

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 149**

**Senator LaRose**

**Cosponsors: Senators Hite, Lehner, O'Brien**

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**A BILL**

To amend section 3501.29 and to enact section 1  
3319.077 of the Revised Code regarding the use 2  
of a school district building as a polling place 3  
for elections. 4

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

**Section 1.** That section 3501.29 be amended and section 5  
3319.077 of the Revised Code be enacted to read as follows: 6

**Sec. 3319.077.** The board of education of a city, local, 7  
exempted village, or joint vocational school district shall make 8  
available the necessary space in the district's buildings for 9  
use as polling places, as required under section 3501.29 of the 10  
Revised Code. When a building in the district is used as a 11  
polling place, the board shall require the school or schools 12  
that meet in that building not to be open for instruction with 13  
students present on that day. However, the district board may 14  
permit the building to be used for teacher in-service training 15  
on that day, as long as students are not present. 16

**Sec. 3501.29.** (A) (1) The board of elections shall provide 17  
for each precinct a polling place and provide adequate 18

facilities at each polling place for conducting the election. 19  
The board shall provide a sufficient number of screened or 20  
curtained voting compartments to which electors may retire and 21  
conveniently mark their ballots, protected from the observation 22  
of others. Each voting compartment shall be provided at all 23  
times with writing implements, instructions how to vote, and 24  
other necessary conveniences for marking the ballot. The voting 25  
location manager shall ensure that the voting compartments at 26  
all times are adequately lighted and contain the necessary 27  
supplies. 28

(2) (a) The board of elections shall utilize, in so far as 29  
practicable, rooms in public schools and other public buildings 30  
for polling places. Upon application of the board of elections, 31  
the authority which has the control of any building or grounds 32  
supported by taxation under the laws of this state, shall make 33  
available the necessary space therein for the purpose of holding 34  
elections and adequate space for the storage of voting machines, 35  
without charge for the use thereof. A reasonable sum may be paid 36  
for necessary janitorial service. ~~When~~ 37

(b) Not later than the first day of January of each year, 38  
if the board of elections plans to use space in a building 39  
operated by a school district as a polling place for an election 40  
held during the school year that begins in that calendar year, 41  
the board of elections shall notify the board of education of 42  
the school district of that fact. The notice shall include the 43  
date of each such election that will be held during that school 44  
year and the date of any such election that may be held during 45  
that school year. If, after the board of elections sends that 46  
notice, it alters the plans specified in the notice or learns 47  
that an election included in the notice will not be held, the 48  
board of elections shall send an updated notice to the board of 49

education as soon as possible. 50

(3) When polling places are established in private 51  
buildings, the board of elections may pay a reasonable rental 52  
therefor, and also the cost of liability insurance covering the 53  
premises when used for election purposes, or the board may 54  
purchase a single liability policy covering the board and the 55  
owners of the premises when used for election purposes. ~~When~~ 56

(4) When removable buildings are supplied by the board of 57  
elections, they shall be constructed under the contract let to 58  
the lowest and best bidder, and the board shall observe all 59  
ordinances and regulations then in force as to safety. The board 60  
shall remove all such buildings from streets and other public 61  
places within thirty days after an election, unless another 62  
election is to be held within ninety days. 63

(B) (1) Except as otherwise provided in this section, the 64  
board of elections shall ensure all of the following: 65

(a) That polling places are free of barriers that would 66  
impede ingress and egress of handicapped persons; 67

(b) That the minimum number of special parking locations, 68  
also known as handicapped parking spaces or disability parking 69  
spaces, for handicapped persons are designated at each polling 70  
place in accordance with 28 C.F.R. Part 36, Appendix A, and in 71  
compliance with division (E) of section 4511.69 of the Revised 72  
Code; 73

(c) That the entrances of polling places are level or are 74  
provided with a nonskid ramp that meets the requirements of the 75  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 76  
U.S.C. 12101; 77

(d) That doors are a minimum of thirty-two inches wide. 78

(2) Notwithstanding division (B) (1) (a), (c), or (d) of 79  
this section, certain polling places may be specifically 80  
exempted by the secretary of state upon certification by a board 81  
of elections that a good faith, but unsuccessful, effort has 82  
been made to modify, or change the location of, such polling 83  
places. 84

(C) At any polling place that is exempted from compliance 85  
by the secretary of state, the board of elections shall permit 86  
any handicapped elector who travels to that elector's polling 87  
place, but who is unable to enter the polling place, to vote, 88  
with the assistance of two polling place officials of major 89  
political parties, in the vehicle that conveyed that elector to 90  
the polling place, or to receive and cast that elector's ballot 91  
at the door of the polling place. 92

(D) The secretary of state shall: 93

(1) Work with other state agencies to facilitate the 94  
distribution of information and technical assistance to boards 95  
of elections to meet the requirements of division (B) of this 96  
section; 97

(2) Work with organizations that represent or provide 98  
services to handicapped, disabled, or elderly citizens to effect 99  
a wide dissemination of information about the availability of 100  
absentee voting, voting in the voter's vehicle or at the door of 101  
the polling place, or other election services to handicapped, 102  
disabled, or elderly citizens. 103

(E) Before the day of an election, the director of the 104  
board of elections of each county shall sign a statement 105  
verifying that each polling place that will be used in that 106  
county at that election meets the requirements of division (B) 107

(1) (b) of this section. The signed statement shall be sent to 108  
the secretary of state by certified mail or electronically. 109

(F) As used in this section, "handicapped" means having 110  
lost the use of one or both legs, one or both arms, or any 111  
combination thereof, or being blind or so severely disabled as 112  
to be unable to move about without the aid of crutches or a 113  
wheelchair. 114

**Section 2.** That existing section 3501.29 of the Revised 115  
Code is hereby repealed. 116

**Section 3.** Section 3501.29 of the Revised Code is 117  
presented in this act as a composite of the section as amended 118  
by both Am. S.B. 10 and Am. Sub. S.B. 109 of the 130th General 119  
Assembly. The General Assembly, applying the principle stated in 120  
division (B) of section 1.52 of the Revised Code that amendments 121  
are to be harmonized if reasonably capable of simultaneous 122  
operation, finds that the composite is the resulting version of 123  
the section in effect prior to the effective date of the section 124  
as presented in this act. 125