

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 637

Representative Clyde

Cosponsors: Representatives Antonio, Brown, Miller, West, Ramos

A BILL

To amend sections 111.42, 111.44, 149.43, 3503.011, 1
3503.10, 3503.11, 3503.18, 3503.21, and 3503.28 2
and to enact sections 3301.28 and 3503.192 of 3
the Revised Code to permit sixteen and seventeen 4
year olds to preregister to vote. 5

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

Section 1. That sections 111.42, 111.44, 149.43, 3503.011, 6
3503.10, 3503.11, 3503.18, 3503.21, and 3503.28 be amended and 7
sections 3301.28 and 3503.192 of the Revised Code be enacted to 8
read as follows: 9

Sec. 111.42. (A) A person to whom all of the following 10
applies may apply to the secretary of state with the assistance 11
of an application assistant to become a participant in the 12
address confidentiality program, in which an address designated 13
by the secretary of state serves as the person's address or the 14
address of the minor, incompetent, or ward on whose behalf the 15
person is applying: 16

(1) The applicant is an adult who is applying on behalf of 17
the person's self or is a parent or guardian applying on behalf 18

of a minor, incompetent, or ward. 19

(2) The applicant or the minor, incompetent, or ward, as 20
applicable, resides, works, or attends a school or an 21
institution of higher education in this state. 22

(3) The applicant or the minor, incompetent, or ward, as 23
applicable, is changing residence. 24

(4) The applicant fears for the safety of the applicant, a 25
member of the applicant's household, or the minor, incompetent, 26
or ward on whose behalf the application is made because the 27
applicant, household member, minor, incompetent, or ward is a 28
victim of domestic violence, menacing by stalking, human 29
trafficking, trafficking in persons, rape, or sexual battery. 30

(5) The applicant or the minor, incompetent, or ward, as 31
applicable, is not a tier I sex offender/child-victim offender, 32
a tier II sex offender/child-victim offender, or a tier III sex 33
offender/child-victim offender. 34

(B) An application to become a participant in the address 35
confidentiality program shall be made on a form prescribed by 36
the secretary of state and filed in the office of the secretary 37
of state in the manner prescribed by the secretary of state. The 38
application shall contain all of the following: 39

(1) A notarized statement by the applicant that the 40
applicant fears for the safety of the applicant, a member of the 41
applicant's household, or the minor, incompetent, or ward on 42
whose behalf the application is made because the applicant, 43
household member, minor, incompetent, or ward is a victim of 44
domestic violence, menacing by stalking, human trafficking, 45
trafficking in persons, rape, or sexual battery; 46

(2) A statement that the application assistant recommends 47

that the applicant or the minor, incompetent, or ward, as 48
applicable, participate in the address confidentiality program; 49

(3) A knowing and voluntary designation of the secretary 50
of state as the agent for the purposes of receiving service of 51
process and the receipt of mail; 52

(4) The mailing address and telephone number or numbers at 53
which the secretary of state may contact the applicant; 54

(5) The address or addresses of the applicant's residence, 55
school, institution of higher education, business, or place of 56
employment that the applicant requests not be disclosed for the 57
reason that disclosure will increase the risk that the 58
applicant, a member of the applicant's household, or the minor, 59
incompetent, or ward on whose behalf the application is made 60
will be threatened or physically harmed by another person; 61

(6) The signature of the applicant, the name and signature 62
of the application assistant who assisted the applicant, and the 63
date on which the applicant and the application assistant signed 64
the application; 65

(7) Except for a claim based on the performance or 66
nonperformance of a public duty that was manifestly outside the 67
scope of the officer's or employee's office or employment or in 68
which the officer or employee acted with malicious purpose, in 69
bad faith, or in a wanton or reckless manner, a voluntary 70
release and waiver of all future claims against the state for 71
any claim that may arise from participation in the address 72
confidentiality program. 73

(C) Upon receiving a properly completed application under 74
division (B) of this section, the secretary of state shall do 75
all of the following: 76

- (1) Certify the applicant or the minor, incompetent, or ward on whose behalf the application is filed as a program participant; 77
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- (2) Designate each eligible address listed in the application as a confidential address; 80
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- (3) Issue the program participant a unique program participant identification number; 82
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- (4) Issue the program participant an address confidentiality program authorization card, which shall be valid during the period that the program participant remains certified to participate in the address confidentiality program, and which shall include the address at which the program participant may receive mail through the office of the secretary of state; 84
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- (5) Provide information to the program participant concerning the manner in which the program participant may use the secretary of state as the program participant's agent for the purposes of receiving mail and receiving service of process and the types of mail that the secretary of state will forward to the program participant; 90
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- (6) Provide information to the program participant concerning the process to register to vote and to vote as a program participant, if the program participant is eligible to vote or to preregister to vote. 96
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- (D) A program participant shall update the person's application information, within thirty days after any change has occurred, by submitting a notice of change to the office of the secretary of state on a form prescribed by the secretary of state. The secretary of state may, with proper notice, cancel a program participant's certification if the participant is found 100
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to be unreachable for a period of sixty days or more. 106

(E) The certification of a program participant shall be 107
valid for four years after the date of the filing of the 108
application for the program participant unless the certification 109
is withdrawn or invalidated before the end of that four-year 110
period. 111

(F) (1) A program participant who continues to be eligible 112
to participate in the address confidentiality program may renew 113
the program participant's certification by submitting a renewal 114
application to the secretary of state with the assistance of an 115
application assistant. The renewal application shall be on a 116
form prescribed by the secretary of state and shall contain all 117
of the information described in division (B) of this section. 118

(2) The secretary of state may prescribe by rule a grace 119
period during which a program participant whose certification 120
has expired may renew the program participant's certification 121
without being considered to have ceased being a program 122
participant during that period. 123

(3) When a program participant renews the program 124
participant's certification, the program participant shall 125
continue to use the program participant's original program 126
participant identification number. 127

(G) A tier I sex offender/child-victim offender, a tier II 128
sex offender/child-victim offender, or a tier III sex 129
offender/child-victim offender is not eligible to participate in 130
the address confidentiality program described in sections 111.41 131
to 111.99 of the Revised Code. 132

Sec. 111.44. (A) A program participant who is eligible to 133
vote or to preregister to vote may apply to the board of 134

elections of the county in which the program participant resides 135
to request that the program participant's voter registration 136
record be kept confidential. The program participant shall 137
submit an application to the director of the board of elections, 138
on a form prescribed by the secretary of state, that includes 139
all of the following: 140

(1) The information required under section 3503.14 of the 141
Revised Code to register to vote; 142

(2) The program participant's program participant 143
identification number; 144

(3) If the program participant is currently registered to 145
vote at another address, the address at which the program 146
participant is registered to vote and a statement that, if the 147
program participant is registered in another county or state, 148
the program participant authorizes the director to instruct the 149
appropriate authority to cancel the program participant's 150
existing voter registration; 151

(4) A statement that the program participant understands 152
all of the following: 153

(a) That during the time the program participant chooses 154
to have a confidential voter registration record, the program 155
participant may vote only by absent voter's ballots; 156

(b) That the program participant may provide the program 157
participant's program participant identification number instead 158
of the program participant's residence address on an application 159
for absent voter's ballots or on an absent voter's ballot 160
identification envelope statement of voter; 161

(c) That casting any ballot in person will reveal the 162
program participant's precinct and residence address to precinct 163

election officials and employees of the board of elections and 164
may reveal the program participant's precinct or residence 165
address to members of the public; 166

(d) That if the program participant signs an election 167
petition, the program participant's residence address will be 168
made available to the public. 169

(B) (1) A program participant who is not currently 170
registered to vote in this state must submit an application 171
under this section not later than the thirtieth day before the 172
day of an election in order to be eligible to vote in that 173
election, as provided in sections 3503.01 and 3503.19 of the 174
Revised Code. 175

(2) A program participant who is currently registered or 176
preregistered to vote in this state may submit an application 177
under this section at any time to request that the program 178
participant's voter registration record be kept confidential. 179

(C) Upon the receipt by the director of the board of 180
elections of a valid application under division (A) of this 181
section, all of the following shall apply: 182

(1) The director or the deputy director shall contact the 183
secretary of state to confirm that the program participant 184
identification number provided on the application matches the 185
number the secretary of state issued to the program participant. 186

(2) The application shall be treated as the program 187
participant's voter registration form. The form shall be stored 188
in a secure manner, such that only the members of the board of 189
elections, the director, and the deputy director have access to 190
the form and to the residence address contained in the form. 191

(3) ~~The~~ Upon registering the program participant, the 192

director or the deputy director shall record the program 193
participant's program participant identification number in the 194
statewide voter registration database and the official 195
registration list instead of the program participant's residence 196
address and precinct. 197

(4) If the program participant is currently registered to 198
vote in the county, the director or the deputy director shall do 199
all of the following: 200

(a) Remove the residence address and precinct information 201
from the program participant's voter registration record, the 202
statewide voter registration database, and the official 203
registration list; 204

(b) Remove the program participant's name and registration 205
information from any pollbook, poll list, or signature pollbook 206
in which it appears and from any publicly available registration 207
list in which it appears. 208

(5) If the program participant is currently registered to 209
vote in another county, the director or the deputy director 210
shall notify the board of elections of the county in which the 211
program participant is registered to cancel the program 212
participant's registration. 213

(6) If the program participant is currently registered to 214
vote in another state, the director or the deputy director shall 215
notify the appropriate authority in that state to cancel the 216
program participant's registration. 217

(7) The director or the deputy director shall promptly 218
send an acknowledgment notice to the program participant on a 219
form prescribed by the secretary of state. 220

(D) (1) (a) The residence address or precinct of a program 221

participant who has a confidential voter registration record, as 222
described in this section, shall not appear in the statewide 223
voter registration database or in the official registration 224
list. The program participant's program participant 225
identification number shall appear in place of that information. 226

(b) No information concerning the program participant, 227
including the program participant's name, shall be included in 228
any pollbook, poll list, or signature pollbook. 229

(c) No information concerning the program participant, 230
including the program participant's name, shall be included in 231
the version of the statewide voter registration database that is 232
available to the public or in any version of an official 233
registration list that is available to the public. 234

(2) Notwithstanding any contrary provision of the Revised 235
Code, a program participant who has a confidential voter 236
registration record may vote only by casting absent voter's 237
ballots. 238

(3) Not later than the forty-fifth day before the day of 239
an election, the secretary of state shall mail a notice to each 240
program participant who has a confidential voter registration 241
record. The notice shall inform the program participant of all 242
of the following: 243

(a) That if the program participant wishes to vote in the 244
election, the program participant should cast absent voter's 245
ballots by mail; 246

(b) The procedure for the program participant to cast 247
absent voter's ballots; 248

(c) That casting any ballot in person will reveal the 249
program participant's precinct and residence address to precinct 250

election officials and employees of the board of elections and 251
may reveal the program participant's precinct or residence 252
address to members of the public. 253

(E) (1) A program participant who has a confidential voter 254
registration record and who has had a change of name or change 255
of address may submit an application under division (A) of this 256
section that includes the program participant's updated 257
information. The director or the deputy director shall treat 258
that application as a notice of change of name or change of 259
address. 260

(2) If the program participant currently resides in that 261
county, the director or the deputy director shall replace the 262
program participant's existing registration form with the new 263
registration form. 264

(3) If the program participant currently resides in 265
another county in this state, the director or the deputy 266
director shall cancel the program participant's existing 267
registration form and shall transmit the program participant's 268
new registration form to the director of the board of elections 269
of the county in which the elector currently resides, and the 270
new registration form shall be processed in accordance with 271
division (C) of this section. 272

(F) A person who has a confidential voter registration 273
record and who ceases being a program participant or who wishes 274
to cease having a confidential voter registration record shall 275
submit an application, on a form prescribed by the secretary of 276
state, that includes all of the following: 277

(1) The information required under section 3503.14 of the 278
Revised Code to register to vote; 279

(2) The person's program participant identification number;	280 281
(3) A statement that the person has ceased being a program participant or that the person wishes to cease having a confidential voter registration record;	282 283 284
(4) A statement that the director should do one of the following:	285 286
(a) Treat the person's existing voter registration form in the same manner as other voter registration forms;	287 288
(b) Cancel the person's voter registration.	289
(G) (1) Upon receiving a valid application under division (F) of this section from a person who wishes the board of elections to treat the person's existing voter registration form in the same manner as other voter registration forms, or upon receiving a notice from the secretary of state under division (B) of section 111.45 of the Revised Code concerning a person who has a confidential voter registration record, the director or the deputy director shall do all of the following:	290 291 292 293 294 295 296 297
(a) Store the person's voter registration form in the same manner as other voter registration forms;	298 299
(b) Remove the person's program participant identification number from the person's registration form and from the statewide voter registration database;	300 301 302
(c) Ensure that the statewide voter registration database and any poll list, pollbook, or registration list accurately reflect the person's current name and registration information.	303 304 305
(2) Notwithstanding any contrary provision of section 3503.01 of the Revised Code, if the director receives an	306 307

application or notice described in division (G) (1) of this 308
section concerning an elector less than thirty days before the 309
day of an election, the elector shall be eligible to vote in 310
that election. 311

(H) Upon receiving a valid application under division (F) 312
of this section from a person who wishes to have the person's 313
voter registration canceled, the director or the deputy director 314
shall cancel the person's voter registration. 315

Sec. 149.43. (A) As used in this section: 316

(1) "Public record" means records kept by any public 317
office, including, but not limited to, state, county, city, 318
village, township, and school district units, and records 319
pertaining to the delivery of educational services by an 320
alternative school in this state kept by the nonprofit or for- 321
profit entity operating the alternative school pursuant to 322
section 3313.533 of the Revised Code. "Public record" does not 323
mean any of the following: 324

(a) Medical records; 325

(b) Records pertaining to probation and parole proceedings 326
or to proceedings related to the imposition of community control 327
sanctions and post-release control sanctions; 328

(c) Records pertaining to actions under section 2151.85 329
and division (C) of section 2919.121 of the Revised Code and to 330
appeals of actions arising under those sections; 331

(d) Records pertaining to adoption proceedings, including 332
the contents of an adoption file maintained by the department of 333
health under sections 3705.12 to 3705.124 of the Revised Code; 334

(e) Information in a record contained in the putative 335

father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	336 337 338 339 340
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	341 342
(g) Trial preparation records;	343
(h) Confidential law enforcement investigatory records;	344
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	345 346
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	347 348
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	349 350 351 352
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	353 354 355 356
(m) Intellectual property records;	357
(n) Donor profile records;	358
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	359 360
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney,	361 362

correctional employee, community-based correctional facility 363
employee, youth services employee, firefighter, EMT, 364
investigator of the bureau of criminal identification and 365
investigation, or federal law enforcement officer residential 366
and familial information; 367

(q) In the case of a county hospital operated pursuant to 368
Chapter 339. of the Revised Code or a municipal hospital 369
operated pursuant to Chapter 749. of the Revised Code, 370
information that constitutes a trade secret, as defined in 371
section 1333.61 of the Revised Code; 372

(r) Information pertaining to the recreational activities 373
of a person under the age of eighteen; 374

(s) In the case of a child fatality review board acting 375
under sections 307.621 to 307.629 of the Revised Code or a 376
review conducted pursuant to guidelines established by the 377
director of health under section 3701.70 of the Revised Code, 378
records provided to the board or director, statements made by 379
board members during meetings of the board or by persons 380
participating in the director's review, and all work products of 381
the board or director, and in the case of a child fatality 382
review board, child fatality review data submitted by the board 383
to the department of health or a national child death review 384
database, other than the report prepared pursuant to division 385
(A) of section 307.626 of the Revised Code; 386

(t) Records provided to and statements made by the 387
executive director of a public children services agency or a 388
prosecuting attorney acting pursuant to section 5153.171 of the 389
Revised Code other than the information released under that 390
section; 391

(u) Test materials, examinations, or evaluation tools used	392
in an examination for licensure as a nursing home administrator	393
that the board of executives of long-term services and supports	394
administers under section 4751.04 of the Revised Code or	395
contracts under that section with a private or government entity	396
to administer;	397
(v) Records the release of which is prohibited by state or	398
federal law;	399
(w) Proprietary information of or relating to any person	400
that is submitted to or compiled by the Ohio venture capital	401
authority created under section 150.01 of the Revised Code;	402
(x) Financial statements and data any person submits for	403
any purpose to the Ohio housing finance agency or the	404
controlling board in connection with applying for, receiving, or	405
accounting for financial assistance from the agency, and	406
information that identifies any individual who benefits directly	407
or indirectly from financial assistance from the agency;	408
(y) Records listed in section 5101.29 of the Revised Code;	409
(z) Discharges recorded with a county recorder under	410
section 317.24 of the Revised Code, as specified in division (B)	411
(2) of that section;	412
(aa) Usage information including names and addresses of	413
specific residential and commercial customers of a municipally	414
owned or operated public utility;	415
(bb) Records described in division (C) of section 187.04	416
of the Revised Code that are not designated to be made available	417
to the public as provided in that division;	418
(cc) Information and records that are made confidential,	419

privileged, and not subject to disclosure under divisions (B)	420
and (C) of section 2949.221 of the Revised Code;	421
(dd) Personal information, as defined in section 149.45 of	422
the Revised Code;	423
(ee) The confidential name, address, and other personally	424
identifiable information of a program participant in the address	425
confidentiality program established under sections 111.41 to	426
111.47 of the Revised Code, including the contents of any	427
application for absent voter's ballots, absent voter's ballot	428
identification envelope statement of voter, or provisional	429
ballot affirmation completed by a program participant who has a	430
confidential voter registration record, and records or portions	431
of records pertaining to that program that identify the number	432
of program participants that reside within a precinct, ward,	433
township, municipal corporation, county, or any other geographic	434
area smaller than the state. As used in this division,	435
"confidential address" and "program participant" have the	436
meaning defined in section 111.41 of the Revised Code.	437
(ff) Orders for active military service of an individual	438
serving or with previous service in the armed forces of the	439
United States, including a reserve component, or the Ohio	440
organized militia, except that, such order becomes a public	441
record on the day that is fifteen years after the published date	442
or effective date of the call to order;	443
(gg) <u>The information contained in a voter preregistration</u>	444
<u>application, as described in section 3503.192 of the Revised</u>	445
<u>Code, before the applicant is registered to vote in accordance</u>	446
<u>with that section.</u>	447
(2) "Confidential law enforcement investigatory record"	448

means any record that pertains to a law enforcement matter of a 449
criminal, quasi-criminal, civil, or administrative nature, but 450
only to the extent that the release of the record would create a 451
high probability of disclosure of any of the following: 452

(a) The identity of a suspect who has not been charged 453
with the offense to which the record pertains, or of an 454
information source or witness to whom confidentiality has been 455
reasonably promised; 456

(b) Information provided by an information source or 457
witness to whom confidentiality has been reasonably promised, 458
which information would reasonably tend to disclose the source's 459
or witness's identity; 460

(c) Specific confidential investigatory techniques or 461
procedures or specific investigatory work product; 462

(d) Information that would endanger the life or physical 463
safety of law enforcement personnel, a crime victim, a witness, 464
or a confidential information source. 465

(3) "Medical record" means any document or combination of 466
documents, except births, deaths, and the fact of admission to 467
or discharge from a hospital, that pertains to the medical 468
history, diagnosis, prognosis, or medical condition of a patient 469
and that is generated and maintained in the process of medical 470
treatment. 471

(4) "Trial preparation record" means any record that 472
contains information that is specifically compiled in reasonable 473
anticipation of, or in defense of, a civil or criminal action or 474
proceeding, including the independent thought processes and 475
personal trial preparation of an attorney. 476

(5) "Intellectual property record" means a record, other 477

than a financial or administrative record, that is produced or 478
collected by or for faculty or staff of a state institution of 479
higher learning in the conduct of or as a result of study or 480
research on an educational, commercial, scientific, artistic, 481
technical, or scholarly issue, regardless of whether the study 482
or research was sponsored by the institution alone or in 483
conjunction with a governmental body or private concern, and 484
that has not been publicly released, published, or patented. 485

(6) "Donor profile record" means all records about donors 486
or potential donors to a public institution of higher education 487
except the names and reported addresses of the actual donors and 488
the date, amount, and conditions of the actual donation. 489

(7) "Peace officer, parole officer, probation officer, 490
bailiff, prosecuting attorney, assistant prosecuting attorney, 491
correctional employee, community-based correctional facility 492
employee, youth services employee, firefighter, EMT, 493
investigator of the bureau of criminal identification and 494
investigation, or federal law enforcement officer residential 495
and familial information" means any information that discloses 496
any of the following about a peace officer, parole officer, 497
probation officer, bailiff, prosecuting attorney, assistant 498
prosecuting attorney, correctional employee, community-based 499
correctional facility employee, youth services employee, 500
firefighter, EMT, investigator of the bureau of criminal 501
identification and investigation, or federal law enforcement 502
officer: 503

(a) The address of the actual personal residence of a 504
peace officer, parole officer, probation officer, bailiff, 505
assistant prosecuting attorney, correctional employee, 506
community-based correctional facility employee, youth services 507

employee, firefighter, EMT, an investigator of the bureau of 508
criminal identification and investigation, or federal law 509
enforcement officer, except for the state or political 510
subdivision in which the peace officer, parole officer, 511
probation officer, bailiff, assistant prosecuting attorney, 512
correctional employee, community-based correctional facility 513
employee, youth services employee, firefighter, EMT, 514
investigator of the bureau of criminal identification and 515
investigation, or federal law enforcement officer resides; 516

(b) Information compiled from referral to or participation 517
in an employee assistance program; 518

(c) The social security number, the residential telephone 519
number, any bank account, debit card, charge card, or credit 520
card number, or the emergency telephone number of, or any 521
medical information pertaining to, a peace officer, parole 522
officer, probation officer, bailiff, prosecuting attorney, 523
assistant prosecuting attorney, correctional employee, 524
community-based correctional facility employee, youth services 525
employee, firefighter, EMT, investigator of the bureau of 526
criminal identification and investigation, or federal law 527
enforcement officer; 528

(d) The name of any beneficiary of employment benefits, 529
including, but not limited to, life insurance benefits, provided 530
to a peace officer, parole officer, probation officer, bailiff, 531
prosecuting attorney, assistant prosecuting attorney, 532
correctional employee, community-based correctional facility 533
employee, youth services employee, firefighter, EMT, 534
investigator of the bureau of criminal identification and 535
investigation, or federal law enforcement officer by the peace 536
officer's, parole officer's, probation officer's, bailiff's, 537

prosecuting attorney's, assistant prosecuting attorney's, 538
correctional employee's, community-based correctional facility 539
employee's, youth services employee's, firefighter's, EMT's, 540
investigator of the bureau of criminal identification and 541
investigation's, or federal law enforcement officer's employer; 542

(e) The identity and amount of any charitable or 543
employment benefit deduction made by the peace officer's, parole 544
officer's, probation officer's, bailiff's, prosecuting 545
attorney's, assistant prosecuting attorney's, correctional 546
employee's, community-based correctional facility employee's, 547
youth services employee's, firefighter's, EMT's, investigator of 548
the bureau of criminal identification and investigation's, or 549
federal law enforcement officer's employer from the peace 550
officer's, parole officer's, probation officer's, bailiff's, 551
prosecuting attorney's, assistant prosecuting attorney's, 552
correctional employee's, community-based correctional facility 553
employee's, youth services employee's, firefighter's, EMT's, 554
investigator of the bureau of criminal identification and 555
investigation's, or federal law enforcement officer's 556
compensation unless the amount of the deduction is required by 557
state or federal law; 558

(f) The name, the residential address, the name of the 559
employer, the address of the employer, the social security 560
number, the residential telephone number, any bank account, 561
debit card, charge card, or credit card number, or the emergency 562
telephone number of the spouse, a former spouse, or any child of 563
a peace officer, parole officer, probation officer, bailiff, 564
prosecuting attorney, assistant prosecuting attorney, 565
correctional employee, community-based correctional facility 566
employee, youth services employee, firefighter, EMT, 567
investigator of the bureau of criminal identification and 568

investigation, or federal law enforcement officer; 569

(g) A photograph of a peace officer who holds a position 570
or has an assignment that may include undercover or plain 571
clothes positions or assignments as determined by the peace 572
officer's appointing authority. 573

As used in divisions (A) (7) and (B) (9) of this section, 574
"peace officer" has the same meaning as in section 109.71 of the 575
Revised Code and also includes the superintendent and troopers 576
of the state highway patrol; it does not include the sheriff of 577
a county or a supervisory employee who, in the absence of the 578
sheriff, is authorized to stand in for, exercise the authority 579
of, and perform the duties of the sheriff. 580

As used in divisions (A) (7) and (B) (9) of this section, 581
"correctional employee" means any employee of the department of 582
rehabilitation and correction who in the course of performing 583
the employee's job duties has or has had contact with inmates 584
and persons under supervision. 585

As used in divisions (A) (7) and (B) (9) of this section, 586
"youth services employee" means any employee of the department 587
of youth services who in the course of performing the employee's 588
job duties has or has had contact with children committed to the 589
custody of the department of youth services. 590

As used in divisions (A) (7) and (B) (9) of this section, 591
"firefighter" means any regular, paid or volunteer, member of a 592
lawfully constituted fire department of a municipal corporation, 593
township, fire district, or village. 594

As used in divisions (A) (7) and (B) (9) of this section, 595
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 596
emergency medical services for a public emergency medical 597

service organization. "Emergency medical service organization," 598
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 599
in section 4765.01 of the Revised Code. 600

As used in divisions (A) (7) and (B) (9) of this section, 601
"investigator of the bureau of criminal identification and 602
investigation" has the meaning defined in section 2903.11 of the 603
Revised Code. 604

As used in divisions (A) (7) and (B) (9) of this section, 605
"federal law enforcement officer" has the meaning defined in 606
section 9.88 of the Revised Code. 607

(8) "Information pertaining to the recreational activities 608
of a person under the age of eighteen" means information that is 609
kept in the ordinary course of business by a public office, that 610
pertains to the recreational activities of a person under the 611
age of eighteen years, and that discloses any of the following: 612

(a) The address or telephone number of a person under the 613
age of eighteen or the address or telephone number of that 614
person's parent, guardian, custodian, or emergency contact 615
person; 616

(b) The social security number, birth date, or 617
photographic image of a person under the age of eighteen; 618

(c) Any medical record, history, or information pertaining 619
to a person under the age of eighteen; 620

(d) Any additional information sought or required about a 621
person under the age of eighteen for the purpose of allowing 622
that person to participate in any recreational activity 623
conducted or sponsored by a public office or to use or obtain 624
admission privileges to any recreational facility owned or 625
operated by a public office. 626

(9) "Community control sanction" has the same meaning as 627
in section 2929.01 of the Revised Code. 628

(10) "Post-release control sanction" has the same meaning 629
as in section 2967.01 of the Revised Code. 630

(11) "Redaction" means obscuring or deleting any 631
information that is exempt from the duty to permit public 632
inspection or copying from an item that otherwise meets the 633
definition of a "record" in section 149.011 of the Revised Code. 634

(12) "Designee" and "elected official" have the same 635
meanings as in section 109.43 of the Revised Code. 636

(B) (1) Upon request and subject to division (B) (8) of this 637
section, all public records responsive to the request shall be 638
promptly prepared and made available for inspection to any 639
person at all reasonable times during regular business hours. 640
Subject to division (B) (8) of this section, upon request, a 641
public office or person responsible for public records shall 642
make copies of the requested public record available at cost and 643
within a reasonable period of time. If a public record contains 644
information that is exempt from the duty to permit public 645
inspection or to copy the public record, the public office or 646
the person responsible for the public record shall make 647
available all of the information within the public record that 648
is not exempt. When making that public record available for 649
public inspection or copying that public record, the public 650
office or the person responsible for the public record shall 651
notify the requester of any redaction or make the redaction 652
plainly visible. A redaction shall be deemed a denial of a 653
request to inspect or copy the redacted information, except if 654
federal or state law authorizes or requires a public office to 655
make the redaction. 656

(2) To facilitate broader access to public records, a 657
public office or the person responsible for public records shall 658
organize and maintain public records in a manner that they can 659
be made available for inspection or copying in accordance with 660
division (B) of this section. A public office also shall have 661
available a copy of its current records retention schedule at a 662
location readily available to the public. If a requester makes 663
an ambiguous or overly broad request or has difficulty in making 664
a request for copies or inspection of public records under this 665
section such that the public office or the person responsible 666
for the requested public record cannot reasonably identify what 667
public records are being requested, the public office or the 668
person responsible for the requested public record may deny the 669
request but shall provide the requester with an opportunity to 670
revise the request by informing the requester of the manner in 671
which records are maintained by the public office and accessed 672
in the ordinary course of the public office's or person's 673
duties. 674

(3) If a request is ultimately denied, in part or in 675
whole, the public office or the person responsible for the 676
requested public record shall provide the requester with an 677
explanation, including legal authority, setting forth why the 678
request was denied. If the initial request was provided in 679
writing, the explanation also shall be provided to the requester 680
in writing. The explanation shall not preclude the public office 681
or the person responsible for the requested public record from 682
relying upon additional reasons or legal authority in defending 683
an action commenced under division (C) of this section. 684

(4) Unless specifically required or authorized by state or 685
federal law or in accordance with division (B) of this section, 686
no public office or person responsible for public records may 687

limit or condition the availability of public records by 688
requiring disclosure of the requester's identity or the intended 689
use of the requested public record. Any requirement that the 690
requester disclose the requester's identity or the intended use 691
of the requested public record constitutes a denial of the 692
request. 693

(5) A public office or person responsible for public 694
records may ask a requester to make the request in writing, may 695
ask for the requester's identity, and may inquire about the 696
intended use of the information requested, but may do so only 697
after disclosing to the requester that a written request is not 698
mandatory and that the requester may decline to reveal the 699
requester's identity or the intended use and when a written 700
request or disclosure of the identity or intended use would 701
benefit the requester by enhancing the ability of the public 702
office or person responsible for public records to identify, 703
locate, or deliver the public records sought by the requester. 704

(6) If any person chooses to obtain a copy of a public 705
record in accordance with division (B) of this section, the 706
public office or person responsible for the public record may 707
require that person to pay in advance the cost involved in 708
providing the copy of the public record in accordance with the 709
choice made by the person seeking the copy under this division. 710
The public office or the person responsible for the public 711
record shall permit that person to choose to have the public 712
record duplicated upon paper, upon the same medium upon which 713
the public office or person responsible for the public record 714
keeps it, or upon any other medium upon which the public office 715
or person responsible for the public record determines that it 716
reasonably can be duplicated as an integral part of the normal 717
operations of the public office or person responsible for the 718

public record. When the person seeking the copy makes a choice 719
under this division, the public office or person responsible for 720
the public record shall provide a copy of it in accordance with 721
the choice made by the person seeking the copy. Nothing in this 722
section requires a public office or person responsible for the 723
public record to allow the person seeking a copy of the public 724
record to make the copies of the public record. 725

(7) (a) Upon a request made in accordance with division (B) 726
of this section and subject to division (B) (6) of this section, 727
a public office or person responsible for public records shall 728
transmit a copy of a public record to any person by United 729
States mail or by any other means of delivery or transmission 730
within a reasonable period of time after receiving the request 731
for the copy. The public office or person responsible for the 732
public record may require the person making the request to pay 733
in advance the cost of postage if the copy is transmitted by 734
United States mail or the cost of delivery if the copy is 735
transmitted other than by United States mail, and to pay in 736
advance the costs incurred for other supplies used in the 737
mailing, delivery, or transmission. 738

(b) Any public office may adopt a policy and procedures 739
that it will follow in transmitting, within a reasonable period 740
of time after receiving a request, copies of public records by 741
United States mail or by any other means of delivery or 742
transmission pursuant to division (B) (7) of this section. A 743
public office that adopts a policy and procedures under division 744
(B) (7) of this section shall comply with them in performing its 745
duties under that division. 746

(c) In any policy and procedures adopted under division 747
(B) (7) of this section: 748

(i) A public office may limit the number of records 749
requested by a person that the office will physically deliver by 750
United States mail or by another delivery service to ten per 751
month, unless the person certifies to the office in writing that 752
the person does not intend to use or forward the requested 753
records, or the information contained in them, for commercial 754
purposes; 755

(ii) A public office that chooses to provide some or all 756
of its public records on a web site that is fully accessible to 757
and searchable by members of the public at all times, other than 758
during acts of God outside the public office's control or 759
maintenance, and that charges no fee to search, access, 760
download, or otherwise receive records provided on the web site, 761
may limit to ten per month the number of records requested by a 762
person that the office will deliver in a digital format, unless 763
the requested records are not provided on the web site and 764
unless the person certifies to the office in writing that the 765
person does not intend to use or forward the requested records, 766
or the information contained in them, for commercial purposes. 767

(iii) For purposes of division (B)(7) of this section, 768
"commercial" shall be narrowly construed and does not include 769
reporting or gathering news, reporting or gathering information 770
to assist citizen oversight or understanding of the operation or 771
activities of government, or nonprofit educational research. 772

(8) A public office or person responsible for public 773
records is not required to permit a person who is incarcerated 774
pursuant to a criminal conviction or a juvenile adjudication to 775
inspect or to obtain a copy of any public record concerning a 776
criminal investigation or prosecution or concerning what would 777
be a criminal investigation or prosecution if the subject of the 778

investigation or prosecution were an adult, unless the request 779
to inspect or to obtain a copy of the record is for the purpose 780
of acquiring information that is subject to release as a public 781
record under this section and the judge who imposed the sentence 782
or made the adjudication with respect to the person, or the 783
judge's successor in office, finds that the information sought 784
in the public record is necessary to support what appears to be 785
a justiciable claim of the person. 786

(9) (a) Upon written request made and signed by a 787
journalist on or after December 16, 1999, a public office, or 788
person responsible for public records, having custody of the 789
records of the agency employing a specified peace officer, 790
parole officer, probation officer, bailiff, prosecuting 791
attorney, assistant prosecuting attorney, correctional employee, 792
community-based correctional facility employee, youth services 793
employee, firefighter, EMT, investigator of the bureau of 794
criminal identification and investigation, or federal law 795
enforcement officer shall disclose to the journalist the address 796
of the actual personal residence of the peace officer, parole 797
officer, probation officer, bailiff, prosecuting attorney, 798
assistant prosecuting attorney, correctional employee, 799
community-based correctional facility employee, youth services 800
employee, firefighter, EMT, investigator of the bureau of 801
criminal identification and investigation, or federal law 802
enforcement officer and, if the peace officer's, parole 803
officer's, probation officer's, bailiff's, prosecuting 804
attorney's, assistant prosecuting attorney's, correctional 805
employee's, community-based correctional facility employee's, 806
youth services employee's, firefighter's, EMT's, investigator of 807
the bureau of criminal identification and investigation's, or 808
federal law enforcement officer's spouse, former spouse, or 809

child is employed by a public office, the name and address of 810
the employer of the peace officer's, parole officer's, probation 811
officer's, bailiff's, prosecuting attorney's, assistant 812
prosecuting attorney's, correctional employee's, community-based 813
correctional facility employee's, youth services employee's, 814
firefighter's, EMT's, investigator of the bureau of criminal 815
identification and investigation's, or federal law enforcement 816
officer's spouse, former spouse, or child. The request shall 817
include the journalist's name and title and the name and address 818
of the journalist's employer and shall state that disclosure of 819
the information sought would be in the public interest. 820

(b) Division (B) (9) (a) of this section also applies to 821
journalist requests for customer information maintained by a 822
municipally owned or operated public utility, other than social 823
security numbers and any private financial information such as 824
credit reports, payment methods, credit card numbers, and bank 825
account information. 826

(c) As used in division (B) (9) of this section, 827
"journalist" means a person engaged in, connected with, or 828
employed by any news medium, including a newspaper, magazine, 829
press association, news agency, or wire service, a radio or 830
television station, or a similar medium, for the purpose of 831
gathering, processing, transmitting, compiling, editing, or 832
disseminating information for the general public. 833

(C) (1) If a person allegedly is aggrieved by the failure 834
of a public office or the person responsible for public records 835
to promptly prepare a public record and to make it available to 836
the person for inspection in accordance with division (B) of 837
this section or by any other failure of a public office or the 838
person responsible for public records to comply with an 839

obligation in accordance with division (B) of this section, the 840
person allegedly aggrieved may do only one of the following, and 841
not both: 842

(a) File a complaint with the clerk of the court of claims 843
or the clerk of the court of common pleas under section 2743.75 844
of the Revised Code; 845

(b) Commence a mandamus action to obtain a judgment that 846
orders the public office or the person responsible for the 847
public record to comply with division (B) of this section, that 848
awards court costs and reasonable attorney's fees to the person 849
that instituted the mandamus action, and, if applicable, that 850
includes an order fixing statutory damages under division (C) (2) 851
of this section. The mandamus action may be commenced in the 852
court of common pleas of the county in which division (B) of 853
this section allegedly was not complied with, in the supreme 854
court pursuant to its original jurisdiction under Section 2 of 855
Article IV, Ohio Constitution, or in the court of appeals for 856
the appellate district in which division (B) of this section 857
allegedly was not complied with pursuant to its original 858
jurisdiction under Section 3 of Article IV, Ohio Constitution. 859

(2) If a requester transmits a written request by hand 860
delivery or certified mail to inspect or receive copies of any 861
public record in a manner that fairly describes the public 862
record or class of public records to the public office or person 863
responsible for the requested public records, except as 864
otherwise provided in this section, the requester shall be 865
entitled to recover the amount of statutory damages set forth in 866
this division if a court determines that the public office or 867
the person responsible for public records failed to comply with 868
an obligation in accordance with division (B) of this section. 869

The amount of statutory damages shall be fixed at one 870
hundred dollars for each business day during which the public 871
office or person responsible for the requested public records 872
failed to comply with an obligation in accordance with division 873
(B) of this section, beginning with the day on which the 874
requester files a mandamus action to recover statutory damages, 875
up to a maximum of one thousand dollars. The award of statutory 876
damages shall not be construed as a penalty, but as compensation 877
for injury arising from lost use of the requested information. 878
The existence of this injury shall be conclusively presumed. The 879
award of statutory damages shall be in addition to all other 880
remedies authorized by this section. 881

The court may reduce an award of statutory damages or not 882
award statutory damages if the court determines both of the 883
following: 884

(a) That, based on the ordinary application of statutory 885
law and case law as it existed at the time of the conduct or 886
threatened conduct of the public office or person responsible 887
for the requested public records that allegedly constitutes a 888
failure to comply with an obligation in accordance with division 889
(B) of this section and that was the basis of the mandamus 890
action, a well-informed public office or person responsible for 891
the requested public records reasonably would believe that the 892
conduct or threatened conduct of the public office or person 893
responsible for the requested public records did not constitute 894
a failure to comply with an obligation in accordance with 895
division (B) of this section; 896

(b) That a well-informed public office or person 897
responsible for the requested public records reasonably would 898
believe that the conduct or threatened conduct of the public 899

office or person responsible for the requested public records 900
would serve the public policy that underlies the authority that 901
is asserted as permitting that conduct or threatened conduct. 902

(3) In a mandamus action filed under division (C)(1) of 903
this section, the following apply: 904

(a) (i) If the court orders the public office or the person 905
responsible for the public record to comply with division (B) of 906
this section, the court shall determine and award to the relator 907
all court costs, which shall be construed as remedial and not 908
punitive. 909

(ii) If the court makes a determination described in 910
division (C)(3)(b)(iii) of this section, the court shall 911
determine and award to the relator all court costs, which shall 912
be construed as remedial and not punitive. 913

(b) If the court renders a judgment that orders the public 914
office or the person responsible for the public record to comply 915
with division (B) of this section or if the court determines any 916
of the following, the court may award reasonable attorney's fees 917
to the relator, subject to the provisions of division (C)(4) of 918
this section: 919

(i) The public office or the person responsible for the 920
public records failed to respond affirmatively or negatively to 921
the public records request in accordance with the time allowed 922
under division (B) of this section. 923

(ii) The public office or the person responsible for the 924
public records promised to permit the relator to inspect or 925
receive copies of the public records requested within a 926
specified period of time but failed to fulfill that promise 927
within that specified period of time. 928

(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division (B) of this section. No discovery may be conducted on the issue of the alleged bad faith of the public office or person responsible for the public records. This division shall not be construed as creating a presumption that the public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order described in this division.

(c) The court shall not award attorney's fees to the relator if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(ii) That a well-informed public office or person

responsible for the requested public records reasonably would 959
believe that the conduct or threatened conduct of the public 960
office or person responsible for the requested public records 961
would serve the public policy that underlies the authority that 962
is asserted as permitting that conduct or threatened conduct. 963

(4) All of the following apply to any award of reasonable 964
attorney's fees awarded under division (C) (3) (b) of this 965
section: 966

(a) The fees shall be construed as remedial and not 967
punitive. 968

(b) The fees awarded shall not exceed the total of the 969
reasonable attorney's fees incurred before the public record was 970
made available to the relator and the fees described in division 971
(C) (4) (c) of this section. 972

(c) Reasonable attorney's fees shall include reasonable 973
fees incurred to produce proof of the reasonableness and amount 974
of the fees and to otherwise litigate entitlement to the fees. 975

(d) The court may reduce the amount of fees awarded if the 976
court determines that, given the factual circumstances involved 977
with the specific public records request, an alternative means 978
should have been pursued to more effectively and efficiently 979
resolve the dispute that was subject to the mandamus action 980
filed under division (C) (1) of this section. 981

(5) If the court does not issue a writ of mandamus under 982
division (C) of this section and the court determines at that 983
time that the bringing of the mandamus action was frivolous 984
conduct as defined in division (A) of section 2323.51 of the 985
Revised Code, the court may award to the public office all court 986
costs, expenses, and reasonable attorney's fees, as determined 987

by the court. 988

(D) Chapter 1347. of the Revised Code does not limit the 989
provisions of this section. 990

(E) (1) To ensure that all employees of public offices are 991
appropriately educated about a public office's obligations under 992
division (B) of this section, all elected officials or their 993
appropriate designees shall attend training approved by the 994
attorney general as provided in section 109.43 of the Revised 995
Code. In addition, all public offices shall adopt a public 996
records policy in compliance with this section for responding to 997
public records requests. In adopting a public records policy 998
under this division, a public office may obtain guidance from 999
the model public records policy developed and provided to the 1000
public office by the attorney general under section 109.43 of 1001
the Revised Code. Except as otherwise provided in this section, 1002
the policy may not limit the number of public records that the 1003
public office will make available to a single person, may not 1004
limit the number of public records that it will make available 1005
during a fixed period of time, and may not establish a fixed 1006
period of time before it will respond to a request for 1007
inspection or copying of public records, unless that period is 1008
less than eight hours. 1009

(2) The public office shall distribute the public records 1010
policy adopted by the public office under division (E) (1) of 1011
this section to the employee of the public office who is the 1012
records custodian or records manager or otherwise has custody of 1013
the records of that office. The public office shall require that 1014
employee to acknowledge receipt of the copy of the public 1015
records policy. The public office shall create a poster that 1016
describes its public records policy and shall post the poster in 1017

a conspicuous place in the public office and in all locations 1018
where the public office has branch offices. The public office 1019
may post its public records policy on the internet web site of 1020
the public office if the public office maintains an internet web 1021
site. A public office that has established a manual or handbook 1022
of its general policies and procedures for all employees of the 1023
public office shall include the public records policy of the 1024
public office in the manual or handbook. 1025

(F) (1) The bureau of motor vehicles may adopt rules 1026
pursuant to Chapter 119. of the Revised Code to reasonably limit 1027
the number of bulk commercial special extraction requests made 1028
by a person for the same records or for updated records during a 1029
calendar year. The rules may include provisions for charges to 1030
be made for bulk commercial special extraction requests for the 1031
actual cost of the bureau, plus special extraction costs, plus 1032
ten per cent. The bureau may charge for expenses for redacting 1033
information, the release of which is prohibited by law. 1034

(2) As used in division (F) (1) of this section: 1035

(a) "Actual cost" means the cost of depleted supplies, 1036
records storage media costs, actual mailing and alternative 1037
delivery costs, or other transmitting costs, and any direct 1038
equipment operating and maintenance costs, including actual 1039
costs paid to private contractors for copying services. 1040

(b) "Bulk commercial special extraction request" means a 1041
request for copies of a record for information in a format other 1042
than the format already available, or information that cannot be 1043
extracted without examination of all items in a records series, 1044
class of records, or database by a person who intends to use or 1045
forward the copies for surveys, marketing, solicitation, or 1046
resale for commercial purposes. "Bulk commercial special 1047

extraction request" does not include a request by a person who 1048
gives assurance to the bureau that the person making the request 1049
does not intend to use or forward the requested copies for 1050
surveys, marketing, solicitation, or resale for commercial 1051
purposes. 1052

(c) "Commercial" means profit-seeking production, buying, 1053
or selling of any good, service, or other product. 1054

(d) "Special extraction costs" means the cost of the time 1055
spent by the lowest paid employee competent to perform the task, 1056
the actual amount paid to outside private contractors employed 1057
by the bureau, or the actual cost incurred to create computer 1058
programs to make the special extraction. "Special extraction 1059
costs" include any charges paid to a public agency for computer 1060
or records services. 1061

(3) For purposes of divisions (F)(1) and (2) of this 1062
section, "surveys, marketing, solicitation, or resale for 1063
commercial purposes" shall be narrowly construed and does not 1064
include reporting or gathering news, reporting or gathering 1065
information to assist citizen oversight or understanding of the 1066
operation or activities of government, or nonprofit educational 1067
research. 1068

(G) A request by a defendant, counsel of a defendant, or 1069
any agent of a defendant in a criminal action that public 1070
records related to that action be made available under this 1071
section shall be considered a demand for discovery pursuant to 1072
the Criminal Rules, except to the extent that the Criminal Rules 1073
plainly indicate a contrary intent. The defendant, counsel of 1074
the defendant, or agent of the defendant making a request under 1075
this division shall serve a copy of the request on the 1076
prosecuting attorney, director of law, or other chief legal 1077

officer responsible for prosecuting the action. 1078

Sec. 3301.28. (A) On the sixteenth day of January of each 1079
year, or on the last day on which school is in session before 1080
that day if school is not in session on that day, each public 1081
high school shall observe future voter day and shall conduct a 1082
future voter program to encourage eligible students to register 1083
or preregister to vote. The future voter program shall be 1084
available to all students who are sixteen years of age or older 1085
and may be available to other students. 1086

(B) As used in this section, "public high school" means a 1087
school that serves students in any of grades nine through twelve 1088
and is operated by a school district or a community school 1089
established under Chapter 3314. of the Revised Code, a STEM 1090
school established under Chapter 3326. of the Revised Code, or a 1091
college-preparatory boarding school established under Chapter 1092
3328. of the Revised Code. 1093

Sec. 3503.011. (A) A person who is sixteen or seventeen 1094
years of age, will not be eighteen years of age on or before the 1095
date of the next general election, and, but for the person's 1096
age, would be eligible to vote, may preregister to vote by 1097
submitting an application to register to vote in the same manner 1098
as a person who is eligible to register to vote may do so. The 1099
board of elections shall handle the person's application in 1100
accordance with section 3503.192 of the Revised Code. 1101

(B) At a primary election every qualified elector who is 1102
or will be on the day of the next general election eighteen or 1103
more years of age, and who is a member of or is affiliated with 1104
the political party whose primary election ballot ~~he~~ the 1105
qualified elector desires to vote, shall be entitled to vote 1106
such ballot at the primary election. 1107

Sec. 3503.10. (A) Each designated agency shall designate 1108
one person within that agency to serve as coordinator for the 1109
voter registration program within the agency and its 1110
departments, divisions, and programs. The designated person 1111
shall be trained under a program designed by the secretary of 1112
state and shall be responsible for administering all aspects of 1113
the voter registration program for that agency as prescribed by 1114
the secretary of state. The designated person shall receive no 1115
additional compensation for performing such duties. 1116

(B) Every designated agency, public high school and 1117
vocational school, public library, and office of a county 1118
treasurer shall provide in each of its offices or locations 1119
voter registration applications and assistance in the 1120
registration of persons qualified to register to vote, in 1121
accordance with this chapter. For purposes of this section, 1122
registration to vote includes preregistration to vote in 1123
accordance with section 3503.011 of the Revised Code. 1124

(C) Every designated agency shall distribute to its 1125
applicants, prior to or in conjunction with distributing a voter 1126
registration application, a form prescribed by the secretary of 1127
state that includes all of the following: 1128

(1) The question, "Do you want to register to vote or 1129
update your current voter registration?"--followed by boxes for 1130
the applicant to indicate whether the applicant would like to 1131
register or decline to register to vote, and the statement, 1132
highlighted in bold print, "If you do not check either box, you 1133
will be considered to have decided not to register to vote at 1134
this time."; 1135

(2) If the agency provides public assistance, the 1136
statement, "Applying to register or declining to register to 1137

vote will not affect the amount of assistance that you will be 1138
provided by this agency."; 1139

(3) The statement, "If you would like help in filling out 1140
the voter registration application form, we will help you. The 1141
decision whether to seek or accept help is yours. You may fill 1142
out the application form in private."; 1143

(4) The statement, "If you believe that someone has 1144
interfered with your right to register or to decline to register 1145
to vote, your right to privacy in deciding whether to register 1146
or in applying to register to vote, or your right to choose your 1147
own political party or other political preference, you may file 1148
a complaint with the prosecuting attorney of your county or with 1149
the secretary of state," with the address and telephone number 1150
for each such official's office. 1151

(D) Each designated agency shall distribute a voter 1152
registration form prescribed by the secretary of state to each 1153
applicant with each application for service or assistance, and 1154
with each written application or form for recertification, 1155
renewal, or change of address. 1156

(E) Each designated agency shall do all of the following: 1157

(1) Have employees trained to administer the voter 1158
registration program in order to provide to each applicant who 1159
wishes to register to vote and who accepts assistance, the same 1160
degree of assistance with regard to completion of the voter 1161
registration application as is provided by the agency with 1162
regard to the completion of its own form; 1163

(2) Accept completed voter registration applications, 1164
voter registration change of residence forms, and voter 1165
registration change of name forms, regardless of whether the 1166

application or form was distributed by the designated agency, 1167
for transmittal to the office of the board of elections in the 1168
county in which the agency is located. Each designated agency 1169
and the appropriate board of elections shall establish a method 1170
by which the voter registration applications and other voter 1171
registration forms are transmitted to that board of elections 1172
within five days after being accepted by the agency. 1173

(3) If the designated agency is one that is primarily 1174
engaged in providing services to persons with disabilities under 1175
a state-funded program, and that agency provides services to a 1176
person with disabilities at a person's home, provide the 1177
services described in divisions (E) (1) and (2) of this section 1178
at the person's home; 1179

(4) Keep as confidential, except as required by the 1180
secretary of state for record-keeping purposes, the identity of 1181
an agency through which a person registered to vote or updated 1182
the person's voter registration records, and information 1183
relating to a declination to register to vote made in connection 1184
with a voter registration application issued by a designated 1185
agency. 1186

(F) The secretary of state shall prepare and transmit 1187
written instructions on the implementation of the voter 1188
registration program within each designated agency, public high 1189
school and vocational school, public library, and office of a 1190
county treasurer. The instructions shall include directions as 1191
follows: 1192

(1) That each person designated to assist with voter 1193
registration maintain strict neutrality with respect to a 1194
person's political philosophies, a person's right to register or 1195
decline to register, and any other matter that may influence a 1196

person's decision to register or not register to vote; 1197

(2) That each person designated to assist with voter 1198
registration not seek to influence a person's decision to 1199
register or not register to vote, not display or demonstrate any 1200
political preference or party allegiance, and not make any 1201
statement to a person or take any action the purpose or effect 1202
of which is to lead a person to believe that a decision to 1203
register or not register has any bearing on the availability of 1204
services or benefits offered, on the grade in a particular class 1205
in school, or on credit for a particular class in school; 1206

(3) Regarding when and how to assist a person in 1207
completing the voter registration application, what to do with 1208
the completed voter registration application or voter 1209
registration update form, and when the application must be 1210
transmitted to the appropriate board of elections; 1211

(4) Regarding what records must be kept by the agency and 1212
where and when those records should be transmitted to satisfy 1213
reporting requirements imposed on the secretary of state under 1214
the National Voter Registration Act of 1993; 1215

(5) Regarding whom to contact to obtain answers to 1216
questions about voter registration forms and procedures. 1217

(G) If the voter registration activity is part of an in- 1218
class voter registration program in a public high school or 1219
vocational school, whether prescribed by the secretary of state 1220
or independent of the secretary of state, the board of education 1221
shall do all of the following: 1222

(1) Establish a schedule of school days and hours during 1223
these days when the person designated to assist with voter 1224
registration shall provide voter registration assistance; 1225

(2) Designate a person to assist with voter registration	1226
from the public high school's or vocational school's staff;	1227
(3) Make voter registration applications and materials	1228
available, as outlined in the voter registration program	1229
established by the secretary of state pursuant to section	1230
3501.05 of the Revised Code;	1231
(4) Distribute the statement, "applying to register or	1232
declining to register to vote will not affect or be a condition	1233
of your receiving a particular grade in or credit for a school	1234
course or class, participating in a curricular or	1235
extracurricular activity, receiving a benefit or privilege, or	1236
participating in a program or activity otherwise available to	1237
pupils enrolled in this school district's schools.";	1238
(5) Establish a method by which the voter registration	1239
application and other voter registration forms are transmitted	1240
to the board of elections within five days after being accepted	1241
by the public high school or vocational school.	1242
(H) Any person employed by the designated agency, public	1243
high school or vocational school, public library, or office of a	1244
county treasurer may be designated to assist with voter	1245
registration pursuant to this section. The designated agency,	1246
public high school or vocational school, public library, or	1247
office of a county treasurer shall provide the designated	1248
person, and make available such space as may be necessary,	1249
without charge to the county or state.	1250
(I) The secretary of state shall prepare and cause to be	1251
displayed in a prominent location in each designated agency a	1252
notice that identifies the person designated to assist with	1253
voter registration, the nature of that person's duties, and	1254

where and when that person is available for assisting in the 1255
registration of voters. 1256

A designated agency may furnish additional supplies and 1257
services to disseminate information to increase public awareness 1258
of the existence of a person designated to assist with voter 1259
registration in every designated agency. 1260

(J) This section does not limit any authority a board of 1261
education, superintendent, or principal has to allow, sponsor, 1262
or promote voluntary election registration programs within a 1263
high school or vocational school, including programs in which 1264
pupils serve as persons designated to assist with voter 1265
registration, provided that no pupil is required to participate. 1266

(K) Each public library and office of the county treasurer 1267
shall establish a method by which voter registration forms are 1268
transmitted to the board of elections within five days after 1269
being accepted by the public library or office of the county 1270
treasurer. 1271

(L) The department of job and family services and its 1272
departments, divisions, and programs shall limit administration 1273
of the aspects of the voter registration program for the 1274
department to the requirements prescribed by the secretary of 1275
state and the requirements of this section and the National 1276
Voter Registration Act of 1993. 1277

Sec. 3503.11. When any person applies for a driver's 1278
license, commercial driver's license, a state of Ohio 1279
identification card issued under section 4507.50 of the Revised 1280
Code, or motorcycle operator's license or endorsement, or the 1281
renewal or duplicate of any license or endorsement under Chapter 1282
4506. or 4507. of the Revised Code, the registrar of motor 1283

vehicles or deputy registrar shall offer the applicant the 1284
opportunity to register to vote or to update the applicant's 1285
voter registration. The registrar of motor vehicles or deputy 1286
registrar also shall make available to all other customers voter 1287
registration applications and change of residence and change of 1288
name, forms, but is not required to offer assistance to these 1289
customers in completing a voter registration application or 1290
other form. 1291

The deputy registrar shall send any registration 1292
application or any change of residence or change of name form 1293
that was completed and submitted in paper form to the deputy 1294
registrar to the board of elections of the county in which the 1295
office of the deputy registrar is located, within five days 1296
after accepting the application or other form. The registrar 1297
shall send any completed registration application received at 1298
the bureau of motor vehicles headquarters location and any 1299
completed change of residence or change of name form processed 1300
electronically in systems or programs operated and maintained by 1301
the bureau of motor vehicles to the secretary of state within 1302
five days after accepting the application or other form. 1303

The registrar shall collect from each deputy registrar 1304
through the reports filed under division (J) of section 4503.03 1305
of the Revised Code and transmit to the secretary of state 1306
information on the number of voter registration applications and 1307
change of residence or change of name forms completed or 1308
declined, and any additional information required by the 1309
secretary of state to comply with the National Voter 1310
Registration Act of 1993. No information relating to an 1311
applicant's decision to decline to register or update the 1312
applicant's voter registration at the office of the registrar or 1313
deputy registrar may be used for any purpose other than voter 1314

registration record-keeping required by the secretary of state, 1315
and all such information shall be kept confidential. 1316

The secretary of state shall prescribe voter registration 1317
applications and change of residence and change of name forms 1318
for use by the bureau of motor vehicles. The bureau of motor 1319
vehicles shall supply all of its deputy registrars with a 1320
sufficient number of voter registration applications and change 1321
of residence and change of name forms. 1322

For purposes of this section, registration to vote 1323
includes preregistration to vote in accordance with section 1324
3503.011 of the Revised Code. 1325

Sec. 3503.18. (A) (1) Not later than the last day of each 1326
month, the director of health shall file with the secretary of 1327
state the names, social security numbers, dates of birth, dates 1328
of death, and residences of all persons, over ~~eighteen~~-sixteen 1329
years of age, who have died within this state or another state 1330
during the period beginning on the date of the most recent 1331
filing and ending on the day before the date of the current 1332
filing. If the director is notified of the death of such a 1333
person after the director has filed the report for the period 1334
during which the person died, the director shall file with the 1335
secretary of state a supplemental report containing that 1336
information concerning the person not later than one month after 1337
the director is notified of the person's death. 1338

(2) The secretary of state and the director of health 1339
shall jointly establish a secure electronic system through which 1340
they shall exchange the information described in division (A) (1) 1341
of this section regarding the death of a registered elector or 1342
preregistered person. 1343

(B) At least once each month, each probate judge in this state shall file with the board of elections the names and residence addresses of all persons over eighteen years of age who have been adjudicated incompetent for the purpose of voting, as provided in section 5122.301 of the Revised Code.

(C) At least once each month the clerk of the court of common pleas shall file with the board the names and residence addresses of all persons who have been convicted during the previous month of crimes that would disfranchise such persons under existing laws of the state. Reports of conviction of crimes under the laws of the United States that would disfranchise an elector and that are provided to the secretary of state by any United States attorney shall be forwarded by the secretary of state to the appropriate board of elections.

(D) Upon receiving a report required by this section, the board of elections shall promptly cancel the registration or preregistration of each ~~elector person~~ named in the report in accordance with section 3503.21 of the Revised Code. If the report contains a residence address ~~of an elector~~ in a county other than the county in which the board of elections is located, the director shall promptly send a copy of the report to the appropriate board of elections, which shall cancel the registration or preregistration in accordance with that section.

Sec. 3503.192. (A) When a board of elections receives a completed application to register to vote to which all of the following apply, the board shall retain the application and treat it as a preregistration application:

(1) The applicant is sixteen or seventeen years of age and will not be eighteen years of age on or before the date of the next general election.

(2) But for the applicant's age, the applicant would be 1374
eligible to register to vote. 1375

(3) The applicant has provided all of the information 1376
required to register to vote. 1377

(B) Upon receiving a preregistration application, the 1378
board shall send the applicant an acknowledgment notice on a 1379
form prescribed by the secretary of state. 1380

(C) (1) The board shall maintain a preregistration 1381
application separately from the county's voter registration 1382
records and shall not include the preregistration in the 1383
statewide voter registration database until the board registers 1384
the person under division (D) of this section. Except as 1385
otherwise provided in division (C) (2) of this section, the 1386
information contained in a preregistration application is not a 1387
public record for purposes of section 149.43 of the Revised Code 1388
and shall not be open to inspection by members of the public. 1389

(2) The number of preregistered persons residing in each 1390
precinct in the county shall be available to the public. 1391

(D) As of the ninetieth day before the date of the first 1392
election in which a preregistered person will be eligible to 1393
vote, the board of elections shall register the person and shall 1394
send the person a notification of registration in accordance 1395
with division (C) of section 3503.19 of the Revised Code. The 1396
person's preregistration form shall be considered to be the 1397
person's registration form. 1398

Sec. 3503.21. (A) ~~The A voter registration of a registered~~ 1399
~~elector or preregistration~~ shall be canceled upon the occurrence 1400
of any of the following: 1401

(1) The filing by a registered elector or a preregistered 1402

person of a written request with a board of elections or the 1403
secretary of state, on a form prescribed by the secretary of 1404
state and signed by the elector or the preregistered person, 1405
that the registration or preregistration be canceled. The filing 1406
of such a request does not prohibit an otherwise qualified 1407
elector from reregistering to vote, or a person who is otherwise 1408
qualified to preregister to vote from preregistering to vote, at 1409
any time. 1410

(2) The filing of a notice of the death of a registered 1411
elector or preregistered person as provided in section 3503.18 1412
of the Revised Code; 1413

(3) The filing with the board of elections of a certified 1414
copy of the death certificate of a registered elector or 1415
preregistered person by the deceased elector's or preregistered 1416
person's spouse, parent, or child, by the administrator of the 1417
deceased elector's or preregistered person's estate, or by the 1418
executor of the deceased elector's or preregistered person's 1419
will; 1420

(4) The conviction of the registered elector or the 1421
preregistered person of a felony under the laws of this state, 1422
any other state, or the United States as provided in section 1423
2961.01 of the Revised Code; 1424

(5) The adjudication of incompetency of the registered 1425
elector for the purpose of voting as provided in section 1426
5122.301 of the Revised Code; 1427

(6) The change of residence of the registered elector to a 1428
location outside the county of registration in accordance with 1429
division (B) of this section; 1430

(7) The failure of the registered elector, after having 1431

been mailed a confirmation notice, to do either of the 1432
following: 1433

(a) Respond to such a notice and vote at least once during 1434
a period of four consecutive years, which period shall include 1435
two general federal elections; 1436

(b) Update the elector's registration and vote at least 1437
once during a period of four consecutive years, which period 1438
shall include two general federal elections. 1439

(8) The receipt by the board of elections of a 1440
cancellation notice or request pursuant to section 111.44 of the 1441
Revised Code. 1442

(B) (1) The secretary of state shall prescribe procedures 1443
to identify and cancel the registration in a prior county of 1444
residence of any registrant who changes the registrant's voting 1445
residence to a location outside the registrant's current county 1446
of registration. Any procedures prescribed in this division 1447
shall be uniform and nondiscriminatory, and shall comply with 1448
the Voting Rights Act of 1965. The secretary of state may 1449
prescribe procedures under this division that include the use of 1450
the national change of address service provided by the United 1451
States postal system through its licensees. Any program so 1452
prescribed shall be completed not later than ninety days prior 1453
to the date of any primary or general election for federal 1454
office. 1455

(2) The registration of any elector identified as having 1456
changed the elector's voting residence to a location outside the 1457
elector's current county of registration shall not be canceled 1458
unless the registrant is sent a confirmation notice on a form 1459
prescribed by the secretary of state and the registrant fails to 1460

respond to the confirmation notice or otherwise update the 1461
registration and fails to vote in any election during the period 1462
of two federal elections subsequent to the mailing of the 1463
confirmation notice. 1464

(C) The registration of a registered elector or the 1465
preregistration of a preregistered person shall not be canceled 1466
except as provided in this section, section 111.44 of the 1467
Revised Code, division (Q) of section 3501.05 of the Revised 1468
Code, division (C) (2) of section 3503.19 of the Revised Code, or 1469
division (C) of section 3503.24 of the Revised Code. 1470

(D) Boards of elections shall send their voter 1471
registration information to the secretary of state as required 1472
under section 3503.15 of the Revised Code. The secretary of 1473
state may prescribe by rule adopted pursuant to section 111.15 1474
of the Revised Code the format in which the boards of elections 1475
must send that information to the secretary of state. In the 1476
first quarter of each year, the secretary of state shall send 1477
the information to the national change of address service 1478
described in division (B) of this section and request that 1479
service to provide the secretary of state with a list of any 1480
voters sent by the secretary of state who have moved within the 1481
last twelve months. The secretary of state shall transmit to 1482
each appropriate board of elections whatever lists the secretary 1483
of state receives from that service. The board shall send a 1484
notice to each person on the list transmitted by the secretary 1485
of state requesting confirmation of the person's change of 1486
address, together with a postage prepaid, preaddressed return 1487
envelope containing a form on which the voter may verify or 1488
correct the change of address information. 1489

(E) The registration of a registered elector described in 1490

division (A) (7) or (B) (2) of this section shall be canceled not 1491
later than one hundred twenty days after the date of the second 1492
general federal election in which the elector fails to vote or 1493
not later than one hundred twenty days after the expiration of 1494
the four-year period in which the elector fails to vote or 1495
respond to a confirmation notice, whichever is later. 1496

(F) (1) When a registration or preregistration is canceled 1497
pursuant to division (A) (2) or (3) of this section, the 1498
applicable board of elections shall send a written notice, on a 1499
form prescribed by the secretary of state, to the address at 1500
which the elector was registered or the preregistered person was
preregistered, informing the recipient that the elector's 1502
registration or the person's preregistration has been canceled, 1503
of the reason for the cancellation, and that if the cancellation 1504
was made in error, the elector or the preregistered person may 1505
contact the board of elections to correct the error. 1506

(2) If the elector's registration or the person's
preregistration is canceled pursuant to division (A) (2) or (3) 1507
of this section in error, it shall be restored and treated as 1508
though it were never canceled. 1509
1510

Sec. 3503.28. (A) The secretary of state shall develop an 1511
information brochure regarding voter registration. The brochure 1512
shall include, but is not limited to, all of the following 1513
information: 1514

(1) The applicable deadlines for registering to vote or 1515
for returning an applicant's completed registration form; 1516

(2) The manner in which an eligible person who is sixteen
or seventeen years of age may preregister to vote; 1517
1518

(3) The applicable deadline for returning an applicant's 1519

completed registration form if the person returning the form is 1520
being compensated for registering voters; 1521

~~(3)~~ (4) The locations to which a person may return an 1522
applicant's completed registration form; 1523

~~(4)~~ (5) The location to which a person who is compensated 1524
for registering voters may return an applicant's completed 1525
registration form; 1526

~~(5)~~ (6) The registration and affirmation requirements 1527
applicable to persons who are compensated for registering voters 1528
under section 3503.29 of the Revised Code; 1529

~~(6)~~ (7) A notice, which shall be written in bold type, 1530
stating as follows: 1531

"Voters must bring identification to the polls in order to 1532
verify identity. Identification may include a current and valid 1533
photo identification, a military identification, or a copy of a 1534
current utility bill, bank statement, government check, 1535
paycheck, or other government document, other than a voter 1536
registration notification sent by a board of elections, that 1537
shows the voter's name and current address. Voters who do not 1538
provide one of these documents will still be able to vote by 1539
casting a provisional ballot. Voters who do not have any of the 1540
above forms of identification, including a social security 1541
number, will still be able to vote by signing an affirmation 1542
swearing to the voter's identity under penalty of election 1543
falsification and by casting a provisional ballot." 1544

(B) Except as otherwise provided in division (D) of this 1545
section, a board of elections, designated agency, public high 1546
school, public vocational school, public library, office of a 1547
county treasurer, or deputy registrar of motor vehicles shall 1548

distribute a copy of the brochure developed under division (A) 1549
of this section to any person who requests more than two voter 1550
registration forms at one time. 1551

(C) (1) The secretary of state shall provide the 1552
information required to be included in the brochure developed 1553
under division (A) of this section to any person who prints a 1554
voter registration form that is made available on a web site of 1555
the office of the secretary of state. 1556

(2) If a board of elections operates and maintains a web 1557
site, the board shall provide the information required to be 1558
included in the brochure developed under division (A) of this 1559
section to any person who prints a voter registration form that 1560
is made available on that web site. 1561

(D) A board of elections shall not be required to 1562
distribute a copy of a brochure under division (B) of this 1563
section to any of the following officials or employees who are 1564
requesting more than two voter registration forms at one time in 1565
the course of the official's or employee's normal duties: 1566

- (1) An election official; 1567
- (2) A county treasurer; 1568
- (3) A deputy registrar of motor vehicles; 1569
- (4) An employee of a designated agency; 1570
- (5) An employee of a public high school; 1571
- (6) An employee of a public vocational school; 1572
- (7) An employee of a public library; 1573
- (8) An employee of the office of a county treasurer; 1574
- (9) An employee of the bureau of motor vehicles; 1575

(10) An employee of a deputy registrar of motor vehicles;	1576
(11) An employee of an election official.	1577
(E) As used in this section, "registering voters" includes	1578
any effort, for compensation, to provide voter registration	1579
forms or to assist persons in completing or returning those	1580
forms.	1581
Section 2. That existing sections 111.42, 111.44, 149.43,	1582
3503.011, 3503.10, 3503.11, 3503.18, 3503.21, and 3503.28 of the	1583
Revised Code are hereby repealed.	1584
Section 3. Section 3503.21 of the Revised Code is	1585
presented in this act as a composite of the section as amended	1586
by both Sub. H.B. 359 and Sub. S.B. 63 of the 131st General	1587
Assembly. The General Assembly, applying the principle stated in	1588
division (B) of section 1.52 of the Revised Code that amendments	1589
are to be harmonized if reasonably capable of simultaneous	1590
operation, finds that the composite is the resulting version of	1591
the section in effect prior to the effective date of the section	1592
as presented in this act.	1593