A B I L L

To amend sections 3506.02, 3506.19, and 3506.22 and to enact section 3506.022 of the Revised Code to require new voting systems to use paper ballots.

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

Section 1. That sections 3506.02, 3506.19, and 3506.22 be amended and section 3506.022 of the Revised Code be enacted to read as follows:

Sec. 3506.02. Voting Subject to section 3506.022 of the Revised Code, voting machines, marking devices, and automatic tabulating equipment may be adopted for use in elections in any county in the following manner:

(A) By the board of elections;

(B) By the board of county commissioners of such county on the recommendation of the board of elections;

(C) By the affirmative vote of a majority of the electors of such county voting upon the question of the adoption of such equipment in such county.

If a petition signed by electors equal in number to two
per cent of the total votes cast in the county for the office of governor at the most recent general election for that office is filed with the board of elections, such board shall submit to the electors of such county at the next general election occurring not less than ninety days thereafter the question "Shall voting machines, marking devices, and automatic tabulating equipment be adopted in the county of .......................?" Upon the filing of such petition, the board of elections shall forthwith notify the board of county commissioners, and the board of county commissioners shall forthwith determine whether it would prefer to purchase or lease such equipment in whole or in part for cash and if so whether it will be necessary or advisable to issue bonds to provide funds for the purchase of such equipment, if adopted. If the board of county commissioners determines that it is necessary or advisable to issue bonds therefor, it shall by resolution provide for the submission on the same ballot, but as a separate issue, the question of issuing such bonds. The question of issuing such bonds shall be submitted as required by division (A) of section 3506.03 of the Revised Code.

Sec. 3506.022. (A) Except as otherwise provided in divisions (B) and (C) of this section, on and after the effective date of this section, no county shall acquire any direct recording electronic voting machines or any marking devices or automatic tabulating equipment that do not require the use of a paper ballot.

(B) Division (A) of this section does not apply to a contract for the purchase or lease of voting machines, marking devices, or automatic tabulating equipment that was entered into before the effective date of this section.
(C) Division (A) of this section does not apply to a county that acquires additional voting machines, marking devices, or automatic tabulating equipment on or after the effective date of this section if all of the following apply:

(1) The voting machines, marking devices, or automatic tabulating equipment are the same as those used in that county before the effective date of this section.

(2) The acquisition of the voting machines, marking devices, or automatic tabulating equipment does not replace or change the primary voting system used in that county.

(3) The acquisition of the voting machines, marking devices, or automatic tabulating equipment is for the purpose of replacing inoperable machines, devices, or equipment or for the purpose of providing additional machines, devices, or equipment in order to meet the requirements of section 3506.22 or of division (I) of section 3501.11 of the Revised Code.

(D) As used in this section, "paper ballot" means a paper document on which a voter records the voter's choices and that serves as the official record of the voter's choices for counting purposes. A voter may record the voter's choices on a paper ballot by hand or use a marking device that records the voter's choices on a paper ballot that the voter then may inspect for accuracy. "Paper ballot" does not include a voter verified paper audit trail.

Sec. 3506.19. On and after the first federal election that occurs after January 1, 2006, unless required sooner by the Help America Vote Act of 2002, each polling location and each office of a board of elections at which in-person absent voting is being conducted shall have available for use at all elections...
at least one direct recording electronic voting machine or marking device that is accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters.

Sec. 3506.22. (A) Beginning in the year 2013 and thereafter, a county that selects, during the period beginning on January 1, 2013, and ending on the day before the effective date of this amendment, selected direct recording electronic voting machines as the primary voting system to be used in the county and not only for accessibility for individuals with disabilities as required under the Help America Vote Act of 2002 and section 3506.19 of the Revised Code and that continues to use direct recording electronic voting machines for that purpose shall acquire, if needed, sufficient direct recording electronic voting machines to meet the minimum number of direct recording electronic voting machines required to be established by the secretary of state under division (B) of this section.

(B) Beginning in the year 2013 and every eight years thereafter, the secretary of state shall establish, for each county described in division (A) of this section, a minimum number of direct recording electronic voting machines that the county shall be required to have if it elects to use direct recording electronic voting machines as the primary voting system in the county. The minimum number for each such county shall be calculated as follows:

(1) The total number of registered voters in the county as of the October deadline for voter registration for the last
presidential election or the average of the total number of
registered voters in the county as of the October deadline for
voter registration for the last two presidential elections,
whichever number is higher, minus the total number of absent
voter's ballots cast and counted at the last presidential
election, shall be determined.

(2) The number resulting from the determination under
division (B)(1) of this section shall be divided by one hundred
seventy-five.

(3) Any fraction resulting from the calculation under
division (B)(2) of this section shall be rounded up to the next
whole number.

(C) A county that selects direct recording
electronic voting machines as the primary voting system to be
used in the county and not only for accessibility for
individuals with disabilities as required under the Help America
Vote Act of 2002 and section 3506.19 of the Revised Code after
May 2, 2006, but before the year 2013 and that continues to use
direct recording electronic voting machines for that purpose
shall do so in accordance with the minimum number of
direct recording electronic voting machines determined by the
formula set forth in Section 514.03 of Am. Sub. H.B. 66 of the
126th general assembly.

Section 2. That existing sections 3506.02, 3506.19, and
3506.22 of the Revised Code are hereby repealed.