a) The elector's name; 407~~

~~(b) The elector's address; 408~~

~~(c) The current date; 409~~

~~(d) The elector's date of birth; 410~~

~~(e) The elector's signature. 411~~

~~(5) If an elector does not have any of the forms of 412
identification required under division (A)(1) of this section and 413
cannot provide the last four digits of the elector's social 414
security number because the elector does not have a social 415
security number, and if the elector declines to execute an 416
affirmation under division (A)(4) of this section, the elector may 417
cast a provisional ballot under section 3505.181 of the Revised 418
Code, the envelope of which ballot shall include the elector's 419
name. 420~~

~~(6) If an elector has but declines to provide to the precinct 421
election officials any of the forms of identification required 422
under division (A)(1) of this section or the elector has a social 423
security number but declines to provide to the precinct election 424
officials the last four digits of the elector's social security 425
number, the elector may cast a provisional ballot under section 426
3505.181 of the Revised Code. 427~~

(B) After the elector has announced the elector's full name 428
and current address and provided any of the forms of 429
identification required under division (A)(1) of this section, the 430
elector shall write the elector's name and address at the proper 431
place in the poll list or signature pollbook provided for the 432
purpose, except that if, for any reason, an elector is unable to 433
write the elector's name and current address in the poll list or 434
signature pollbook, the elector may make the elector's mark at the 435
place intended for the elector's name, and a precinct election 436
official shall write the name of the elector at the proper place 437
on the poll list or signature pollbook following the elector's 438
mark. The making of such a mark shall be attested by the precinct 439
election official, who shall evidence the same by signing the 440
precinct election official's name on the poll list or signature 441
pollbook as a witness to the mark. Alternatively, if applicable, 442
an attorney in fact acting pursuant to section 3501.382 of the 443
Revised Code may sign the elector's signature in the poll list or 444
signature pollbook in accordance with that section. 445

The elector's signature in the poll list or signature 446
pollbook then shall be compared with the elector's signature on 447
the elector's registration form or a digitized signature list as 448
provided for in section 3503.13 of the Revised Code, and if, in 449
the opinion of a majority of the precinct election officials, the 450
signatures are the signatures of the same person, the election 451
officials shall enter the date of the election on the registration 452
form or shall record the date by other means prescribed by the 453
secretary of state. The validity of an attorney in fact's 454
signature on behalf of an elector shall be determined in 455
accordance with section 3501.382 of the Revised Code. 456

If the right of the elector to vote is not then challenged, 457
or, if being challenged, the elector establishes the elector's 458
right to vote, the elector shall be allowed to proceed to use the 459

voting machine. If voting machines are not being used in that 460
precinct, the judge in charge of ballots shall then detach the 461
next ballots to be issued to the elector from Stub B attached to 462
each ballot, leaving Stub A attached to each ballot, hand the 463
ballots to the elector, and call the elector's name and the stub 464
number on each of the ballots. The judge shall enter the stub 465
numbers opposite the signature of the elector in the pollbook. The 466
elector shall then retire to one of the voting compartments to 467
mark the elector's ballots. No mark shall be made on any ballot 468
which would in any way enable any person to identify the person 469
who voted the ballot. 470

Sec. 3505.181. (A) All of the following individuals shall be 471
permitted to cast a provisional ballot at an election: 472

(1) An individual who declares that the individual is a 473
registered voter in the ~~jurisdiction~~ precinct in which the 474
individual desires to vote and that the individual is eligible to 475
vote in an election, but the name of the individual does not 476
appear on the official list of eligible voters for the ~~polling~~ 477
~~place~~ precinct or an election official asserts that the individual 478
is not eligible to vote; 479

(2) ~~An individual who has a social security number and~~ 480
~~provides to the election officials the last four digits of the~~ 481
~~individual's social security number as permitted by division~~ 482
~~(A)(2) of section 3505.18 of the Revised Code;~~ 483

~~(3)~~ An individual who ~~has but~~ does not have or is unable to 484
provide to the election officials any of the forms of 485
identification required under division (A)(1) of section 3505.18 486
of the Revised Code ~~and who has a social security number but is~~ 487
~~unable to provide the last four digits of the individual's social~~ 488
~~security number as permitted under division (A)(2) of that~~ 489
~~section;~~ 490

~~(4) An individual who does not have any of the forms of identification required under division (A)(1) of section 3505.18 of the Revised Code, who cannot provide the last four digits of the individual's social security number under division (A)(2) of that section because the individual does not have a social security number, and who has executed an affirmation as permitted under division (A)(4) of that section;~~ 491
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~~(5)(3) An individual whose name in the poll list or signature pollbook has been marked under section 3509.09 or 3511.13 of the Revised Code as having requested an absent voter's ballot or ~~an~~ armed service a uniformed services or overseas absent voter's ballot for that election and who appears to vote at the polling place;~~ 498
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~~(6)(4) An individual whose notification of registration has been returned undelivered to the board of elections and whose name in the official registration list and in the poll list or signature pollbook has been marked under division (C)(2) of section 3503.19 of the Revised Code;~~ 504
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~~(7) An individual who is challenged under section 3505.20 of the Revised Code and the election officials determine that the person is ineligible to vote or are unable to determine the person's eligibility to vote;~~ 509
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~~(8)(5) An individual who has been successfully challenged under section 3505.20 or 3513.20 of the Revised Code or whose application or challenge hearing has been postponed until after the day of the election under division (D)(1) of section 3503.24 of the Revised Code;~~ 513
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~~(9)(6) An individual who changes the individual's name and remains within the precinct without providing proof of that name change under division (B)(1)(b) of section 3503.16 of the Revised Code, moves from one precinct to another within a county, moves~~ 518
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from one precinct to another and changes the individual's name, or 522
moves from one county to another within the state, and completes 523
and signs the required forms and statements under division (B) or 524
(C) of section 3503.16 of the Revised Code; 525

~~(10)(7)~~ An individual whose signature, in the opinion of the 526
precinct officers under section 3505.22 of the Revised Code, is 527
not that of the person who signed that name in the registration 528
forms; 529

~~(11)~~ An individual who is challenged under section 3513.20 of 530
the Revised Code who refuses to make the statement required under 531
that section or who a majority of the precinct officials find 532
lacks any of the qualifications to make the individual a qualified 533
elector; 534

~~(12)~~ An individual who does not have any of the forms of 535
identification required under division (A)(1) of section 3505.18 536
of the Revised Code, who cannot provide the last four digits of 537
the individual's social security number under division (A)(2) of 538
that section because the person does not have a social security 539
number, and who declines to execute an affirmation as permitted 540
under division (A)(4) of that section; 541

~~(13)~~ An individual who has but declines to provide to the 542
precinct election officials any of the forms of identification 543
required under division (A)(1) of section 3501.18 of the Revised 544
Code or who has a social security number but declines to provide 545
to the precinct election officials the last four digits of the 546
individual's social security number. 547

(B) An individual who is eligible to cast a provisional 548
ballot under division (A) of this section shall be permitted to 549
cast a provisional ballot as follows: 550

(1) An election official at the polling place shall notify 551
the individual that the individual may cast a provisional ballot 552

in that election. 553

(2) ~~The Except as otherwise provided in division (F) of this~~ 554
~~section, the individual shall be permitted to cast a provisional~~ 555
~~ballot at that polling place upon the execution of complete and~~ 556
~~execute~~ a written affirmation ~~by the individual~~ before an election 557
official at the polling place stating that the individual is both 558
of the following: 559

(a) A registered voter in the ~~jurisdiction~~ precinct in which 560
the individual desires to vote; 561

(b) Eligible to vote in that election. 562

(3) An election official at the polling place shall transmit 563
the ballot cast by the individual, and the voter information 564
contained in the written affirmation executed by the individual 565
under division (B)(2) of this section, ~~or the individual's name if~~ 566
~~the individual declines to execute such an affirmation~~ to an 567
appropriate local election official for verification under 568
division (B)(4) of this section. 569

(4) If the appropriate local election official to whom the 570
ballot or voter or address information is transmitted under 571
division (B)(3) of this section determines that the individual is 572
eligible to vote, the individual's provisional ballot shall be 573
counted as a vote in that election. 574

(5)(a) At the time that an individual casts a provisional 575
ballot, the appropriate local election official shall give the 576
individual written information that states that any individual who 577
casts a provisional ballot will be able to ascertain under the 578
system established under division (B)(5)(b) of this section 579
whether the vote was counted, and, if the vote was not counted, 580
the reason that the vote was not counted. 581

(b) The appropriate state or local election official shall 582
establish a free access system, in the form of a toll-free 583

telephone number, that any individual who casts a provisional 584
ballot may access to discover whether the vote of that individual 585
was counted, and, if the vote was not counted, the reason that the 586
vote was not counted. The free access system established under 587
this division also shall provide to an individual whose 588
provisional ballot was not counted information explaining how that 589
individual may contact the board of elections to register to vote 590
or to resolve problems with the individual's voter registration. 591

The appropriate state or local election official shall 592
establish and maintain reasonable procedures necessary to protect 593
the security, confidentiality, and integrity of personal 594
information collected, stored, or otherwise used by the free 595
access system established under this division. ~~Access to~~ 596
~~information about an individual ballot shall be restricted to the~~ 597
~~individual who cast the ballot~~ The system shall permit an 598
individual only to gain access to information about the 599
individual's own provisional ballot. 600

(6) If, at the time that an individual casts a provisional 601
ballot, the individual provides identification in the form of a 602
current and valid photo identification, a military identification, 603
or a copy of a current utility bill, bank statement, government 604
check, paycheck, or other government document, other than a notice 605
of voter registration mailed by a board of elections under section 606
3503.19 of the Revised Code, that shows the individual's name and 607
current address, or provides the individual's driver's license or 608
state identification card number or the last four digits of the 609
individual's social security number, ~~or executes an affirmation~~ 610
~~that the elector does not have any of those forms of~~ 611
~~identification or the last four digits of the individual's social~~ 612
~~security number because the individual does not have a social~~ 613
~~security number, or declines to execute such an affirmation, the~~ 614
~~appropriate local election official~~ individual shall record the 615

type of identification provided, or the driver's license, state 616
identification card, or social security number information, the 617
~~fact that the affirmation was executed, or the fact that the~~ 618
~~individual declined to execute such an affirmation~~ and include 619
that information with on the transmission of the provisional 620
~~ballot or voter or address information affirmation~~ under division 621
(B)(3) of this section. ~~If the individual declines to execute such~~ 622
~~an affirmation, the appropriate local election official shall~~ 623
~~record the individual's name and include that information with the~~ 624
~~transmission of the ballot under division (B)(3) of this section.~~ 625

(7) ~~If an individual casts a provisional ballot pursuant to~~ 626
~~division (A)(3), (7), (8), (12), or (13) of this section, the~~ 627
~~election official shall indicate, on the provisional ballot~~ 628
~~verification statement required under section 3505.182 of the~~ 629
~~Revised Code, that the individual is required to provide~~ 630
~~additional information to the board of elections or that an~~ 631
~~application or challenge hearing has been postponed with respect~~ 632
~~to the individual, such that additional information is required~~ 633
~~for the board of elections to determine the eligibility of the~~ 634
~~individual who cast the provisional ballot.~~ 635

~~(8)~~ During the ~~ten~~ seven days after the day of an election, 636
an individual who casts a provisional ballot ~~pursuant to division~~ 637
~~(A)(3), (7), (12), or (13) of this section because the individual~~ 638
does not have or is unable to provide to the election officials 639
any of the required forms of identification or because the 640
individual has been successfully challenged under section 3505.20 641
of the Revised Code shall appear at the office of the board of 642
elections and provide to the board any additional information 643
necessary to determine the eligibility of the individual who cast 644
the provisional ballot. 645

(a) For a provisional ballot cast ~~pursuant to division~~ 646
~~(A)(3), (12), or (13) of this section by an individual who does~~ 647

not have or is unable to provide to the election officials any of 648
the required forms of identification to be eligible to be counted, 649
the individual who cast that ballot, within ~~ten~~ seven days after 650
the day of the election, shall do ~~any~~ either of the following: 651

(i) Provide to the board of elections proof of the 652
individual's identity in the form of a current and valid photo 653
identification, a military identification, or a copy of a current 654
utility bill, bank statement, government check, paycheck, or other 655
government document, other than a notice of voter registration 656
mailed by a board of elections under section 3503.19 of the 657
Revised Code, that shows the individual's name and current 658
address; or 659

(ii) Provide to the board of elections the individual's 660
driver's license or state identification card number or the last 661
four digits of the individual's social security number; 662

~~(iii) In the case of a provisional ballot executed pursuant~~ 663
~~to division (A)(12) of this section, execute an affirmation as~~ 664
~~permitted under division (A)(4) of section 3505.18 of the Revised~~ 665
~~Code.~~ 666

(b) For a provisional ballot cast ~~pursuant to division (A)(7)~~ 667
~~of this section~~ by an individual who has been successfully 668
challenged under section 3505.20 of the Revised Code to be 669
eligible to be counted, the individual who cast that ballot, 670
within ~~ten~~ seven days after the day of that election, shall 671
provide to the board of elections any identification or other 672
documentation required to be provided by the applicable challenge 673
questions asked of that individual under section 3505.20 of the 674
Revised Code. 675

(C)(1) If an individual declares that the individual is 676
eligible to vote in a ~~jurisdiction~~ precinct other than the 677
~~jurisdiction~~ precinct in which the individual desires to vote, or 678

if, upon review of the precinct voting location guide using the residential street address provided by the individual, an election official at the ~~polling place~~ precinct at which the individual desires to vote determines that the individual is not eligible to vote in that ~~jurisdiction~~ precinct, the election official shall direct the individual to the precinct and polling place for the jurisdiction in which the individual appears to be eligible to vote, explain that the individual may cast a provisional ballot at the current location but the ballot or a portion of the ballot will not be counted if it is cast in the wrong precinct, and provide the telephone number of the board of elections in case the individual has additional questions.

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

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

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

~~(c) The individual's eligibility to vote in that jurisdiction in that election cannot be established upon examination of the records on file with the board of elections~~ the individual is in the correct polling location for the precinct in which the individual is registered and eligible to vote, the election official shall complete and sign, under penalty of election falsification, a form that includes all of the following, and attach the form to the individual's provisional ballot affirmation:

<u>(a) The name or number of the individual's correct precinct;</u>	711
<u>(b) A statement that the election official instructed the individual to travel to the correct precinct to vote;</u>	712 713
<u>(c) A statement that the election official informed the individual that casting a provisional ballot in the wrong precinct would result in all or a portion of the votes on the ballot being rejected;</u>	714 715 716 717
<u>(d) The name or number of the precinct in which the individual is casting a provisional ballot; and</u>	718 719
<u>(e) The name of the polling location in which the individual is casting a provisional ballot.</u>	720 721
(D) The appropriate local election official shall cause voting information to be publicly posted at each polling place on the day of each election.	722 723 724
(E) As used in this section and sections 3505.182 and 3505.183 of the Revised Code:	725 726
(1) "Jurisdiction" means the precinct in which a person is a legally qualified elector.	727 728
(2) "Precinct voting location guide" means either of the following:	729 730
(a) An electronic or paper record that lists the correct jurisdiction <u>precinct</u> and polling place for either each specific residential street address in the county or the range of residential street addresses located in each neighborhood block in the county;	731 732 733 734 735
(b) Any other method that a board of elections creates that allows a precinct election official or any elector who is at a polling place in that county to determine the correct jurisdiction <u>precinct</u> and polling place of any qualified elector who resides in the county.	736 737 738 739 740

(3) (2) "Voting information" means all of the following:	741
(a) A sample version of the ballot that will be used for that election;	742 743
(b) Information regarding the date of the election and the hours during which polling places will be open;	744 745
(c) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;	746 747
(d) Instructions for mail-in registrants and first-time voters under applicable federal and state laws;	748 749
(e) General information on voting rights under applicable federal and state laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated;	750 751 752 753 754
(f) General information on federal and state laws regarding prohibitions against acts of fraud and misrepresentation.	755 756
(F) Nothing in this section or section 3505.183 of the Revised Code is in derogation of section 3505.24 of the Revised Code, which permits a blind, disabled, or illiterate elector to receive assistance in the marking of the elector's ballot by two precinct election officials of different political parties. A blind, disabled, or illiterate elector may receive assistance in marking that elector's provisional ballot and in completing the required affirmation in the same manner as an elector may receive assistance on the day of an election under that section.	757 758 759 760 761 762 763 764 765
Sec. 3505.182. Each individual who casts a provisional ballot under section 3505.181 of the Revised Code shall execute a written affirmation. The form of the written affirmation shall be printed upon the face of the provisional ballot envelope and shall be substantially as follows:	766 767 768 769 770

"Provisional Ballot Affirmation	771
STATE OF OHIO	772
<u>(A) Clearly print your full name:</u>	773
<u>(B) Write your date of birth:</u>	774
<u>(C)(1) Write your current address:</u>	775
<u>.....</u>	776
<u>(2) Check the following box if you are casting a provisional</u>	777
<u>ballot because you are registered to vote but you have moved and</u>	778
<u>have not filed a notice of change of address with the board of</u>	779
<u>elections:</u>	780
<u>Write your former address:</u>	781
<u>.....</u>	782
<u>(D) Provide one of the following forms of identification:</u>	783
<u>(1) Write your full Ohio driver's license or state</u>	784
<u>identification card number:</u>	785
<u>(2) Write the last four digits of your Social Security</u>	786
<u>number:</u>	787
<u>(3) If you did not write your full Ohio driver's license or</u>	788
<u>state identification card number or the last four digits of your</u>	789
<u>Social Security number, you must show one of the following forms</u>	790
<u>of identification to the precinct election official. If you do not</u>	791
<u>check one of the following boxes affirming the type of</u>	792
<u>identification you showed to the precinct election official, the</u>	793
<u>board of elections will conclude that you did not show</u>	794
<u>identification to your precinct election official and that you</u>	795
<u>must show identification at the board of elections during the</u>	796
<u>seven days after the election for your vote to be eligible to be</u>	797
<u>counted.</u>	798
<u>..... A form of photo identification that was issued by the</u>	799

United States government or the State of Ohio, that contains your 800
name and current address (or your former address if the 801
identification is an Ohio driver's license or state identification 802
card), and that has an expiration date that has not passed; 803

..... A military identification card; or 804

..... A current utility bill, bank statement, government 805
check, paycheck, or other government document, other than a notice 806
of voter registration mailed by a board of elections, that 807
contains your name and current address. 808

(4) If you fail to provide identification at this time, you 809
must go to the board of elections on or before the seventh day 810
following this election to provide a qualifying form of 811
identification in order for this ballot to count. 812

(E) If your right to vote has been challenged, you must 813
provide any required additional information to the board of 814
elections on or before the seventh day following this election. 815

(F) Sign and date the following statement: 816

I, ~~..... (Name of provisional voter),~~ solemnly 817
swear or affirm that I am a citizen of the United States; that I 818
will be at least 18 years of age at the time of the general 819
election; that I have lived in this state for 30 days immediately 820
preceding this election in which I am voting this ballot; that I 821
am a registered voter in the ~~jurisdiction~~ precinct in which I am 822
voting this provisional ballot; and that I am eligible to vote in 823
the election in which I am voting this provisional ballot. 824

I understand that, if the ~~above provided~~ information I 825
provide on this provisional ballot affirmation is not fully 826
completed and correct, if the board of elections determines that I 827
am not registered to vote, a resident of this precinct, or 828
eligible to vote in this election, or if the board of elections 829
determines that I have already voted in this election, my 830

provisional ballot will not be counted. I understand that, if I am 831
not currently registered to vote or if I am not registered at my 832
current address or under my current name, this form will serve as 833
an application to register to vote or update my registration for 834
future elections, as long as I provide all of the information 835
required to register to vote or update my registration. I further 836
understand that knowingly providing false information is a 837
violation of law and subjects me to possible criminal prosecution. 838

I hereby declare, under penalty of election falsification, 839
that the above statements are true and correct to the best of my 840
knowledge and belief. 841

..... 842

(Signature of Voter) 843

..... 844

~~(Voter's date of birth)~~ 845

~~The last four digits of the~~ 846
~~voter's social security number~~

..... 847

~~(To be provided if the voter is~~ 848
~~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)~~

Date

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 849
OF THE FIFTH DEGREE. 850

~~Additional Information For Determining Ballot Validity 851~~

~~(May be completed at voter's discretion) 852~~

~~Voter's current address: 853~~

~~Voter's former address if 854~~

~~photo identification does
not contain voter's current
address~~

~~Voter's driver's license 855~~

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

~~(Please circle number type) 856~~

~~(Voter may attach a copy of any of the following for 857~~

~~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): 858~~

~~..... Requested, but did not receive, absent voter's ballot 859~~

~~..... Other 860~~

~~Verification Statement 861~~

~~(To be completed by election official) 862~~

~~The Provisional Ballot Affirmation printed above was 863~~

~~subscribed and affirmed before me this day of 864~~

~~..... (Month), (Year). 865~~

~~(If applicable, the election official must check the 866~~

~~following true statement concerning additional information needed to determine the eligibility of the provisional voter.)~~ 867
868

~~..... The provisional voter is required to provide additional information to the board of elections.~~ 869
870

~~..... An application or challenge hearing regarding this voter has been postponed until after the election.~~ 871
872

~~(The election official must check the following true statement concerning identification provided by the provisional voter, if any.)~~ 873
874
875

~~..... The provisional voter provided a current and valid photo identification.~~ 876
877

~~..... The provisional voter provided a current valid photo identification, other than a driver's license or a state identification card, with the voter's former address instead of current address and has provided the election official both the current and former addresses.~~ 878
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~~..... The provisional voter provided a military identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, with the voter's name and current address.~~ 883
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~~..... The provisional voter provided the last four digits of the voter's social security number.~~ 889
890

~~..... The provisional voter is not able to provide a current and valid photo identification, a military identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, with the voter's name and current~~ 891
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~~address but does have one of these forms of identification. The 897
provisional voter must provide one of the foregoing items of 898
identification to the board of elections within ten days after the 899
election. 900~~

~~..... The provisional voter is not able to provide a current 901
and valid photo identification, a military identification, or a 902
copy of a current utility bill, bank statement, government check, 903
paycheck, or other government document, other than a notice of 904
voter registration mailed by a board of elections under section 905
3503.19 of the Revised Code, with the voter's name and current 906
address but does have one of these forms of identification. 907
Additionally, the provisional voter does have a social security 908
number but is not able to provide the last four digits of the 909
voter's social security number before voting. The provisional 910
voter must provide one of the foregoing items of identification or 911
the last four digits of the voter's social security number to the 912
board of elections within ten days after the election. 913~~

~~..... The provisional voter does not have a current and valid 914
photo identification, a military identification, a copy of a 915
current utility bill, bank statement, government check, paycheck, 916
or other government document with the voter's name and current 917
address, or a social security number, but has executed an 918
affirmation. 919~~

~~..... The provisional voter does not have a current and valid 920
photo identification, a military identification, a copy of a 921
current utility bill, bank statement, government check, paycheck, 922
or other government document with the voter's name and current 923
address, or a social security number, and has declined to execute 924
an affirmation. 925~~

~~..... The provisional voter declined to provide a current and 926
valid photo identification, a military identification, a copy of a 927
current utility bill, bank statement, government check, paycheck, 928~~

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

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

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

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

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

Sec. 3505.183. (A) When the ballot boxes are delivered to the board of elections from the precincts, the board shall separate the provisional ballot envelopes from the rest of the ballots. Teams of employees of the board consisting of one member of each major political party shall place the sealed provisional ballot

envelopes in a secure location within the office of the board. The 960
sealed provisional ballot envelopes shall remain in that secure 961
location until the validity of those ballots is determined under 962
division (B) of this section. While the provisional ballot is 963
stored in that secure location, and prior to the counting of the 964
provisional ballots, if the board receives information regarding 965
the validity of a specific provisional ballot under division (B) 966
of this section, the board may note, on the sealed provisional 967
ballot envelope for that ballot, whether the ballot is valid and 968
entitled to be counted. 969

(B)(1) To determine whether a provisional ballot is valid and 970
entitled to be counted, the board shall examine its records and 971
determine whether the individual who cast the provisional ballot 972
is registered and eligible to vote in the applicable election. The 973
board shall examine the information contained in the written 974
affirmation executed by the individual who cast the provisional 975
ballot under division (B)(2) of section 3505.181 of the Revised 976
Code. ~~If the individual declines to execute such an affirmation,~~ 977
~~the individual's name, written by either the individual or the~~ 978
~~election official at the direction of the individual, shall be~~ 979
~~included in a written affirmation in order for the provisional~~ 980
~~ballot to be eligible to be counted; otherwise, the~~ The following 981
information shall be included in the written affirmation in order 982
for the provisional ballot to be eligible to be counted: 983

(a) The individual's printed name and, signature, date of 984
birth, and current address; 985

(b) A statement that the individual is a registered voter in 986
the ~~jurisdiction~~ precinct in which the provisional ballot is being 987
voted; 988

(c) A statement that the individual is eligible to vote in 989
the election in which the provisional ballot is being voted. 990

(2) In addition to the information required to be included in 991
an affirmation under division (B)(1) of this section, in 992
determining whether a provisional ballot is valid and entitled to 993
be counted, the board also shall examine any additional 994
information for determining ballot validity provided by the 995
provisional voter on the affirmation, provided by the provisional 996
voter to an election official under section 3505.182 of the 997
Revised Code, or provided to the board of elections during the ~~ten~~ 998
seven days after the day of the election under division (B)~~(8)~~(7) 999
of section 3505.181 of the Revised Code, to assist the board in 1000
determining the individual's eligibility to vote. 1001

(3) If, in examining a provisional ballot affirmation and 1002
additional information under divisions (B)(1) and (2) of this 1003
section and comparing the information required under division 1004
(B)(1) of this section with the elector's information in the 1005
statewide voter registration database, the board determines that 1006
all of the following apply, the provisional ballot envelope shall 1007
be opened, and the ballot shall be placed in a ballot box to be 1008
counted: 1009

(a) The individual named on the affirmation is properly 1010
registered to vote. 1011

(b) The individual named on the affirmation is eligible to 1012
cast a ballot in the precinct and for the election in which the 1013
individual cast the provisional ballot. 1014

(c) The individual provided all of the information required 1015
under division (B)(1) of this section in the affirmation that the 1016
individual executed at the time the individual cast the 1017
provisional ballot. 1018

(d) The last four digits of the elector's social security 1019
number or the elector's driver's license number or state 1020
identification card number are not different from the last four 1021

digits of the elector's social security number or the elector's 1022
driver's license number or state identification card number 1023
contained in the statewide voter registration database. 1024

(e) The elector's date of birth is not different from the 1025
elector's date of birth contained in the statewide voter 1026
registration database. 1027

(f) The elector's current address is not different from the 1028
elector's address contained in the statewide voter registration 1029
database, unless the elector indicated that the elector is casting 1030
a provisional ballot because the elector has moved and has not 1031
submitted a notice of change of address, as described in division 1032
(A)(6) of section 3505.181 of the Revised Code. 1033

(g) If applicable, the individual provided any additional 1034
information required under division (B)~~(8)~~(7) of section 3505.181 1035
of the Revised Code within ~~ten~~ seven days after the day of the 1036
election. 1037

~~(f)~~(h) If applicable, the hearing conducted under division 1038
(B) of section 3503.24 of the Revised Code after the day of the 1039
election resulted in the individual's inclusion in the official 1040
registration list. 1041

(4)(a) ~~If~~ Except as otherwise provided in division (C) of 1042
this section, if, in examining a provisional ballot affirmation 1043
and additional information under divisions (B)(1) and (2) of this 1044
section and comparing the information required under division 1045
(B)(1) of this section with the elector's information in the 1046
statewide voter registration database, the board determines that 1047
any of the following applies, the provisional ballot envelope 1048
shall not be opened, and the ballot shall not be counted: 1049

(i) The individual named on the affirmation is not qualified 1050
or is not properly registered to vote. 1051

(ii) The individual named on the affirmation is not eligible 1052

to cast a ballot in the precinct or for the election in which the individual cast the provisional ballot.

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

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

(v) If applicable, the individual did not provide any additional information required under division (B)~~(8)~~(7) of section 3505.181 of the Revised Code within ~~ten~~ seven days after the day of the election.

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

(vii) The individual failed to provide a current and valid photo identification, a military identification, a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, with the voter's name and current address, the individual's driver's license or state identification card number, or the last four digits of the individual's social security number or to execute an affirmation under ~~division (A) of section 3505.18~~ or division (B) of section 3505.181 of the Revised Code.

(viii) The last four digits of the elector's social security number or the elector's driver's license number or state identification card number are different from the last four digits of the elector's social security number or the elector's driver's

license number or state identification card number contained in 1084
the statewide voter registration database. 1085

(ix) The elector's date of birth is different from the 1086
elector's date of birth contained in the statewide voter 1087
registration database. 1088

(x) The elector's current address is different from the 1089
elector's address contained in the statewide voter registration 1090
database, unless the elector indicated that the elector is casting 1091
a provisional ballot because the elector has moved and has not 1092
submitted a notice of change of address, as described in division 1093
(A)(6) of section 3505.181 of the Revised Code. 1094

(b) If, in examining a provisional ballot affirmation and 1095
additional information under divisions (B)(1) and (2) of this 1096
section and comparing the information required under division 1097
(B)(1) of this section with the elector's information in the 1098
statewide voter registration database, the board is unable to 1099
determine either of the following, the provisional ballot envelope 1100
shall not be opened, and the ballot shall not be counted: 1101

(i) Whether the individual named on the affirmation is 1102
qualified or properly registered to vote; 1103

(ii) Whether the individual named on the affirmation is 1104
eligible to cast a ballot in the precinct or for the election in 1105
which the individual cast the provisional ballot. 1106

~~(C)(1)~~ For each provisional ballot rejected under division 1107
(B)(4) of this section, the board shall record the name of the 1108
provisional voter who cast the ballot, the identification number 1109
of the provisional ballot envelope, the names of the election 1110
officials who determined the validity of that ballot, the date and 1111
time that the determination was made, and the reason that the 1112
ballot was not counted, unless the board has already recorded that 1113
information in another database. 1114

+2)(D)(1) If an individual cast a provisional ballot in a precinct in which the individual is not registered and eligible to vote, but in the correct polling location for the precinct in which the individual is registered and eligible to vote, and the election official failed to direct the individual to the correct precinct, the individual's ballot shall be remade under division (D)(2) of this section. The election official shall be deemed to have directed the individual to the correct precinct if the election official correctly completed the form described in division (C)(2) of section 3505.181 of the Revised Code.

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

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

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

+D)(F) Provisional ballots that the board determines are eligible to be counted under division (B)(3) or (D) of this

section shall be counted in the same manner as provided for other 1147
ballots under section 3505.27 of the Revised Code. No provisional 1148
ballots shall be counted in a particular county until the board 1149
determines the eligibility to be counted of all provisional 1150
ballots cast in that county under division (B) of this section for 1151
that election. Observers, as provided in section 3505.21 of the 1152
Revised Code, may be present at all times that the board is 1153
determining the eligibility of provisional ballots to be counted 1154
and counting those provisional ballots determined to be eligible. 1155
No person shall recklessly disclose the count or any portion of 1156
the count of provisional ballots in such a manner as to jeopardize 1157
the secrecy of any individual ballot. 1158

~~(E)(G)~~(1) Except as otherwise provided in division ~~(E)(G)~~(2) 1159
of this section, nothing in this section shall prevent a board of 1160
elections from examining provisional ballot affirmations and 1161
additional information under divisions (B)(1) and (2) of this 1162
section to determine the eligibility of provisional ballots to be 1163
counted during the ten days after the day of an election. 1164

(2) A board of elections shall not examine the provisional 1165
ballot affirmation and additional information under divisions 1166
(B)(1) and (2) of this section of any provisional ballot ~~for which~~ 1167
~~an election official has indicated under division (B)(7) of~~ 1168
~~section 3505.181 of the Revised Code that~~ cast by an individual 1169
who must provide additional information ~~is required for to~~ the 1170
board of elections under division (B)(7) of section 3505.181 of 1171
the Revised Code for the board to determine the individual's 1172
eligibility ~~of the individual who cast that provisional ballot~~ 1173
until the individual provides ~~any that~~ information ~~required under~~ 1174
~~division (B)(8) of section 3505.181 of the Revised Code, until any~~ 1175
hearing required to be conducted under section 3503.24 of the 1176
Revised Code with regard to the provisional voter is held, or 1177
until the eleventh day after the day of the election, whichever is 1178

earlier. 1179

Sec. 3509.06. (A) The board of elections shall determine 1180
whether absent voter's ballots shall be counted in each precinct, 1181
at the office of the board, or at some other location designated 1182
by the board, and shall proceed accordingly under division (B) or 1183
(C) of this section. 1184

(B) When the board of elections determines that absent 1185
voter's ballots shall be counted in each precinct, the director 1186
shall deliver to the presiding judge of each precinct on election 1187
day identification envelopes purporting to contain absent voter's 1188
ballots of electors whose voting residence appears from the 1189
statement of voter on the outside of each of those envelopes, to 1190
be located in such presiding judge's precinct, and which were 1191
received by the director not later than the close of the polls on 1192
election day. The director shall deliver to such presiding judge a 1193
list containing the name and voting residence of each person whose 1194
voting residence is in such precinct to whom absent voter's 1195
ballots were mailed. 1196

(C) When the board of elections determines that absent 1197
voter's ballots shall be counted at the office of the board of 1198
elections or at another location designated by the board, special 1199
election judges shall be appointed by the board for that purpose 1200
having the same authority as is exercised by precinct judges. The 1201
votes so cast shall be added to the vote totals by the board, and 1202
the absent voter's ballots shall be preserved separately by the 1203
board, in the same manner and for the same length of time as 1204
provided by section 3505.31 of the Revised Code. 1205

(D) Each of the identification envelopes purporting to 1206
contain absent voter's ballots delivered to the presiding judge of 1207
the precinct or the special judge appointed by the board of 1208
elections shall be handled as follows: ~~The~~ 1209

(1) 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~~

(2) 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, that the identification envelope statement of voter is incomplete, or upon any other of the grounds upon which the right of persons to vote may be lawfully challenged. ~~If~~

(3)(a) An identification envelope statement of voter shall be considered incomplete if it does not include all of the following:

(i) The voter's name;

(ii) The voter's residence address;

(iii) The voter's date of birth;

(iv) The voter's signature; and

(v) One of the following forms of identification:

(I) The voter's driver's license number;

(II) The last four digits of the voter's social security number; or

(III) A copy of 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, that shows the voter's name and address.

(b) If the election officials find that the identification envelope statement of voter is incomplete or that the information contained in that statement does not conform to the information

contained in the statewide voter registration database concerning 1240
the voter, the election officials shall mail a written notice to 1241
the voter, informing the voter of the nature of the defect. The 1242
notice shall inform the voter that in order for the voter's ballot 1243
to be counted, the voter must provide the necessary information to 1244
the board of elections in writing and on a form prescribed by the 1245
secretary of state not later than the seventh day after the day of 1246
the election. The voter may deliver the form to the office of the 1247
board in person or by mail. If the voter provides the necessary 1248
information to the board of elections not later than the seventh 1249
day after the day of the election and the ballot is not 1250
successfully challenged on another basis, the voter's ballot shall 1251
be counted in accordance with this section. 1252

(4) If no such challenge is made, or if such a challenge is 1253
made and not sustained, the presiding judge shall open the 1254
envelope without defacing the statement of voter and without 1255
mutilating the ballots in it, and shall remove the ballots 1256
contained in it and proceed to count them. 1257

(5) The name of each person voting who is entitled to vote 1258
only an absent voter's presidential ballot shall be entered in a 1259
pollbook or poll list or signature pollbook followed by the words 1260
"Absentee Presidential Ballot." The name of each person voting an 1261
absent voter's ballot, other than such persons entitled to vote 1262
only a presidential ballot, shall be entered in the pollbook or 1263
poll list or signature pollbook and the person's registration card 1264
marked to indicate that the person has voted. 1265

(6) The date of such election shall also be entered on the 1266
elector's registration form. If any such challenge is made and 1267
sustained, the identification envelope of such elector shall not 1268
be opened, shall be endorsed "Not Counted" with the reasons the 1269
ballots were not counted, and shall be delivered to the board. 1270

(E) Special election judges, employees or members of the 1271

board of elections, or observers shall not disclose the count or 1272
any portion of the count of absent voter's ballots prior to the 1273
time of the closing of the polling places. No person shall 1274
recklessly disclose the count or any portion of the count of 1275
absent voter's ballots in such a manner as to jeopardize the 1276
secrecy of any individual ballot. 1277

(F) Observers may be appointed under section 3505.21 of the 1278
Revised Code to witness the examination and opening of 1279
identification envelopes and the counting of absent voters' 1280
ballots under this section. 1281

Sec. 3509.07. If election officials find that any of the 1282
following are true concerning an absent voter's ballot or absent 1283
voter's presidential ballot and, if applicable, the person did not 1284
provide any required additional information to the board of 1285
elections not later than the seventh day after the day of the 1286
election, as permitted under division (D)(3)(b) of section 3509.06 1287
of the Revised Code, the ballot shall not be accepted or counted: 1288

(A) The statement accompanying an absent voter's ballot or 1289
absent voter's presidential the ballot is incomplete as described 1290
in division (D)(3)(a) of section 3509.06 of the Revised Code or is 1291
insufficient, that the; 1292

(B) The signatures do not correspond with the person's 1293
registration signature, that the; 1294

(C) The applicant is not a qualified elector in the precinct, 1295
that the; 1296

(D) The ballot envelope contains more than one ballot of any 1297
one kind, or any voted ballot that the elector is not entitled to 1298
vote, that; 1299

(E) Stub A is detached from the absent voter's ballot or 1300
absent voter's presidential ballot, or that the; or 1301

(F) The elector has not included with the elector's ballot 1302
any identification required under section 3509.05 or 3511.09 of 1303
the Revised Code, ~~the vote shall not be accepted or counted.~~ The 1304

The vote of any absent voter may be challenged for cause in 1305
the same manner as other votes are challenged, and the election 1306
officials shall determine the legality of that ballot. Every 1307
ballot not counted shall be endorsed on its back "Not Counted" 1308
with the reasons the ballot was not counted, and shall be enclosed 1309
and returned to or retained by the board of elections along with 1310
the contested ballots. 1311

Section 2. That existing sections 3501.22, 3503.16, 3505.18, 1312
3505.181, 3505.182, 3505.183, 3509.06, and 3509.07 of the Revised 1313
Code are hereby repealed. 1314

Section 3. Section 3505.181 of the Revised Code is presented 1315
in this act as a composite of the section as amended by both Am. 1316
S.B. 10 and Sub. S.B. 47 of the 130th General Assembly. The 1317
General Assembly, applying the principle stated in division (B) of 1318
section 1.52 of the Revised Code that amendments are to be 1319
harmonized if reasonably capable of simultaneous operation, finds 1320
that the composite is the resulting version of the section in 1321
effect prior to the effective date of the section as presented in 1322
this act. 1323