

**As Reported by the House Government Accountability and Oversight
Committee**

131st General Assembly

**Regular Session
2015-2016**

Sub. S. B. No. 296

Senator Seitz

**Cosponsors: Senators Coley, Jones, Hite, Burke, Bacon, Jordan, Uecker, Patton,
Eklund, Hackett Representatives Blessing, Buchy, Green, McColley**

A BILL

To amend sections 3501.17, 3501.28, 3501.32, 1
3505.18, 3505.181, and 3505.183 and to enact 2
sections 2505.40, 3501.321, and 3501.40 of the 3
Revised Code to specify requirements for 4
lawsuits concerning election procedures, to 5
specify the conditions under which a court may 6
order that a polling place be kept open for 7
extended hours on the day of an election, and to 8
require a person who votes during those extended 9
hours to cast a provisional ballot. 10

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

Section 1. That sections 3501.17, 3501.28, 3501.32, 11
3505.18, 3505.181, and 3505.183 be amended and sections 2505.40, 12
3501.321, and 3501.40 of the Revised Code be enacted to read as 13
follows: 14

Sec. 2505.40. For each day on which an election is held in 15
the territory over which a court of appeals has jurisdiction, 16
the court shall establish a special election day panel. The 17

panel shall be available upon instant notice to hear and 18
determine on that day any appeal filed with it under division 19
(C) (1) of section 3501.321 of the Revised Code. 20

Sec. 3501.17. (A) The expenses of the board of elections 21
shall be paid from the county treasury, in pursuance of 22
appropriations by the board of county commissioners, in the same 23
manner as other county expenses are paid. If the board of county 24
commissioners fails to appropriate an amount sufficient to 25
provide for the necessary and proper expenses of the board of 26
elections pertaining to the conduct of elections, the board of 27
elections may apply to the court of common pleas within the 28
county, which shall fix the amount necessary to be appropriated 29
and the amount shall be appropriated. Payments shall be made 30
upon vouchers of the board of elections certified to by its 31
chairperson or acting chairperson and the director or deputy 32
director, upon warrants of the county auditor. 33

The board of elections shall not incur any obligation 34
involving the expenditure of money unless there are moneys 35
sufficient in the funds appropriated therefor to meet the 36
obligation. If the board of elections requests a transfer of 37
funds from one of its appropriation items to another, the board 38
of county commissioners shall adopt a resolution providing for 39
the transfer except as otherwise provided in section 5705.40 of 40
the Revised Code. The expenses of the board of elections shall 41
be apportioned among the county and the various subdivisions as 42
provided in this section, and the amount chargeable to each 43
subdivision shall be paid as provided in division (J) of this 44
section or withheld by the county auditor from the moneys 45
payable thereto at the time of the next tax settlement. At the 46
time of submitting budget estimates in each year, the board of 47
elections shall submit to the taxing authority of each 48

subdivision, upon the request of the subdivision, an estimate of 49
the amount to be paid or withheld from the subdivision during 50
the current or next fiscal year. 51

A board of township trustees may, by resolution, request 52
that the county auditor withhold expenses charged to the 53
township from a specified township fund that is to be credited 54
with revenue at a tax settlement. The resolution shall specify 55
the tax levy ballot issue, the date of the election on the levy 56
issue, and the township fund from which the expenses the board 57
of elections incurs related to that ballot issue shall be 58
withheld. 59

(B) Except as otherwise provided in division (F) of this 60
section, the compensation of the members of the board of 61
elections and of the director, deputy director, and regular 62
employees in the board's offices, other than compensation for 63
overtime worked; the expenditures for the rental, furnishing, 64
and equipping of the office of the board and for the necessary 65
office supplies for the use of the board; the expenditures for 66
the acquisition, repair, care, and custody of the polling 67
places, booths, guardrails, and other equipment for polling 68
places; the cost of tally sheets, maps, flags, ballot boxes, and 69
all other permanent records and equipment; the cost of all 70
elections held in and for the state and county; and all other 71
expenses of the board which are not chargeable to a political 72
subdivision in accordance with this section shall be paid in the 73
same manner as other county expenses are paid. 74

(C) The compensation of precinct election officials and 75
intermittent employees in the board's offices; the cost of 76
renting, moving, heating, and lighting polling places and of 77
placing and removing ballot boxes and other fixtures and 78

equipment thereof, including voting machines, marking devices, 79
and automatic tabulating equipment; the cost of printing and 80
delivering ballots, cards of instructions, registration lists 81
required under section 3503.23 of the Revised Code, and other 82
election supplies, including the supplies required to comply 83
with division (H) of section 3506.01 of the Revised Code; the 84
cost of contractors engaged by the board to prepare, program, 85
test, and operate voting machines, marking devices, and 86
automatic tabulating equipment; and all other expenses of 87
conducting primaries and elections in the odd-numbered years 88
shall be charged to the subdivisions in and for which such 89
primaries or elections are held. The charge for each primary or 90
general election in odd-numbered years for each subdivision 91
shall be determined in the following manner: first, the total 92
cost of all chargeable items used in conducting such elections 93
shall be ascertained; second, the total charge shall be divided 94
by the number of precincts participating in such election, in 95
order to fix the cost per precinct; third, the cost per precinct 96
shall be prorated by the board of elections to the subdivisions 97
conducting elections for the nomination or election of offices 98
in such precinct; fourth, the total cost for each subdivision 99
shall be determined by adding the charges prorated to it in each 100
precinct within the subdivision. 101

(D) The entire cost of special elections held on a day 102
other than the day of a primary or general election, both in 103
odd-numbered or in even-numbered years, shall be charged to the 104
subdivision. Where a special election is held on the same day as 105
a primary or general election in an even-numbered year, the 106
subdivision submitting the special election shall be charged 107
only for the cost of ballots and advertising. Where a special 108
election is held on the same day as a primary or general 109

election in an odd-numbered year, the subdivision submitting the 110
special election shall be charged for the cost of ballots and 111
advertising for such special election, in addition to the 112
charges prorated to such subdivision for the election or 113
nomination of candidates in each precinct within the 114
subdivision, as set forth in the preceding paragraph. 115

(E) Where a special election is held on the day specified 116
by division (E) of section 3501.01 of the Revised Code for the 117
holding of a primary election, for the purpose of submitting to 118
the voters of the state constitutional amendments proposed by 119
the general assembly, and a subdivision conducts a special 120
election on the same day, the entire cost of the special 121
election shall be divided proportionally between the state and 122
the subdivision based upon a ratio determined by the number of 123
issues placed on the ballot by each, except as otherwise 124
provided in division (G) of this section. Such proportional 125
division of cost shall be made only to the extent funds are 126
available for such purpose from amounts appropriated by the 127
general assembly to the secretary of state. If a primary 128
election is also being conducted in the subdivision, the costs 129
shall be apportioned as otherwise provided in this section. 130

(F) When a precinct is open during a general, primary, or 131
special election solely for the purpose of submitting to the 132
voters a statewide ballot issue, the state shall bear the entire 133
cost of the election in that precinct and shall reimburse the 134
county for all expenses incurred in opening the precinct. 135

(G) (1) The state shall bear the entire cost of advertising 136
in newspapers statewide ballot issues, explanations of those 137
issues, and arguments for or against those issues, as required 138
by Section 1g of Article II and Section 1 of Article XVI, Ohio 139

Constitution, and any other section of law. Appropriations made 140
to the controlling board shall be used to reimburse the 141
secretary of state for all expenses the secretary of state 142
incurs for such advertising under division (G) of section 143
3505.062 of the Revised Code. 144

(2) There is hereby created in the state treasury the 145
statewide ballot advertising fund. The fund shall receive 146
transfers approved by the controlling board, and shall be used 147
by the secretary of state to pay the costs of advertising state 148
ballot issues as required under division (G)(1) of this section. 149
Any such transfers may be requested from and approved by the 150
controlling board prior to placing the advertising, in order to 151
facilitate timely provision of the required advertising. 152

(H) The cost of renting, heating, and lighting 153
registration places; the cost of the necessary books, forms, and 154
supplies for the conduct of registration; and the cost of 155
printing and posting precinct registration lists shall be 156
charged to the subdivision in which such registration is held. 157

(I) At the request of a majority of the members of the 158
board of elections, the board of county commissioners may, by 159
resolution, establish an elections revenue fund. Except as 160
otherwise provided in this division, the purpose of the fund 161
shall be to accumulate revenue withheld by or paid to the county 162
under this section for the payment of any expense related to the 163
duties of the board of elections specified in section 3501.11 of 164
the Revised Code, upon approval of a majority of the members of 165
the board of elections. The fund shall not accumulate any 166
revenue withheld by or paid to the county under this section for 167
the compensation of the members of the board of elections or of 168
the director, deputy director, or other regular employees in the 169

board's offices, other than compensation for overtime worked. 170

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of 171
the Revised Code, the board of county commissioners may, by 172
resolution, transfer money to the elections revenue fund from 173
any other fund of the political subdivision from which such 174
payments lawfully may be made. Following an affirmative vote of 175
a majority of the members of the board of elections, the board 176
of county commissioners may, by resolution, rescind an elections 177
revenue fund established under this division. If an elections 178
revenue fund is rescinded, money that has accumulated in the 179
fund shall be transferred to the county general fund. 180

(J) (1) Not less than fifteen business days before the 181
deadline for submitting a question or issue for placement on the 182
ballot at a special election, the board of elections shall 183
prepare and file with the board of county commissioners and the 184
office of the secretary of state the estimated cost, based on 185
the factors enumerated in this section, for preparing for and 186
conducting an election on one question or issue, one nomination 187
for office, or one election to office in each precinct in the 188
county at that special election and shall divide that cost by 189
the number of registered voters in the county. 190

(2) The board of elections shall provide to a political 191
subdivision seeking to submit a question or issue, a nomination 192
for office, or an election to office for placement on the ballot 193
at a special election with the estimated cost for preparing for 194
and conducting that election, which shall be calculated either 195
by multiplying the number of registered voters in the political 196
subdivision with the cost calculated under division (J) (1) of 197
this section or by multiplying the cost per precinct with the 198
number or precincts in the political subdivision. A political 199

subdivision submitting a question or issue, a nomination for 200
office, or an election to office for placement on the ballot at 201
that special election shall pay to the county elections revenue 202
fund sixty-five per cent of the estimated cost of the election 203
not less than ten business days after the deadline for 204
submitting a question or issue for placement on the ballot for 205
that special election. 206

(3) Not later than sixty days after the date of a special 207
election, the board of elections shall provide to each political 208
subdivision the true and accurate cost for the question or 209
issue, nomination for office, or election to office that the 210
subdivision submitted to the voters on the special election 211
ballots. If the board of elections determines that a subdivision 212
paid less for the cost of preparing and conducting a special 213
election under division (J) (2) of this section than the actual 214
cost calculated under this division, the subdivision shall remit 215
to the county elections revenue fund the difference between the 216
payment made under division (J) (2) of this section and the final 217
cost calculated under this division within thirty days after 218
being notified of the final cost. If the board of elections 219
determines that a subdivision paid more for the cost of 220
preparing and conducting a special election under division (J) 221
(2) of this section than the actual cost calculated under this 222
division, the board of elections promptly shall notify the board 223
of county commissioners of that difference. The board of county 224
commissioners shall remit from the county elections revenue fund 225
to the political subdivision the difference between the payment 226
made under division (J) (2) of this section and the final cost 227
calculated under this division within thirty days after 228
receiving that notification. 229

(K) (1) Prior to the day of an election, the board of 230

elections shall prepare and file with the office of the 231
secretary of state an estimate of the hourly cost of keeping a 232
polling place in the county open after the time for the closing 233
of the polls pursuant to a court order issued under section 234
3501.321 of the Revised Code. The estimate shall include the 235
cost of compensating the precinct election officials who are 236
assigned to a polling place at the rate specified in division 237
(H) of section 3501.28 of the Revised Code. The secretary of 238
state shall make the estimate available on the secretary of 239
state's official web site not later than the time for the 240
opening of the polls on the day of the election. 241

(2) Upon receiving a payment under division (D) (3) of 242
section 3501.321 of the Revised Code to pay the cost of 243
complying with a court order issued under that section, the 244
board of elections shall calculate the portion paid by the 245
state, the county, and each political subdivision, as 246
applicable, of the total cost incurred as a result of keeping 247
the relevant polling places open under the terms of the order. 248
The board then shall refund to the state, the county, and each 249
political subdivision the amount it paid toward the total cost. 250
If the payment received under division (D) (3) of section 251
3501.321 of the Revised Code is less than the total cost, the 252
board shall divide the amount of the payment by the total cost, 253
multiply the quotient by the amount the state, the county, and 254
each political subdivision paid toward the total cost, and pay 255
the resulting amount to the state, the county, and each 256
political subdivision, as applicable. 257

(L) As used in this section: 258

(1) "Political subdivision" and "subdivision" mean any 259
board of county commissioners, board of township trustees, 260

legislative authority of a municipal corporation, board of 261
education, or any other board, commission, district, or 262
authority that is empowered to levy taxes or permitted to 263
receive the proceeds of a tax levy, regardless of whether the 264
entity receives tax settlement moneys as described in division 265
(A) of this section; 266

(2) "Statewide ballot issue" means any ballot issue, 267
whether proposed by the general assembly or by initiative or 268
referendum, that is submitted to the voters throughout the 269
state. 270

Sec. 3501.28. (A) As used in this section: 271

(1) "Fair Labor Standards Act" or "Act" means the "Fair 272
Labor Standards Act of 1938," 52 Stat. 1062, 29 U.S.C.A. 201, as 273
amended. 274

(2) "Full election day" means the period of time between 275
the opening of the polls and the completion of the procedures 276
contained in section 3501.26 of the Revised Code. 277

(3) "Services" means services at each general, primary, or 278
special election. 279

(B) ~~Beginning~~ Except as otherwise provided in division (H) 280
of this section, beginning with calendar year 2004, each 281
precinct election official in a county shall be paid for the 282
official's services at the same hourly rate, which shall be not 283
less than the minimum hourly rate established by the Fair Labor 284
Standards Act and not more than ninety-five dollars per diem. 285

(C) The secretary of state shall establish, by rule 286
adopted under section 111.15 of the Revised Code, the maximum 287
amount of per diem compensation that may be paid to precinct 288
election officials under this section each time the Fair Labor 289

Standards Act is amended to increase the minimum hourly rate 290
established by the act. Upon learning of such an increase, the 291
secretary of state shall determine by what percentage the 292
minimum hourly rate has been increased under the act and 293
establish a new maximum amount of per diem compensation that 294
precinct election officials may be paid under this section that 295
is increased by the same percentage that the minimum hourly rate 296
has been increased under the act. 297

(D) (1) (a) No board of elections shall increase the pay of 298
a precinct election official under this section during a 299
calendar year unless the board has given written notice of the 300
proposed increase to the board of county commissioners not later 301
than the first day of October of the preceding calendar year. 302

(b) Except as otherwise provided in division (D) (2) of 303
this section, a board of elections may increase the pay of a 304
precinct election official during a calendar year by up to, but 305
not exceeding, nine per cent over the compensation paid to a 306
precinct election official in the county where the board is 307
located during the previous calendar year, if the compensation 308
so paid during the previous calendar year was eighty-five 309
dollars or less per diem. 310

(c) Except as otherwise provided in division (D) (2) of 311
this section, a board of elections may increase the pay of a 312
precinct election official during a calendar year by up to, but 313
not exceeding, four and one-half per cent over the compensation 314
paid to a precinct election official in the county where the 315
board is located during the previous calendar year, if the 316
compensation so paid during the previous calendar year was more 317
than eighty-five but less than ninety-five dollars per diem. 318

(2) The board of county commissioners may review and 319

comment upon a proposed increase and may enter into a written 320
agreement with a board of elections to permit an increase in the 321
compensation paid to precinct election officials for their 322
services during a calendar year that is greater than the 323
applicable percentage limitation described in division (E) (1) (b) 324
or (c) of this section. 325

(E) ~~No~~ Except as otherwise provided in division (H) of 326
this section, no precinct election official who works less than 327
the full election day shall be paid the maximum amount allowed 328
under this section or the maximum amount as set by the board of 329
elections, whichever is less. 330

(F) (1) Except as otherwise provided in divisions (F) (4) to 331
(6) of this section, any employee of the state or of any 332
political subdivision of the state may serve as a precinct 333
election official on the day of an election without loss of the 334
employee's regular compensation for that day as follows: 335

(a) For employees of a county office, department, 336
commission, board, or other entity, or of a court of common 337
pleas, county court, or county-operated municipal court, as 338
defined in section 1901.03 of the Revised Code, the employee's 339
appointing authority may permit leave with pay for this service 340
in accordance with a resolution setting forth the terms and 341
conditions for that leave passed by the board of county 342
commissioners. 343

(b) For all other employees of a political subdivision of 344
the state, leave with pay for this service shall be subject to 345
the terms and conditions set forth in an ordinance or a 346
resolution passed by the legislative authority of the applicable 347
political subdivision. 348

(c) For state employees, leave with pay for this service 349
shall be subject to the terms and conditions set forth by the 350
head of the state agency, as defined in section 1.60 of the 351
Revised Code, by which the person is employed. 352

(2) Any terms and conditions set forth by a board of 353
county commissioners, legislative authority of a political 354
subdivision, or head of a state agency under division (G) (1) of 355
this section shall include a standard procedure for deciding 356
which employees are permitted to receive leave with pay if 357
multiple employees of an entity or court described in division 358
(G) (1) (a) of this section, of an entity of a political 359
subdivision described in division (G) (1) (b) of this section, or 360
of a state agency as defined in section 1.60 of the Revised Code 361
apply to serve as a precinct election official on the day of an 362
election. This procedure shall be applied uniformly to all 363
similarly situated employees. 364

(3) Any employee who is eligible for leave with pay under 365
division (G) (1) of this section shall receive, in addition to 366
the employee's regular compensation, the compensation paid to 367
the precinct election official under division (B) or (C) of this 368
section. 369

(4) Division (F) (1) of this section does not apply to 370
either of the following: 371

(a) Election officials; 372

(b) Public school teachers. 373

(5) Nothing in division (F) (1) of this section supersedes 374
or negates any provision of a collective bargaining agreement in 375
effect under Chapter 4117. of the Revised Code. 376

(6) If a board of county commissioners, legislative 377

authority of a political subdivision, or head of a state agency 378
fails to set forth any terms and conditions under division (F) 379
(1) of this section, an employee of an entity or court described 380
in division (F) (1) (a) of this section, of an entity of a 381
political subdivision described in division (F) (1) (b) of this 382
section, or of a state agency as defined in section 1.60 of the 383
Revised Code may use personal leave, vacation leave, or 384
compensatory time, or take unpaid leave, to serve as a precinct 385
election official on the day of an election. 386

(G) The board of elections may withhold the compensation 387
of any precinct election official for failure to obey the 388
instructions of the board or to comply with the law relating to 389
the duties of a precinct election official. Any payment a 390
precinct election official is entitled to receive under section 391
3501.36 of the Revised Code is in addition to the compensation 392
the official is entitled to receive under this section. 393

(H) (1) A precinct election official who works in a polling 394
place after the time for the closing of the polls, as specified 395
in section 3501.32 of the Revised Code, as a result of a court 396
order to keep the polling place open after that time shall be 397
compensated at a rate of twenty-two dollars and fifty cents per 398
hour for the period worked as a result of the court order. 399

(2) Beginning with the year 2017, in January of each year, 400
the secretary of state shall adjust the compensation rate 401
specified in division (H) (1) of this section according to the 402
percentage change in the Consumer Price Index over the previous 403
calendar year and shall publish that rate on the secretary of 404
state's official web site. As used in this division, "Consumer 405
Price Index" means the Consumer Price Index for All Urban 406
Consumers or its successive equivalent, as determined by the 407

United States department of labor, bureau of labor statistics, 408
or its successor in responsibility, for all items, Series A. 409

Sec. 3501.32. (A) Except as otherwise provided in division 410
(B) of this section and in section 3501.321 of the Revised Code, 411
on the day of the election the polls shall be opened by 412
proclamation by the voting location manager, or in the manager's 413
absence by a voting location manager chosen by the precinct 414
election officials, at six-thirty a.m. and shall be closed by 415
proclamation at seven-thirty p.m. unless there are voters 416
waiting in line to cast their ballots, in which case the polls 417
shall be kept open until such waiting voters have voted. 418

(B) On the day of the election, any polling place located 419
on an island not connected to the mainland by a highway or a 420
bridge may close earlier than seven-thirty p.m. if all 421
registered voters in the precinct have voted. When a polling 422
place closes under division (B) of this section the voting 423
location manager shall immediately notify the board of elections 424
of the closing. 425

Sec. 3501.321. (A) A person who seeks an order that one or 426
more polling places in a county remain open past the time for 427
the closing of the polls, as specified in section 3501.32 of the 428
Revised Code, may file a petition in the court of common pleas 429
of that county. Upon filing the petition, the petitioner shall 430
serve notice of the petition upon the secretary of state and the 431
attorney general. 432

(B) (1) Upon the filing of a petition under division (A) of 433
this section, the court may issue the order only if all of the 434
following are true: 435

(a) The petitioner has served notice of the petition upon 436

the secretary of state and the attorney general. 437

(b) The court has afforded the secretary of state or the 438
secretary of state's designee and the attorney general or the 439
attorney general's designee an opportunity to be heard in the 440
case. 441

(c) The petitioner has proved by clear and convincing 442
evidence that no prospect of a fair election exists in the 443
absence of the order. 444

(d) The court's decision is based solely on testimonial 445
evidence submitted under oath or affirmation and on physical 446
evidence, if physical evidence has been submitted to the court. 447
The court shall not consider evidence gathered from a media 448
report that is not submitted under oath or affirmation and shall 449
not consider hearsay, as defined under the Rules of Evidence. 450

(2) (a) Except as otherwise provided in division (B) (2) (b) 451
of this section, a court order issued under division (B) (1) of 452
this section shall not become effective until the petitioner has 453
posted with the clerk of the court a bond in an amount 454
determined by the court in accordance with Civil Rule 65. In 455
determining that amount, the court shall consider the cost of 456
keeping the relevant polling places open for the requested 457
period of time, as estimated by the board of elections in 458
accordance with division (K) (1) of section 3501.17 of the 459
Revised Code. Except as provided in division (B) (2) (b) of this 460
section, in no case shall the court waive the requirement of 461
posting a bond. 462

(b) If the court determines that the petitioner is 463
indigent, the court shall waive the bond described in division 464
(B) (2) (a) of this section. If the court waives the bond under 465

this division, the order shall permit the petitioner or 466
petitioners personally to vote in the election after the time 467
for the closing of the polls but shall not permit any person who 468
is not a petitioner in the case to vote in the election after 469
the time for the closing of the polls. 470

(C) (1) If a court of common pleas issues an order granting 471
a petition filed under division (A) of this section, that order 472
is subject to immediate appeal to the special election day panel 473
of the court of appeals of the district in which the court of 474
common pleas is located. If such an appeal is filed, the order 475
shall be stayed pending the decision of the panel. The panel 476
shall decide the appeal immediately, without briefing, based on 477
oral arguments and on the evidence submitted to the court of 478
common pleas. The decision of the panel shall be subject to 479
appeal in the same manner as any other decision of the court. 480

(2) If a court of common pleas issues an order denying a 481
petition filed under division (A) of this section, that order is 482
not subject to immediate appeal to the special election day 483
panel of the court of appeals, but is subject to appeal in the 484
same manner as any other decision of the court. 485

(D) (1) If an order to keep one or more polling places open 486
past the time for the closing of the polls, as specified in 487
section 3501.32 of the Revised Code, is not enforced because it 488
is reversed on appeal under division (C) (1) of this section, the 489
court of common pleas shall order the clerk to return any bond 490
posted under division (B) (2) of this section to the petitioner. 491

(2) If one or more polling places remain open past the 492
time for the closing of the polls, as specified in section 493
3501.32 of the Revised Code, as a result of a court order and a 494
court of competent jurisdiction does not subsequently enter an 495

unappealed final order that the ballots cast during that time 496
are not eligible to be counted, the court of common pleas shall 497
order the clerk to return any bond posted under division (B) (2) 498
of this section to the petitioner. 499

(3) (a) If one or more polling places remain open past the 500
time for the closing of the polls, as specified in section 501
3501.32 of the Revised Code, as a result of a court order, a 502
court of competent jurisdiction subsequently enters an 503
unappealed final order that the ballots cast during that time 504
are not eligible to be counted, and a bond was posted under 505
division (B) (2) of this section, the court of common pleas may 506
order that the bond be forfeited to the board of elections, up 507
to the amount of the total cost the board incurred as a result 508
of keeping the relevant polling places open under the terms of 509
the order. 510

(b) If one or more polling places remain open past the 511
time for the closing of the polls, as specified in section 512
3501.32 of the Revised Code, as a result of a court order, a 513
court of competent jurisdiction subsequently enters an 514
unappealed final order that the ballots cast during that time 515
are not eligible to be counted, and the bond posted under 516
division (B) (2) of this section is less than the total cost the 517
board incurred as a result of keeping the relevant polling 518
places open under the terms of the order, the court may order 519
the petitioner to pay the board of elections the amount 520
necessary to cover that total cost. 521

Sec. 3501.40. During the period beginning on the fiftieth 522
day before the day of an election and ending on the day before 523
the day of that election, a person who files an action described 524
in division (B) (1) of Section 2 or division (B) (1) of Section 3 525

of Article IV, Ohio Constitution, seeking an order to modify the 526
laws or procedures that the secretary of state or a board of 527
elections will follow in administering that election, shall file 528
that action in the supreme court of Ohio or in the appropriate 529
court of appeals. 530

Sec. 3505.18. (A) (1) When an elector appears in a polling 531
place to vote, the elector shall announce to the precinct 532
election officials the elector's full name and current address 533
and provide proof of the elector's identity in the form of a 534
current and valid photo identification, a military 535
identification, or a copy of a current utility bill, bank 536
statement, government check, paycheck, or other government 537
document, other than a notice of voter registration mailed by a 538
board of elections under section 3503.19 of the Revised Code, 539
that shows the name and current address of the elector. 540

(2) If an elector does not have or is unable to provide to 541
the precinct election officials any of the forms of 542
identification required under division (A) (1) of this section, 543
the elector may cast a provisional ballot under section 3505.181 544
of the Revised Code and do either of the following: 545

(a) Write the elector's driver's license or state 546
identification card number or the last four digits of the 547
elector's social security number on the provisional ballot 548
envelope; or 549

(b) Appear at the office of the board of elections not 550
later than the seventh day after the day of the election and 551
provide the identification required under division (A) (1) of 552
this section, the elector's driver's license or state 553
identification card number, or the last four digits of the 554
elector's social security number. 555

(B) After the elector has announced the elector's full 556
name and current address and provided any of the forms of 557
identification required under division (A)(1) of this section, 558
the elector shall write the elector's name and address at the 559
proper place in the poll list or signature pollbook provided for 560
the purpose, except that if, for any reason, an elector is 561
unable to write the elector's name and current address in the 562
poll list or signature pollbook, the elector may make the 563
elector's mark at the place intended for the elector's name, and 564
a precinct election official shall write the name of the elector 565
at the proper place on the poll list or signature pollbook 566
following the elector's mark. The making of such a mark shall be 567
attested by the precinct election official, who shall evidence 568
the same by signing the precinct election official's name on the 569
poll list or signature pollbook as a witness to the mark. 570
Alternatively, if applicable, an attorney in fact acting 571
pursuant to section 3501.382 of the Revised Code may sign the 572
elector's signature in the poll list or signature pollbook in 573
accordance with that section. 574

The elector's signature in the poll list or signature 575
pollbook then shall be compared with the elector's signature on 576
the elector's registration form or a digitized signature list as 577
provided for in section 3503.13 of the Revised Code, and if, in 578
the opinion of a majority of the precinct election officials, 579
the signatures are the signatures of the same person, the 580
election officials shall enter the date of the election on the 581
registration form or shall record the date by other means 582
prescribed by the secretary of state. The validity of an 583
attorney in fact's signature on behalf of an elector shall be 584
determined in accordance with section 3501.382 of the Revised 585
Code. 586

If Except as otherwise provided in division (C) of this 587
section, if the right of the elector to vote is not then 588
challenged, or, if being challenged, the elector establishes the 589
elector's right to vote, the elector shall be allowed to proceed 590
to use the voting machine. If voting machines are not being used 591
in that precinct, the precinct election official in charge of 592
ballots shall then detach the next ballots to be issued to the 593
elector from Stub B attached to each ballot, leaving Stub A 594
attached to each ballot, hand the ballots to the elector, and 595
call the elector's name and the stub number on each of the 596
ballots. The precinct election official shall enter the stub 597
numbers opposite the signature of the elector in the pollbook. 598
The elector shall then retire to one of the voting compartments 599
to mark the elector's ballots. No mark shall be made on any 600
ballot which would in any way enable any person to identify the 601
person who voted the ballot. 602

(C) An elector who appears in a polling place to vote 603
after the time for the closing of the polls pursuant to a court 604
order shall cast a provisional ballot under section 3505.181 of 605
the Revised Code. 606

Sec. 3505.181. (A) All of the following individuals shall 607
be permitted to cast a provisional ballot at an election: 608

(1) An individual who declares that the individual is a 609
registered voter in the precinct in which the individual desires 610
to vote and that the individual is eligible to vote in an 611
election, but the name of the individual does not appear on the 612
official list of eligible voters for the precinct or an election 613
official asserts that the individual is not eligible to vote; 614

(2) An individual who does not have or is unable to 615
provide to the election officials any of the forms of 616

identification required under division (A) (1) of section 3505.18 617
of the Revised Code; 618

(3) An individual whose name in the poll list or signature 619
pollbook has been marked under section 3509.09 or 3511.13 of the 620
Revised Code as having requested an absent voter's ballot or a 621
uniformed services or overseas absent voter's ballot for that 622
election and who appears to vote at the polling place; 623

(4) An individual whose notification of registration has 624
been returned undelivered to the board of elections and whose 625
name in the official registration list and in the poll list or 626
signature pollbook has been marked under division (C) (2) of 627
section 3503.19 of the Revised Code; 628

(5) An individual who has been successfully challenged 629
under section 3505.20 or 3513.20 of the Revised Code or whose 630
application or challenge hearing has been postponed until after 631
the day of the election under division (D) (1) of section 3503.24 632
of the Revised Code; 633

(6) An individual who changes the individual's name and 634
remains within the precinct without providing proof of that name 635
change under division (B) (1) (b) of section 3503.16 of the 636
Revised Code, moves from one precinct to another within a 637
county, moves from one precinct to another and changes the 638
individual's name, or moves from one county to another within 639
the state, and completes and signs the required forms and 640
statements under division (B) or (C) of section 3503.16 of the 641
Revised Code; 642

(7) An individual whose signature, in the opinion of the 643
precinct officers under section 3505.22 of the Revised Code, is 644
not that of the person who signed that name in the registration 645

forms; 646

(8) An individual who appears in a polling place to vote 647
after the time for the closing of the polls pursuant to a court 648
order. 649

(B) An individual who is eligible to cast a provisional 650
ballot under division (A) of this section shall be permitted to 651
cast a provisional ballot as follows: 652

(1) An election official at the polling place shall notify 653
the individual that the individual may cast a provisional ballot 654
in that election. 655

(2) Except as otherwise provided in division (F) of this 656
section, the individual shall complete and execute a written 657
affirmation before an election official at the polling place 658
stating that the individual is both of the following: 659

(a) A registered voter in the precinct in which the 660
individual desires to vote; 661

(b) Eligible to vote in that election. 662

(3) An election official at the polling place shall 663
transmit the ballot cast by the individual and the voter 664
information contained in the written affirmation executed by the 665
individual under division (B) (2) of this section to an 666
appropriate local election official for verification under 667
division (B) (4) of this section. 668

(4) If the appropriate local election official to whom the 669
ballot or voter or address information is transmitted under 670
division (B) (3) of this section determines that the individual 671
is eligible to vote, the individual's provisional ballot shall 672
be counted as a vote in that election. 673

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

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

The appropriate state or local election official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under this division. The system shall permit an individual only to gain access to information about the individual's own provisional ballot.

(6) If, at the time that an individual casts a provisional ballot, the individual provides identification in the form of 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 704
board of elections under section 3503.19 of the Revised Code, 705
that shows the individual's name and current address, or 706
provides the individual's driver's license or state 707
identification card number or the last four digits of the 708
individual's social security number, the individual shall record 709
the type of identification provided or the driver's license, 710
state identification card, or social security number information 711
and include that information on the provisional ballot 712
affirmation under division (B) (3) of this section. 713

(7) During the seven days after the day of an election, an 714
individual who casts a provisional ballot because the individual 715
does not have or is unable to provide to the election officials 716
any of the required forms of identification or because the 717
individual has been successfully challenged under section 718
3505.20 of the Revised Code shall appear at the office of the 719
board of elections and provide to the board any additional 720
information necessary to determine the eligibility of the 721
individual who cast the provisional ballot. 722

(a) For a provisional ballot cast by an individual who 723
does not have or is unable to provide to the election officials 724
any of the required forms of identification to be eligible to be 725
counted, the individual who cast that ballot, within seven days 726
after the day of the election, shall do either of the following: 727

(i) Provide to the board of elections proof of the 728
individual's identity in the form of a current and valid photo 729
identification, a military identification, or a copy of a 730
current utility bill, bank statement, government check, 731
paycheck, or other government document, other than a notice of 732
voter registration mailed by a board of elections under section 733

3503.19 of the Revised Code, that shows the individual's name 734
and current address; or 735

(ii) Provide to the board of elections the individual's 736
driver's license or state identification card number or the last 737
four digits of the individual's social security number. 738

(b) For a provisional ballot cast by an individual who has 739
been successfully challenged under section 3505.20 of the 740
Revised Code to be eligible to be counted, the individual who 741
cast that ballot, within seven days after the day of that 742
election, shall provide to the board of elections any 743
identification or other documentation required to be provided by 744
the applicable challenge questions asked of that individual 745
under section 3505.20 of the Revised Code. 746

(C)(1) If an individual declares that the individual is 747
eligible to vote in a precinct other than the precinct in which 748
the individual desires to vote, or if, upon review of the 749
precinct voting location guide using the residential street 750
address provided by the individual, an election official at the 751
precinct at which the individual desires to vote determines that 752
the individual is not eligible to vote in that precinct, the 753
election official shall direct the individual to the precinct 754
and polling place in which the individual appears to be eligible 755
to vote, explain that the individual may cast a provisional 756
ballot at the current location but the ballot or a portion of 757
the ballot will not be counted if it is cast in the wrong 758
precinct, and provide the telephone number of the board of 759
elections in case the individual has additional questions. 760

(2) If the individual refuses to travel to the correct 761
precinct or to the office of the board of elections to cast a 762
ballot, the individual shall be permitted to vote a provisional 763

ballot at that precinct in accordance with division (B) of this section. If 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:

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

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

(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;

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

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

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

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

(1) "Precinct voting location guide" means either of the following:

(a) An electronic or paper record that lists the correct precinct and polling place for either each specific residential

street address in the county or the range of residential street 792
addresses located in each neighborhood block in the county; 793

(b) Any other method that a board of elections creates 794
that allows a precinct election official or any elector who is 795
at a polling place in that county to determine the correct 796
precinct and polling place of any qualified elector who resides 797
in the county. 798

(2) "Voting information" means all of the following: 799

(a) A sample version of the ballot that will be used for 800
that election; 801

(b) Information regarding the date of the election and the 802
hours during which polling places will be open; 803

(c) Instructions on how to vote, including how to cast a 804
vote and how to cast a provisional ballot; 805

(d) Instructions for mail-in registrants and first-time 806
voters under applicable federal and state laws; 807

(e) General information on voting rights under applicable 808
federal and state laws, including information on the right of an 809
individual to cast a provisional ballot and instructions on how 810
to contact the appropriate officials if these rights are alleged 811
to have been violated; 812

(f) General information on federal and state laws 813
regarding prohibitions against acts of fraud and 814
misrepresentation. 815

(F) Nothing in this section or section 3505.183 of the 816
Revised Code is in derogation of section 3505.24 of the Revised 817
Code, which permits a blind, disabled, or illiterate elector to 818
receive assistance in the marking of the elector's ballot by two 819

precinct election officials of different political parties. A 820
blind, disabled, or illiterate elector may receive assistance in 821
marking that elector's provisional ballot and in completing the 822
required affirmation in the same manner as an elector may 823
receive assistance on the day of an election under that section. 824

Sec. 3505.183. (A) When the ballot boxes are delivered to 825
the board of elections from the precincts, the board shall 826
separate the provisional ballot envelopes from the rest of the 827
ballots. Teams of employees of the board consisting of one 828
member of each major political party shall place the sealed 829
provisional ballot envelopes in a secure location within the 830
office of the board. The sealed provisional ballot envelopes 831
shall remain in that secure location until the validity of those 832
ballots is determined under division (B) of this section. While 833
the provisional ballot is stored in that secure location, and 834
prior to the counting of the provisional ballots, if the board 835
receives information regarding the validity of a specific 836
provisional ballot under division (B) of this section, the board 837
may note, on the sealed provisional ballot envelope for that 838
ballot, whether the ballot is valid and entitled to be counted. 839

(B) (1) To determine whether a provisional ballot is valid 840
and entitled to be counted, the board shall examine its records 841
and determine whether the individual who cast the provisional 842
ballot is registered and eligible to vote in the applicable 843
election. The board shall examine the information contained in 844
the written affirmation executed by the individual who cast the 845
provisional ballot under division (B) (2) of section 3505.181 of 846
the Revised Code. The following information shall be included in 847
the written affirmation in order for the provisional ballot to 848
be eligible to be counted: 849

(a) The individual's printed name, signature, date of birth, and current address; 850
851

(b) A statement that the individual is a registered voter in the precinct in which the provisional ballot is being voted; 852
853

(c) A statement that the individual is eligible to vote in the election in which the provisional ballot is being voted. 854
855

(2) In addition to the information required to be included in an affirmation under division (B)(1) of this section, in determining whether a provisional ballot is valid and entitled to be counted, the board also shall examine any additional information for determining ballot validity provided by the provisional voter on the affirmation, provided by the provisional voter to an election official under section 3505.182 of the Revised Code, ~~or~~ provided to the board of elections during the seven days after the day of the election under division (B)(7) of section 3505.181 of the Revised Code, or provided to the board of elections by a court concerning any order to keep the polls open past the time for the closing of the polls, to assist the board in determining the individual's eligibility to vote. 856
857
858
859
860
861
862
863
864
865
866
867
868
869

(3) If, in examining a provisional ballot affirmation and additional information under divisions (B)(1) and (2) of this section and comparing the information required under division (B)(1) of this section with the elector's information in the statewide voter registration database, the board determines that all of the following apply, the provisional ballot envelope shall be opened, and the ballot shall be placed in a ballot box to be counted: 870
871
872
873
874
875
876
877

(a) The individual named on the affirmation is properly 878

registered to vote. 879

(b) The individual named on the affirmation is eligible to 880
cast a ballot in the precinct and for the election in which the 881
individual cast the provisional ballot. 882

(c) The individual provided all of the information 883
required under division (B) (1) of this section in the 884
affirmation that the individual executed at the time the 885
individual cast the provisional ballot. 886

(d) The last four digits of the elector's social security 887
number or the elector's driver's license number or state 888
identification card number are not different from the last four 889
digits of the elector's social security number or the elector's 890
driver's license number or state identification card number 891
contained in the statewide voter registration database. 892

(e) Except as otherwise provided in this division, the 893
month and day of the elector's date of birth are not different 894
from the day and month of the elector's date of birth contained 895
in the statewide voter registration database. 896

This division does not apply to an elector's provisional 897
ballot if either of the following is true: 898

(i) The elector's date of birth contained in the statewide 899
voter registration database is January 1, 1800. 900

(ii) The board of elections has found, by a vote of at 901
least three of its members, that the elector has met all other 902
requirements of division (B) (3) of this section. 903

(f) The elector's current address is not different from 904
the elector's address contained in the statewide voter 905
registration database, unless the elector indicated that the 906

elector is casting a provisional ballot because the elector has moved and has not submitted a notice of change of address, as described in division (A) (6) of section 3505.181 of the Revised Code.

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

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

(i) If the individual cast the provisional ballot after the time for the closing of the polls pursuant to a court order, a court of competent jurisdiction has not subsequently entered an unappealed final order that the ballots cast during that time are not eligible to be counted.

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

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

(ii) The individual named on the affirmation is not

eligible to cast a ballot in the precinct or for the election in 936
which the individual cast the provisional ballot. 937

(iii) The individual did not provide all of the 938
information required under division (B)(1) of this section in 939
the affirmation that the individual executed at the time the 940
individual cast the provisional ballot. 941

(iv) The individual has already cast a ballot for the 942
election in which the individual cast the provisional ballot. 943

(v) If applicable, the individual did not provide any 944
additional information required under division (B)(7) of section 945
3505.181 of the Revised Code within seven days after the day of 946
the election. 947

(vi) If applicable, the hearing conducted under division 948
(B) of section 3503.24 of the Revised Code after the day of the 949
election did not result in the individual's inclusion in the 950
official registration list. 951

(vii) The individual failed to provide a current and valid 952
photo identification, a military identification, a copy of a 953
current utility bill, bank statement, government check, 954
paycheck, or other government document, other than a notice of 955
voter registration mailed by a board of elections under section 956
3503.19 of the Revised Code, with the voter's name and current 957
address, the individual's driver's license or state 958
identification card number, or the last four digits of the 959
individual's social security number or to execute an affirmation 960
under division (B) of section 3505.181 of the Revised Code. 961

(viii) The last four digits of the elector's social 962
security number or the elector's driver's license number or 963
state identification card number are different from the last 964

four digits of the elector's social security number or the 965
elector's driver's license number or state identification card 966
number contained in the statewide voter registration database. 967

(ix) Except as otherwise provided in this division, the 968
month and day of the elector's date of birth are different from 969
the day and month of the elector's date of birth contained in 970
the statewide voter registration database. 971

This division does not apply to an elector's provisional 972
ballot if either of the following is true: 973

(I) The elector's date of birth contained in the statewide 974
voter registration database is January 1, 1800. 975

(II) The board of elections has found, by a vote of at 976
least three of its members, that the elector has met all of the 977
requirements of division (B) (3) of this section, other than the 978
requirements of division (B) (3) (e) of this section. 979

(x) The elector's current address is different from the 980
elector's address contained in the statewide voter registration 981
database, unless the elector indicated that the elector is 982
casting a provisional ballot because the elector has moved and 983
has not submitted a notice of change of address, as described in 984
division (A) (6) of section 3505.181 of the Revised Code. 985

(xi) If the individual cast the provisional ballot after 986
the time for the closing of the polls pursuant to a court order, 987
a court of competent jurisdiction has subsequently entered an 988
unappealed final order that the ballots cast during that time 989
are not eligible to be counted. 990

(b) If, in examining a provisional ballot affirmation and 991
additional information under divisions (B) (1) and (2) of this 992
section and comparing the information required under division 993

(B) (1) of this section with the elector's information in the 994
statewide voter registration database, the board is unable to 995
determine either of the following, the provisional ballot 996
envelope shall not be opened, and the ballot shall not be 997
counted: 998

(i) Whether the individual named on the affirmation is 999
qualified or properly registered to vote; 1000

(ii) Whether the individual named on the affirmation is 1001
eligible to cast a ballot in the precinct or for the election in 1002
which the individual cast the provisional ballot. 1003

(C) For each provisional ballot rejected under division 1004
(B) (4) of this section, the board shall record the name of the 1005
provisional voter who cast the ballot, the identification number 1006
of the provisional ballot envelope, the names of the election 1007
officials who determined the validity of that ballot, the date 1008
and time that the determination was made, and the reason that 1009
the ballot was not counted, unless the board has already 1010
recorded that information in another database. 1011

(D) (1) If an individual cast a provisional ballot in a 1012
precinct in which the individual is not registered and eligible 1013
to vote, but in the correct polling location for the precinct in 1014
which the individual is registered and eligible to vote, and the 1015
election official failed to direct the individual to the correct 1016
precinct, the individual's ballot shall be remade under division 1017
(D) (2) of this section. The election official shall be deemed to 1018
have directed the individual to the correct precinct if the 1019
election official correctly completed the form described in 1020
division (C) (2) of section 3505.181 of the Revised Code. 1021

(2) A board of elections that remakes a provisional ballot 1022

under division (D) (1) of this section shall remake the 1023
provisional ballot on a ballot for the appropriate precinct to 1024
reflect the offices, questions, and issues for which the 1025
individual was eligible to cast a ballot and for which the 1026
individual attempted to cast a provisional ballot. The remade 1027
ballot shall be counted for each office, question, and issue for 1028
which the individual was eligible to vote. 1029

(3) If an individual cast a provisional ballot in a 1030
precinct in which the individual is not registered and eligible 1031
to vote and in the incorrect polling location for the precinct 1032
in which the individual is registered and eligible to vote, the 1033
provisional ballot envelope shall not be opened, and the ballot 1034
shall not be counted. 1035

(E) Provisional ballots that are rejected under division 1036
(B) (4) of this section shall not be counted but shall be 1037
preserved in their provisional ballot envelopes unopened until 1038
the time provided by section 3505.31 of the Revised Code for the 1039
destruction of all other ballots used at the election for which 1040
ballots were provided, at which time they shall be destroyed. 1041

(F) Provisional ballots that the board determines are 1042
eligible to be counted under division (B) (3) or (D) of this 1043
section shall be counted in the same manner as provided for 1044
other ballots under section 3505.27 of the Revised Code. No 1045
provisional ballots shall be counted in a particular county 1046
until the board determines the eligibility to be counted of all 1047
provisional ballots cast in that county under division (B) of 1048
this section for that election. Observers, as provided in 1049
section 3505.21 of the Revised Code, may be present at all times 1050
that the board is determining the eligibility of provisional 1051
ballots to be counted and counting those provisional ballots 1052

determined to be eligible. No person shall recklessly disclose 1053
the count or any portion of the count of provisional ballots in 1054
such a manner as to jeopardize the secrecy of any individual 1055
ballot. 1056

(G) (1) Except as otherwise provided in ~~division~~divisions 1057
(G) (2) and (3) of this section, nothing in this section shall 1058
prevent a board of elections from examining provisional ballot 1059
affirmations and additional information under divisions (B) (1) 1060
and (2) of this section to determine the eligibility of 1061
provisional ballots to be counted during the ten days after the 1062
day of an election. 1063

(2) A board of elections shall not examine the provisional 1064
ballot affirmation and additional information under divisions 1065
(B) (1) and (2) of this section of any provisional ballot cast by 1066
an individual who must provide additional information to the 1067
board of elections under division (B) (7) of section 3505.181 of 1068
the Revised Code for the board to determine the individual's 1069
eligibility until the individual provides that information, 1070
until any hearing required to be conducted under section 3503.24 1071
of the Revised Code with regard to the provisional voter is 1072
held, or until the eleventh day after the day of the election, 1073
whichever is earlier. 1074

(3) A board of elections shall not examine the provisional 1075
ballot affirmation and additional information under divisions 1076
(B) (1) and (2) of this section of any provisional ballot cast by 1077
an individual after the time for the closing of the polls 1078
pursuant to a court order until the eleventh day after the day 1079
of the election. 1080

Section 2. That existing sections 3501.17, 3501.28, 1081
3501.32, 3505.18, 3505.181, and 3505.183 of the Revised Code are 1082

hereby repealed. 1083

Section 3. Section 3505.18 of the Revised Code is 1084
presented in this act as a composite of the section as amended 1085
by Sub. S.B. 47, Am. Sub. S.B. 109, and Sub. S.B. 216, all of 1086
the 130th General Assembly. The General Assembly, applying the 1087
principle stated in division (B) of section 1.52 of the Revised 1088
Code that amendments are to be harmonized if reasonably capable 1089
of simultaneous operation, finds that the composite is the 1090
resulting version of the section in effect prior to the 1091
effective date of the section as presented in this act. 1092