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Representatives Duffey, Gonzales

Cosponsors: Representatives Bishoff, Anielski, Hall, LaTourette, Perales, Stinziano, Antani, Grossman, Sears, Scherer, Sprague, Patmon, Buchy, Butler, Curtin, Leland, Amstutz, Antonio, Arndt, Ashford, Baker, Bocchieri, Boggs, Boose, Boyce, Boyd, Brenner, Brown, Burkley, Celebrezze, Conditt, Craig, Cupp, Derickson, Dever, DeVitis, Dovilla, Driehaus, Fedor, Ginter, Green, Hackett, Hagan, Hambley, Hayes, Henne, Hill, Howse, Huffman, Johnson, T., Koehler, Kuhns, Kunze, Landis, Lepore-Hagan, Maag, Manning, McClain, O'Brien, M., O'Brien, S., Patterson, Pelanda, Phillips, Ramos, Reece, Reineke, Retherford, Rezabek, Roegner, Rogers, Ruhl, Ryan, Schaffer, Schuring, Sheehy, Slaby, Slesnick, Smith, K., Strahorn, Sweeney, Sykes, Terhar, Thompson, Young

A BILL

To amend sections 109.57, 149.43, 149.45, 2929.18, 1
2929.28, 3503.13, 3503.16, 3503.21, 3503.23, 2
3503.24, 3503.26, 3504.02, 3504.04, 3505.181, 3
3505.182, 3505.183, 3509.03, 3509.04, 3509.05, 4
3509.06, 3509.07, 3509.09, 3511.02, 3511.05, 5
3511.11, and 3511.12 and to enact sections 6
111.41, 111.42, 111.43, 111.44, 111.45, 111.46, 7
111.47, 111.48, and 111.99 of the Revised Code 8
to create an address confidentiality program for 9
victims of domestic violence, menacing by 10
stalking, human trafficking, trafficking in 11
persons, rape, or sexual battery. 12

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

Section 1. That sections 109.57, 149.43, 149.45, 2929.18, 13
2929.28, 3503.13, 3503.16, 3503.21, 3503.23, 3503.24, 3503.26, 14
3504.02, 3504.04, 3505.181, 3505.182, 3505.183, 3509.03, 15
3509.04, 3509.05, 3509.06, 3509.07, 3509.09, 3511.02, 3511.05, 16
3511.11, and 3511.12 be amended and sections 111.41, 111.42, 17
111.43, 111.44, 111.45, 111.46, 111.47, 111.48, and 111.99 of 18
the Revised Code be enacted to read as follows: 19

Sec. 109.57. (A) (1) The superintendent of the bureau of 20
criminal identification and investigation shall procure from 21
wherever procurable and file for record photographs, pictures, 22
descriptions, fingerprints, measurements, and other information 23
that may be pertinent of all persons who have been convicted of 24
committing within this state a felony, any crime constituting a 25
misdemeanor on the first offense and a felony on subsequent 26
offenses, or any misdemeanor described in division (A) (1) (a), 27
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 28
of all children under eighteen years of age who have been 29
adjudicated delinquent children for committing within this state 30
an act that would be a felony or an offense of violence if 31
committed by an adult or who have been convicted of or pleaded 32
guilty to committing within this state a felony or an offense of 33
violence, and of all well-known and habitual criminals. The 34
person in charge of any county, multicounty, municipal, 35
municipal-county, or multicounty-municipal jail or workhouse, 36
community-based correctional facility, halfway house, 37
alternative residential facility, or state correctional 38
institution and the person in charge of any state institution 39
having custody of a person suspected of having committed a 40
felony, any crime constituting a misdemeanor on the first 41
offense and a felony on subsequent offenses, or any misdemeanor 42
described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 43

section 109.572 of the Revised Code or having custody of a child 44
under eighteen years of age with respect to whom there is 45
probable cause to believe that the child may have committed an 46
act that would be a felony or an offense of violence if 47
committed by an adult shall furnish such material to the 48
superintendent of the bureau. Fingerprints, photographs, or 49
other descriptive information of a child who is under eighteen 50
years of age, has not been arrested or otherwise taken into 51
custody for committing an act that would be a felony or an 52
offense of violence who is not in any other category of child 53
specified in this division, if committed by an adult, has not 54
been adjudicated a delinquent child for committing an act that 55
would be a felony or an offense of violence if committed by an 56
adult, has not been convicted of or pleaded guilty to committing 57
a felony or an offense of violence, and is not a child with 58
respect to whom there is probable cause to believe that the 59
child may have committed an act that would be a felony or an 60
offense of violence if committed by an adult shall not be 61
procured by the superintendent or furnished by any person in 62
charge of any county, multicounty, municipal, municipal-county, 63
or multicounty-municipal jail or workhouse, community-based 64
correctional facility, halfway house, alternative residential 65
facility, or state correctional institution, except as 66
authorized in section 2151.313 of the Revised Code. 67

(2) Every clerk of a court of record in this state, other 68
than the supreme court or a court of appeals, shall send to the 69
superintendent of the bureau a weekly report containing a 70
summary of each case involving a felony, involving any crime 71
constituting a misdemeanor on the first offense and a felony on 72
subsequent offenses, involving a misdemeanor described in 73
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 74

of the Revised Code, or involving an adjudication in a case in 75
which a child under eighteen years of age was alleged to be a 76
delinquent child for committing an act that would be a felony or 77
an offense of violence if committed by an adult. The clerk of 78
the court of common pleas shall include in the report and 79
summary the clerk sends under this division all information 80
described in divisions (A) (2) (a) to (f) of this section 81
regarding a case before the court of appeals that is served by 82
that clerk. The summary shall be written on the standard forms 83
furnished by the superintendent pursuant to division (B) of this 84
section and shall include the following information: 85

(a) The incident tracking number contained on the standard 86
forms furnished by the superintendent pursuant to division (B) 87
of this section; 88

(b) The style and number of the case; 89

(c) The date of arrest, offense, summons, or arraignment; 90

(d) The date that the person was convicted of or pleaded 91
guilty to the offense, adjudicated a delinquent child for 92
committing the act that would be a felony or an offense of 93
violence if committed by an adult, found not guilty of the 94
offense, or found not to be a delinquent child for committing an 95
act that would be a felony or an offense of violence if 96
committed by an adult, the date of an entry dismissing the 97
charge, an entry declaring a mistrial of the offense in which 98
the person is discharged, an entry finding that the person or 99
child is not competent to stand trial, or an entry of a nolle 100
prosequi, or the date of any other determination that 101
constitutes final resolution of the case; 102

(e) A statement of the original charge with the section of 103

the Revised Code that was alleged to be violated; 104

(f) If the person or child was convicted, pleaded guilty, 105
or was adjudicated a delinquent child, the sentence or terms of 106
probation imposed or any other disposition of the offender or 107
the delinquent child. 108

If the offense involved the disarming of a law enforcement 109
officer or an attempt to disarm a law enforcement officer, the 110
clerk shall clearly state that fact in the summary, and the 111
superintendent shall ensure that a clear statement of that fact 112
is placed in the bureau's records. 113

(3) The superintendent shall cooperate with and assist 114
sheriffs, chiefs of police, and other law enforcement officers 115
in the establishment of a complete system of criminal 116
identification and in obtaining fingerprints and other means of 117
identification of all persons arrested on a charge of a felony, 118
any crime constituting a misdemeanor on the first offense and a 119
felony on subsequent offenses, or a misdemeanor described in 120
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 121
of the Revised Code and of all children under eighteen years of 122
age arrested or otherwise taken into custody for committing an 123
act that would be a felony or an offense of violence if 124
committed by an adult. The superintendent also shall file for 125
record the fingerprint impressions of all persons confined in a 126
county, multicounty, municipal, municipal-county, or 127
multicounty-municipal jail or workhouse, community-based 128
correctional facility, halfway house, alternative residential 129
facility, or state correctional institution for the violation of 130
state laws and of all children under eighteen years of age who 131
are confined in a county, multicounty, municipal, municipal- 132
county, or multicounty-municipal jail or workhouse, community- 133

based correctional facility, halfway house, alternative 134
residential facility, or state correctional institution or in 135
any facility for delinquent children for committing an act that 136
would be a felony or an offense of violence if committed by an 137
adult, and any other information that the superintendent may 138
receive from law enforcement officials of the state and its 139
political subdivisions. 140

(4) The superintendent shall carry out Chapter 2950. of 141
the Revised Code with respect to the registration of persons who 142
are convicted of or plead guilty to a sexually oriented offense 143
or a child-victim oriented offense and with respect to all other 144
duties imposed on the bureau under that chapter. 145

(5) The bureau shall perform centralized recordkeeping 146
functions for criminal history records and services in this 147
state for purposes of the national crime prevention and privacy 148
compact set forth in section 109.571 of the Revised Code and is 149
the criminal history record repository as defined in that 150
section for purposes of that compact. The superintendent or the 151
superintendent's designee is the compact officer for purposes of 152
that compact and shall carry out the responsibilities of the 153
compact officer specified in that compact. 154

(B) The superintendent shall prepare and furnish to every 155
county, multicounty, municipal, municipal-county, or 156
multicounty-municipal jail or workhouse, community-based 157
correctional facility, halfway house, alternative residential 158
facility, or state correctional institution and to every clerk 159
of a court in this state specified in division (A) (2) of this 160
section standard forms for reporting the information required 161
under division (A) of this section. The standard forms that the 162
superintendent prepares pursuant to this division may be in a 163

tangible format, in an electronic format, or in both tangible 164
formats and electronic formats. 165

(C) (1) The superintendent may operate a center for 166
electronic, automated, or other data processing for the storage 167
and retrieval of information, data, and statistics pertaining to 168
criminals and to children under eighteen years of age who are 169
adjudicated delinquent children for committing an act that would 170
be a felony or an offense of violence if committed by an adult, 171
criminal activity, crime prevention, law enforcement, and 172
criminal justice, and may establish and operate a statewide 173
communications network to be known as the Ohio law enforcement 174
gateway to gather and disseminate information, data, and 175
statistics for the use of law enforcement agencies and for other 176
uses specified in this division. The superintendent may gather, 177
store, retrieve, and disseminate information, data, and 178
statistics that pertain to children who are under eighteen years 179
of age and that are gathered pursuant to sections 109.57 to 180
109.61 of the Revised Code together with information, data, and 181
statistics that pertain to adults and that are gathered pursuant 182
to those sections. 183

(2) The superintendent or the superintendent's designee 184
shall gather information of the nature described in division (C) 185
(1) of this section that pertains to the offense and delinquency 186
history of a person who has been convicted of, pleaded guilty 187
to, or been adjudicated a delinquent child for committing a 188
sexually oriented offense or a child-victim oriented offense for 189
inclusion in the state registry of sex offenders and child- 190
victim offenders maintained pursuant to division (A) (1) of 191
section 2950.13 of the Revised Code and in the internet database 192
operated pursuant to division (A) (13) of that section and for 193
possible inclusion in the internet database operated pursuant to 194

division (A) (11) of that section. 195

(3) In addition to any other authorized use of 196
information, data, and statistics of the nature described in 197
division (C) (1) of this section, the superintendent or the 198
superintendent's designee may provide and exchange the 199
information, data, and statistics pursuant to the national crime 200
prevention and privacy compact as described in division (A) (5) 201
of this section. 202

(4) The Ohio law enforcement gateway shall contain the 203
name, confidential address, and telephone number of program 204
participants in the address confidentiality program established 205
under sections 111.41 to 111.47 of the Revised Code. 206

(5) The attorney general may adopt rules under Chapter 207
119. of the Revised Code establishing guidelines for the 208
operation of and participation in the Ohio law enforcement 209
gateway. The rules may include criteria for granting and 210
restricting access to information gathered and disseminated 211
through the Ohio law enforcement gateway. The attorney general 212
shall adopt rules under Chapter 119. of the Revised Code that 213
grant access to information in the gateway regarding an address 214
confidentiality program participant under sections 111.41 to 215
111.47 of the Revised Code to only chiefs of police, village 216
marshals, county sheriffs, county prosecuting attorneys, and a 217
designee of each of these individuals. The attorney general 218
shall permit the state medical board and board of nursing to 219
access and view, but not alter, information gathered and 220
disseminated through the Ohio law enforcement gateway. 221

The attorney general may appoint a steering committee to 222
advise the attorney general in the operation of the Ohio law 223
enforcement gateway that is comprised of persons who are 224

representatives of the criminal justice agencies in this state 225
that use the Ohio law enforcement gateway and is chaired by the 226
superintendent or the superintendent's designee. 227

(D) (1) The following are not public records under section 228
149.43 of the Revised Code: 229

(a) Information and materials furnished to the 230
superintendent pursuant to division (A) of this section; 231

(b) Information, data, and statistics gathered or 232
disseminated through the Ohio law enforcement gateway pursuant 233
to division (C) (1) of this section; 234

(c) Information and materials furnished to any board or 235
person under division (F) or (G) of this section. 236

(2) The superintendent or the superintendent's designee 237
shall gather and retain information so furnished under division 238
(A) of this section that pertains to the offense and delinquency 239
history of a person who has been convicted of, pleaded guilty 240
to, or been adjudicated a delinquent child for committing a 241
sexually oriented offense or a child-victim oriented offense for 242
the purposes described in division (C) (2) of this section. 243

(E) (1) The attorney general shall adopt rules, in 244
accordance with Chapter 119. of the Revised Code and subject to 245
division (E) (2) of this section, setting forth the procedure by 246
which a person may receive or release information gathered by 247
the superintendent pursuant to division (A) of this section. A 248
reasonable fee may be charged for this service. If a temporary 249
employment service submits a request for a determination of 250
whether a person the service plans to refer to an employment 251
position has been convicted of or pleaded guilty to an offense 252
listed or described in division (A) (1), (2), or (3) of section 253

109.572 of the Revised Code, the request shall be treated as a 254
single request and only one fee shall be charged. 255

(2) Except as otherwise provided in this division or 256
division (E) (3) or (4) of this section, a rule adopted under 257
division (E) (1) of this section may provide only for the release 258
of information gathered pursuant to division (A) of this section 259
that relates to the conviction of a person, or a person's plea 260
of guilty to, a criminal offense or to the arrest of a person as 261
provided in division (E) (3) of this section. The superintendent 262
shall not release, and the attorney general shall not adopt any 263
rule under division (E) (1) of this section that permits the 264
release of, any information gathered pursuant to division (A) of 265
this section that relates to an adjudication of a child as a 266
delinquent child, or that relates to a criminal conviction of a 267
person under eighteen years of age if the person's case was 268
transferred back to a juvenile court under division (B) (2) or 269
(3) of section 2152.121 of the Revised Code and the juvenile 270
court imposed a disposition or serious youthful offender 271
disposition upon the person under either division, unless either 272
of the following applies with respect to the adjudication or 273
conviction: 274

(a) The adjudication or conviction was for a violation of 275
section 2903.01 or 2903.02 of the Revised Code. 276

(b) The adjudication or conviction was for a sexually 277
oriented offense, the juvenile court was required to classify 278
the child a juvenile offender registrant for that offense under 279
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 280
classification has not been removed, and the records of the 281
adjudication or conviction have not been sealed or expunged 282
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 283

section 2952.32 of the Revised Code.	284
(3) A rule adopted under division (E) (1) of this section	285
may provide for the release of information gathered pursuant to	286
division (A) of this section that relates to the arrest of a	287
person who is eighteen years of age or older when the person has	288
not been convicted as a result of that arrest if any of the	289
following applies:	290
(a) The arrest was made outside of this state.	291
(b) A criminal action resulting from the arrest is	292
pending, and the superintendent confirms that the criminal	293
action has not been resolved at the time the criminal records	294
check is performed.	295
(c) The bureau cannot reasonably determine whether a	296
criminal action resulting from the arrest is pending, and not	297
more than one year has elapsed since the date of the arrest.	298
(4) A rule adopted under division (E) (1) of this section	299
may provide for the release of information gathered pursuant to	300
division (A) of this section that relates to an adjudication of	301
a child as a delinquent child if not more than five years have	302
elapsed since the date of the adjudication, the adjudication was	303
for an act that would have been a felony if committed by an	304
adult, the records of the adjudication have not been sealed or	305
expunged pursuant to sections 2151.355 to 2151.358 of the	306
Revised Code, and the request for information is made under	307
division (F) of this section or under section 109.572 of the	308
Revised Code. In the case of an adjudication for a violation of	309
the terms of community control or supervised release, the five-	310
year period shall be calculated from the date of the	311
adjudication to which the community control or supervised	312

release pertains. 313

(F) (1) As used in division (F) (2) of this section, "head start agency" means an entity in this state that has been approved to be an agency for purposes of subchapter II of the "Community Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, as amended. 314
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(2) (a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, 3301.541, division (C) of section 3310.58, or section 3319.39, 3319.391, 3327.10, 3701.881, 5104.013, 5123.081, or 5153.111 of the Revised Code or that is made under section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the board of education of any school district; the director of developmental disabilities; any county board of developmental disabilities; any provider or subcontractor as defined in section 5123.081 of the Revised Code; the chief administrator of any chartered nonpublic school; the chief administrator of a registered private provider that is not also a chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care home licensed under Chapter 5104. of the Revised Code; the chief administrator of any head start agency; the executive director of a public children services agency; a private company described in section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code; or an employer described in division (J) (2) of section 3327.10 of the Revised Code may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in any position after October 2, 1989, or any individual wishing to apply for employment with a board of education may request, with 319
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regard to the individual, whether the bureau has any information 344
gathered under division (A) of this section that pertains to 345
that individual. On receipt of the request, subject to division 346
(E) (2) of this section, the superintendent shall determine 347
whether that information exists and, upon request of the person, 348
board, or entity requesting information, also shall request from 349
the federal bureau of investigation any criminal records it has 350
pertaining to that individual. The superintendent or the 351
superintendent's designee also may request criminal history 352
records from other states or the federal government pursuant to 353
the national crime prevention and privacy compact set forth in 354
section 109.571 of the Revised Code. Within thirty days of the 355
date that the superintendent receives a request, subject to 356
division (E) (2) of this section, the superintendent shall send 357
to the board, entity, or person a report of any information that 358
the superintendent determines exists, including information 359
contained in records that have been sealed under section 2953.32 360
of the Revised Code, and, within thirty days of its receipt, 361
subject to division (E) (2) of this section, shall send the 362
board, entity, or person a report of any information received 363
from the federal bureau of investigation, other than information 364
the dissemination of which is prohibited by federal law. 365

(b) When a board of education or a registered private 366
provider is required to receive information under this section 367
as a prerequisite to employment of an individual pursuant to 368
division (C) of section 3310.58 or section 3319.39 of the 369
Revised Code, it may accept a certified copy of records that 370
were issued by the bureau of criminal identification and 371
investigation and that are presented by an individual applying 372
for employment with the district in lieu of requesting that 373
information itself. In such a case, the board shall accept the 374

certified copy issued by the bureau in order to make a photocopy 375
of it for that individual's employment application documents and 376
shall return the certified copy to the individual. In a case of 377
that nature, a district or provider only shall accept a 378
certified copy of records of that nature within one year after 379
the date of their issuance by the bureau. 380

(c) Notwithstanding division (F) (2) (a) of this section, in 381
the case of a request under section 3319.39, 3319.391, or 382
3327.10 of the Revised Code only for criminal records maintained 383
by the federal bureau of investigation, the superintendent shall 384
not determine whether any information gathered under division 385
(A) of this section exists on the person for whom the request is 386
made. 387

(3) The state board of education may request, with respect 388
to any individual who has applied for employment after October 389
2, 1989, in any position with the state board or the department 390
of education, any information that a school district board of 391
education is authorized to request under division (F) (2) of this 392
section, and the superintendent of the bureau shall proceed as 393
if the request has been received from a school district board of 394
education under division (F) (2) of this section. 395

(4) When the superintendent of the bureau receives a 396
request for information under section 3319.291 of the Revised 397
Code, the superintendent shall proceed as if the request has 398
been received from a school district board of education and 399
shall comply with divisions (F) (2) (a) and (c) of this section. 400

(5) When a recipient of a classroom reading improvement 401
grant paid under section 3301.86 of the Revised Code requests, 402
with respect to any individual who applies to participate in 403
providing any program or service funded in whole or in part by 404

the grant, the information that a school district board of 405
education is authorized to request under division (F) (2) (a) of 406
this section, the superintendent of the bureau shall proceed as 407
if the request has been received from a school district board of 408
education under division (F) (2) (a) of this section. 409

(G) In addition to or in conjunction with any request that 410
is required to be made under section 3701.881, 3712.09, or 411
3721.121 of the Revised Code with respect to an individual who 412
has applied for employment in a position that involves providing 413
direct care to an older adult or adult resident, the chief 414
administrator of a home health agency, hospice care program, 415
home licensed under Chapter 3721. of the Revised Code, or adult 416
day-care program operated pursuant to rules adopted under 417
section 3721.04 of the Revised Code may request that the 418
superintendent of the bureau investigate and determine, with 419
respect to any individual who has applied after January 27, 420
1997, for employment in a position that does not involve 421
providing direct care to an older adult or adult resident, 422
whether the bureau has any information gathered under division 423
(A) of this section that pertains to that individual. 424

In addition to or in conjunction with any request that is 425
required to be made under section 173.27 of the Revised Code 426
with respect to an individual who has applied for employment in 427
a position that involves providing ombudsman services to 428
residents of long-term care facilities or recipients of 429
community-based long-term care services, the state long-term 430
care ombudsman, the director of aging, a regional long-term care 431
ombudsman program, or the designee of the ombudsman, director, 432
or program may request that the superintendent investigate and 433
determine, with respect to any individual who has applied for 434
employment in a position that does not involve providing such 435

ombudsman services, whether the bureau has any information 436
gathered under division (A) of this section that pertains to 437
that applicant. 438

In addition to or in conjunction with any request that is 439
required to be made under section 173.38 of the Revised Code 440
with respect to an individual who has applied for employment in 441
a direct-care position, the chief administrator of a provider, 442
as defined in section 173.39 of the Revised Code, may request 443
that the superintendent investigate and determine, with respect 444
to any individual who has applied for employment in a position 445
that is not a direct-care position, whether the bureau has any 446
information gathered under division (A) of this section that 447
pertains to that applicant. 448

In addition to or in conjunction with any request that is 449
required to be made under section 3712.09 of the Revised Code 450
with respect to an individual who has applied for employment in 451
a position that involves providing direct care to a pediatric 452
respite care patient, the chief administrator of a pediatric 453
respite care program may request that the superintendent of the 454
bureau investigate and determine, with respect to any individual 455
who has applied for employment in a position that does not 456
involve providing direct care to a pediatric respite care 457
patient, whether the bureau has any information gathered under 458
division (A) of this section that pertains to that individual. 459

On receipt of a request under this division, the 460
superintendent shall determine whether that information exists 461
and, on request of the individual requesting information, shall 462
also request from the federal bureau of investigation any 463
criminal records it has pertaining to the applicant. The 464
superintendent or the superintendent's designee also may request 465

criminal history records from other states or the federal 466
government pursuant to the national crime prevention and privacy 467
compact set forth in section 109.571 of the Revised Code. Within 468
thirty days of the date a request is received, subject to 469
division (E)(2) of this section, the superintendent shall send 470
to the requester a report of any information determined to 471
exist, including information contained in records that have been 472
sealed under section 2953.32 of the Revised Code, and, within 473
thirty days of its receipt, shall send the requester a report of 474
any information received from the federal bureau of 475
investigation, other than information the dissemination of which 476
is prohibited by federal law. 477

(H) Information obtained by a government entity or person 478
under this section is confidential and shall not be released or 479
disseminated. 480

(I) The superintendent may charge a reasonable fee for 481
providing information or criminal records under division (F)(2) 482
or (G) of this section. 483

(J) As used in this section: 484

(1) "Pediatric respite care program" and "pediatric care 485
patient" have the same meanings as in section 3712.01 of the 486
Revised Code. 487

(2) "Sexually oriented offense" and "child-victim oriented 488
offense" have the same meanings as in section 2950.01 of the 489
Revised Code. 490

(3) "Registered private provider" means a nonpublic school 491
or entity registered with the superintendent of public 492
instruction under section 3310.41 of the Revised Code to 493
participate in the autism scholarship program or section 3310.58 494

of the Revised Code to participate in the Jon Peterson special 495
needs scholarship program. 496

Sec. 111.41. As used in sections 111.41 to 111.99 of the 497
Revised Code: 498

(A) "Application assistant" means an employee or volunteer 499
at an agency or organization that serves victims of domestic 500
violence, menacing by stalking, human trafficking, trafficking 501
in persons, rape, or sexual battery who has received training 502
and certification from the secretary of state to help 503
individuals complete applications to be program participants. 504

(B) "Confidential address" means the address of a program 505
participant's residence, school, institution of higher 506
education, business, or place of employment, as specified on an 507
application to be a program participant or on a notice of change 508
of address filed under section 111.42 of the Revised Code. A 509
confidential address is not a public record under section 149.43 510
of the Revised Code, and shall be kept confidential. 511

(C) "Governmental entity" means the state, a political 512
subdivision of the state, or any department, agency, board, 513
commission, or other instrumentality of the state or a political 514
subdivision of the state. 515

(D) "Guardian," "incompetent," "parent," and "ward" have 516
the same meanings as in section 2111.01 of the Revised Code. 517

(E) "Human trafficking" has the same meaning as in section 518
2929.01 of the Revised Code. 519

(F) "Process" means judicial process and all orders, 520
demands, notices, or other papers required or permitted by law 521
to be served on a program participant. 522

(G) "Program participant" means a person who is certified 523
by the secretary of state as a program participant under section 524
111.42 of the Revised Code. 525

(H) "Tier I sex offender/child-victim offender," "tier II 526
sex offender/child-victim offender," and "tier III sex 527
offender/child-victim offender" have the same meanings as in 528
section 2950.01 of the Revised Code. 529

Sec. 111.42. (A) Except for a person described in division 530
(F) of this section, an adult person, or a parent or guardian 531
acting on behalf of a minor, incompetent, or ward, when changing 532
residence, may apply to the secretary of state with the 533
assistance of an application assistant to have an address 534
designated by the secretary of state serve as the person's 535
address or the address of the minor, incompetent, or ward. The 536
application shall be made on a form prescribed by the secretary 537
of state and filed in the office of the secretary of state in 538
the manner prescribed by the secretary of state. The application 539
shall contain all of the following: 540

(1) A notarized statement by the applicant that the 541
applicant fears for the safety of the applicant, a member of the 542
applicant's household, or the minor, incompetent, or ward on 543
whose behalf the application is made because the applicant, 544
household member, minor, incompetent, or ward is a victim of 545
domestic violence, menacing by stalking, human trafficking, 546
trafficking in persons, rape, or sexual battery; 547

(2) A knowing and voluntary designation of the secretary 548
of state as the agent for the purposes of receiving service of 549
process and the receipt of mail; 550

(3) The mailing address and telephone number or numbers at 551

which the secretary of state may contact the applicant; 552

(4) The address or addresses of the applicant's residence, 553
school, institution of higher education, business, or place of 554
employment that the applicant requests not be disclosed for the 555
reason that disclosure will increase the risk that the 556
applicant, a member of the applicant's household, or the minor, 557
incompetent, or ward on whose behalf the application is made 558
will be threatened or physically harmed by another person; 559

(5) The signature of the applicant, the name and signature 560
of the application assistant who assisted the applicant, and the 561
date on which the applicant and the application assistant signed 562
the application; 563

(6) Except for a claim based on the performance or 564
nonperformance of a public duty that was manifestly outside the 565
scope of the officer's or employee's office or employment or in 566
which the officer or employee acted with malicious purpose, in 567
bad faith, or in a wanton or reckless manner, a voluntary 568
release and waiver of all future claims against the state for 569
any claim that may arise from participation in the address 570
confidentiality program. 571

(B) Upon receiving a properly completed application under 572
division (A) of this section, the secretary of state shall do 573
all of the following: 574

(1) Certify the applicant or the minor, incompetent, or 575
ward on whose behalf the application is filed as a program 576
participant; 577

(2) Designate each eligible address listed in the 578
application as a confidential address; 579

(3) Issue the program participant a unique program 580

participant identification number; 581

(4) Provide information to the program participant 582
concerning the manner in which the program participant may use 583
the secretary of state as the program participant's agent for 584
the purposes of receiving mail and receiving service of process; 585

(5) Provide information to the program participant 586
concerning the process to register to vote and to vote as a 587
program participant, if the program participant is eligible to 588
vote. 589

(C) A program participant shall update the person's 590
application information, within thirty days after any change has 591
occurred, by submitting a notice of change to the office of the 592
secretary of state on a form prescribed by the secretary of 593
state. The secretary of state may, with proper notice, cancel a 594
program participant from the program if the participant is found 595
to be unreachable for a period of sixty days or more. 596

(D) The certification of a program participant shall be 597
valid for four years after the date of the filing of the 598
application for the program participant unless the certification 599
is withdrawn or invalidated before the end of that four-year 600
period. 601

(E) (1) A program participant who continues to be eligible 602
to participate in the address confidentiality program may renew 603
the program participant's certification by submitting a renewal 604
application to the secretary of state with the assistance of an 605
application assistant. The renewal application shall be on a 606
form prescribed by the secretary of state and shall contain all 607
of the information described in division (A) of this section. 608

(2) The secretary of state may prescribe by rule a grace 609

period during which a program participant whose certification 610
has expired may renew the program participant's certification 611
without being considered to have ceased being a program 612
participant during that period. 613

(3) When a program participant renews the program 614
participant's certification, the program participant shall 615
continue to use the program participant's original program 616
participant identification number. 617

(F) A tier I sex offender/child-victim offender, a tier II 618
sex offender/child-victim offender, or a tier III sex 619
offender/child-victim offender is not eligible to participate in 620
the address confidentiality program described in sections 111.41 621
to 111.99 of the Revised Code. 622

Sec. 111.43. (A) A program participant may request that a 623
governmental entity, other than a board of elections, use the 624
address designated by the secretary of state as the program 625
participant's address. Except as otherwise provided in division 626
(D) of this section and in section 111.44 of the Revised Code, 627
if the program participant requests that a governmental entity 628
use that address, the governmental entity shall accept that 629
address. 630

(B) If a program participant's employer, school, or 631
institution of higher education is not a governmental entity, 632
the program participant may request that the employer, school, 633
or institution of higher education use the address designated by 634
the secretary of state as the program participant's address. 635

(C) (1) The office of the secretary of state shall, on each 636
day that the secretary of state's office is open for business, 637
place all first class mail of a program participant that the 638

secretary of state receives into an envelope or package and mail 639
that envelope or package to the program participant at the 640
mailing address the program participant provided to the 641
secretary of state for that purpose. The secretary of state may 642
contract with the United States postal service to establish 643
special postal rates for the envelopes or packages used in 644
mailing a program participant's first class mail under this 645
section. 646

(2) (a) Upon receiving service of process on behalf of a 647
program participant, the office of the secretary of state shall 648
immediately forward the process by certified mail, return 649
receipt requested, to the program participant at the mailing 650
address the program participant provided to the secretary of 651
state for that purpose. Service of process upon the office of 652
the secretary of state on behalf of a program participant 653
constitutes service upon the program participant under rule 4.2 654
of the Rules of Civil Procedure. 655

(b) The secretary of state may prescribe by rule the 656
manner in which process may be served on the secretary of state 657
as the agent of a program participant. 658

(c) Upon request by a person who intends to serve process 659
on an individual, the secretary of state shall confirm whether 660
the individual is a program participant but shall not disclose 661
any other information concerning a program participant. 662

(D) Division (A) of this section does not apply to a 663
municipal-owned public utility. The confidential addresses of 664
participants of the address confidentiality program that are 665
maintained by a municipal-owned public utility are not a public 666
record and shall not be released by a municipal-owned public 667
utility or by any employee of a municipal-owned public utility. 668

Sec. 111.44. (A) A program participant who is eligible to 669
vote may apply to the board of elections of the county in which 670
the program participant resides to request that the program 671
participant's voter registration record be kept confidential. 672
The program participant shall submit an application to the 673
director of the board of elections, on a form prescribed by the 674
secretary of state, that includes all of the following: 675

(1) The information required under section 3503.14 of the 676
Revised Code to register to vote; 677

(2) The program participant's program participant 678
identification number; 679

(3) If the program participant is currently registered to 680
vote in another county or another state, the address at which 681
the program participant is registered to vote and a statement 682
that the program participant authorizes the director to instruct 683
the appropriate authority to cancel the program participant's 684
existing voter registration; 685

(4) A statement that the program participant understands 686
that during the time the program participant chooses to have a 687
confidential voter registration record, the program participant 688
may vote only by absent voter's ballots and the program 689
participant may provide the program participant's program 690
participant identification number instead of the program 691
participant's residence address on an application for absent 692
voter's ballots or on an absent voter's ballot identification 693
envelope statement of voter. 694

(B) Upon the receipt by the director of the board of 695
elections of a valid application under division (A) of this 696
section, all of the following shall apply: 697

(1) The director or the deputy director shall contact the secretary of state to confirm that the program participant identification number provided on the application matches the number the secretary of state issued to the program participant. 698
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(2) The application shall be treated as the program participant's voter registration form. The form shall be stored in a secure manner, such that only the members of the board of elections, the director, and the deputy director have access to the form and to the residence address contained in the form. 702
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(3) The director or the deputy director shall record the program participant's program participant identification number in the statewide voter registration database and the official registration list instead of the program participant's residence address and precinct. 707
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(4) If the program participant is currently registered to vote in the county, the director or the deputy director shall do all of the following: 712
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(a) Remove the residence address and precinct information from the program participant's voter registration record, the statewide voter registration database, and the official registration list; 715
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(b) Remove the program participant's name and registration information from any pollbook, poll list, or signature pollbook in which it appears and from any publicly available registration list in which it appears. 719
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(5) If the program participant is currently registered to vote in another county, the director or the deputy director shall notify the board of elections of the county in which the program participant is registered to cancel the program 723
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participant's registration. The program participant's existing 727
registration shall be considered to have been transferred to the 728
county in which the program participant currently resides. 729
Notwithstanding any contrary provision of section 3503.01 of the 730
Revised Code, if the program participant submitted the 731
application less than thirty days before the day of an election, 732
the program participant shall be eligible to vote in that 733
election. 734

(6) If the program participant is currently registered to 735
vote in another state, the director or the deputy director shall 736
notify the appropriate authority in that state to cancel the 737
program participant's registration. 738

(7) The director or the deputy director shall promptly 739
send an acknowledgment notice to the program participant on a 740
form prescribed by the secretary of state. 741

(C) (1) (a) The residence address or precinct of a program 742
participant who has a confidential voter registration record, as 743
described in this section, shall not appear in the statewide 744
voter registration database or in the official registration 745
list. The program participant's program participant 746
identification number shall appear in place of that information. 747

(b) No information concerning the program participant, 748
including the program participant's name, shall be included in 749
any pollbook, poll list, or signature pollbook. 750

(c) No information concerning the program participant, 751
including the program participant's name, shall be included in 752
the version of the statewide voter registration database that is 753
available to the public or in any version of an official 754
registration list that is available to the public. 755

(2) Notwithstanding any contrary provision of the Revised Code, a program participant who has a confidential voter registration record may vote only by casting absent voter's ballots or by casting a provisional ballot. 756
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(D) (1) A program participant who has a confidential voter registration record and who has had a change of name or change of address may do either of the following: 760
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(a) Submit an application under division (A) of this section that includes the program participant's updated information. The director or the deputy director shall treat that application as a notice of change of name or change of address. 763
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(b) Cast a provisional ballot in accordance with division (H) of section 3503.16 of the Revised Code. 768
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(2) If the program participant currently resides in that county, the director or the deputy director shall replace the program participant's existing registration form with the new registration form or with the information contained in the provisional ballot affirmation, as applicable. 770
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(3) If the program participant currently resides in another county in this state, the director or the deputy director shall cancel the program participant's existing registration form and shall transmit the program participant's new registration form to the director of the board of elections of the county in which the elector currently resides, and the new registration form shall be processed in accordance with division (B) of this section. 775
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(E) A person who has a confidential voter registration record and who ceases being a program participant or who wishes 783
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to cease having a confidential voter registration record shall 785
submit an application, on a form prescribed by the secretary of 786
state, that includes all of the following: 787

(1) The information required under section 3503.14 of the 788
Revised Code to register to vote; 789

(2) The person's program participant identification 790
number; 791

(3) A statement that the person has ceased being a program 792
participant or that the person wishes to cease having a 793
confidential voter registration record; 794

(4) A statement that the director should do one of the 795
following: 796

(a) Treat the person's existing voter registration form in 797
the same manner as other voter registration forms; 798

(b) Cancel the person's voter registration. 799

(F) (1) Upon receiving a valid application under division 800
(E) of this section from a person who wishes the board of 801
elections to treat the person's existing voter registration form 802
in the same manner as other voter registration forms, or upon 803
receiving a notice from the secretary of state under division 804
(B) of section 111.45 of the Revised Code concerning a person 805
who has a confidential voter registration record, the director 806
or the deputy director shall do all of the following: 807

(a) Store the person's voter registration form in the same 808
manner as other voter registration forms; 809

(b) Remove the person's program participant identification 810
number from the person's registration form and from the 811
statewide voter registration database; 812

(c) Ensure that the statewide voter registration database 813
and any poll list, pollbook, or registration list accurately 814
reflect the person's current name and registration information. 815

(2) Notwithstanding any contrary provision of section 816
3503.01 of the Revised Code, if the director receives an 817
application or notice described in division (F) (1) of this 818
section concerning an elector less than thirty days before the 819
day of an election, the elector shall be eligible to vote in 820
that election. 821

(G) Upon receiving a valid application under division (E) 822
of this section from a person who wishes to have the person's 823
voter registration canceled, the director or the deputy director 824
shall cancel the person's voter registration. 825

Sec. 111.45. (A) The secretary of state shall cancel the 826
certification of a program participant if any of the following 827
are true: 828

(1) The program participant's application contained one or 829
more false statements. 830

(2) The program participant has filed a written, notarized 831
request with the secretary of state, on a form prescribed by the 832
secretary of state, asking to cease being a program participant. 833

(3) The program participant's certification has expired 834
and the program participant has not renewed the certification in 835
accordance with division (E) of section 111.42 of the Revised 836
Code not later than the deadline specified by the secretary of 837
state by rule to renew the certification. 838

(B) Upon canceling a certification under division (A) of 839
this section, the secretary of state shall notify the director 840
of the board of elections of the county in which the former 841

program participant resides. 842

Sec. 111.46. (A) The secretary of state shall make 843
available to the attorney general, for inclusion into the Ohio 844
law enforcement gateway, the name, telephone number, and 845
confidential address of each program participant. Access to 846
information in the gateway regarding an address confidentiality 847
program participant may only be granted to chiefs of police, 848
village marshals, county sheriffs, county prosecuting attorneys, 849
and a designee of each of these individuals. 850

A city director of law or similar chief legal officer who 851
requires access to a program participant's confidential address 852
or telephone number for a legitimate governmental purpose may 853
petition the court of common pleas of Franklin county to order 854
the secretary of state to make that confidential address or 855
telephone number available to the petitioner. 856

(B) Upon the filing of a petition under this section, the 857
court shall fix a date for a hearing on it and shall require the 858
clerk of the court to serve a notice of the date, time, place, 859
and purpose of the hearing upon the petitioner. The clerk also 860
shall serve that notice upon the secretary of state so that the 861
secretary of state may send the notice to the program 862
participant in accordance with division (C) of this section. 863

(C) Upon receiving a notice under division (B) of this 864
section, the secretary of state immediately shall send a copy of 865
the notice to the program participant by certified mail, return 866
receipt requested. 867

(D) At a hearing under this section, the petitioner shall 868
appear, and the program participant or the program participant's 869
attorney may appear and be heard. After the hearing and 870

considering the testimony, the court shall issue the requested 871
order only if it appears to the court by clear and convincing 872
evidence that the disclosure of the program participant's 873
confidential address or telephone number to the petitioner is 874
necessary for a legitimate governmental purpose. 875

(E) Upon request by a city director of law or similar 876
chief legal officer, who intends to petition the court for 877
access to an individual's address or telephone number under this 878
section, the secretary of state shall confirm whether the 879
individual is a program participant but shall not disclose any 880
other information concerning a program participant. 881

Sec. 111.47. (A) Notwithstanding division (A) (3) of 882
section 2743.02 of the Revised Code and except if the 883
performance or nonperformance was manifestly outside the scope 884
of the officer's or employee's office or employment or the 885
officer or employee acted with malicious purpose, in bad faith, 886
or in a wanton or reckless manner, the state is immune from 887
liability in any civil action or proceeding involving the 888
performance or nonperformance of a public duty under the address 889
confidentiality program. 890

(B) The secretary of state shall adopt rules under Chapter 891
119. of the Revised Code to facilitate the administration of 892
sections 111.41 to 111.46 of the Revised Code. 893

Sec. 111.48. There is in the state treasury the address 894
confidentiality program fund. The fund shall consist of money 895
paid into the fund pursuant to division (B) (10) of section 896
2929.18 and division (D) of section 2929.28 of the Revised Code 897
and any money appropriated to the fund by the general assembly 898
or donated to the fund. The secretary of state shall use the 899
money in the fund for the purpose of administering the address 900

confidentiality program described in sections 111.41 to 111.47 901
of the Revised Code. 902

Sec. 111.99. (A) No person who submits an application 903
under section 111.42 of the Revised Code shall knowingly make a 904
false attestation in the application that the applicant fears 905
for the applicant's safety, the safety of a member of the 906
applicant's household, or the safety of the minor, incompetent, 907
or ward on whose behalf the application is made because the 908
applicant, household member, minor, incompetent, or ward is a 909
victim of domestic violence, menacing by stalking, human 910
trafficking, trafficking in persons, rape, or sexual battery. 911

(B) No person who has access to a confidential address or 912
telephone number because of the person's employment or official 913
position shall knowingly disclose that confidential address or 914
telephone number to any person, except as required by law. 915

(C) No person who obtains a confidential address or 916
telephone number from the Ohio law enforcement gateway shall 917
knowingly disclose that confidential address or telephone number 918
to any person, except as is necessary for a law enforcement 919
purpose when related to the performance of official duties, or 920
for another legitimate governmental purpose. 921

(D) Whoever violates this section is guilty of a 922
misdemeanor of the first degree. 923

Sec. 149.43. (A) As used in this section: 924

(1) "Public record" means records kept by any public 925
office, including, but not limited to, state, county, city, 926
village, township, and school district units, and records 927
pertaining to the delivery of educational services by an 928
alternative school in this state kept by the nonprofit or for- 929

profit entity operating the alternative school pursuant to	930
section 3313.533 of the Revised Code. "Public record" does not	931
mean any of the following:	932
(a) Medical records;	933
(b) Records pertaining to probation and parole proceedings	934
or to proceedings related to the imposition of community control	935
sanctions and post-release control sanctions;	936
(c) Records pertaining to actions under section 2151.85	937
and division (C) of section 2919.121 of the Revised Code and to	938
appeals of actions arising under those sections;	939
(d) Records pertaining to adoption proceedings, including	940
the contents of an adoption file maintained by the department of	941
health under sections 3705.12 to 3705.124 of the Revised Code;	942
(e) Information in a record contained in the putative	943
father registry established by section 3107.062 of the Revised	944
Code, regardless of whether the information is held by the	945
department of job and family services or, pursuant to section	946
3111.69 of the Revised Code, the office of child support in the	947
department or a child support enforcement agency;	948
(f) Records specified in division (A) of section 3107.52	949
of the Revised Code;	950
(g) Trial preparation records;	951
(h) Confidential law enforcement investigatory records;	952
(i) Records containing information that is confidential	953
under section 2710.03 or 4112.05 of the Revised Code;	954
(j) DNA records stored in the DNA database pursuant to	955
section 109.573 of the Revised Code;	956

(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;	957 958 959 960
(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;	961 962 963 964
(m) Intellectual property records;	965
(n) Donor profile records;	966
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	967 968
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation, <u>or federal law enforcement officer</u> residential and familial information;	969 970 971 972 973 974 975
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	976 977 978 979 980
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	981 982
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a	983 984

review conducted pursuant to guidelines established by the 985
director of health under section 3701.70 of the Revised Code, 986
records provided to the board or director, statements made by 987
board members during meetings of the board or by persons 988
participating in the director's review, and all work products of 989
the board or director, and in the case of a child fatality 990
review board, child fatality review data submitted by the board 991
to the department of health or a national child death review 992
database, other than the report prepared pursuant to division 993
(A) of section 307.626 of the Revised Code; 994

(t) Records provided to and statements made by the 995
executive director of a public children services agency or a 996
prosecuting attorney acting pursuant to section 5153.171 of the 997
Revised Code other than the information released under that 998
section; 999

(u) Test materials, examinations, or evaluation tools used 1000
in an examination for licensure as a nursing home administrator 1001
that the board of executives of long-term services and supports 1002
administers under section 4751.04 of the Revised Code or 1003
contracts under that section with a private or government entity 1004
to administer; 1005

(v) Records the release of which is prohibited by state or 1006
federal law; 1007

(w) Proprietary information of or relating to any person 1008
that is submitted to or compiled by the Ohio venture capital 1009
authority created under section 150.01 of the Revised Code; 1010

(x) Financial statements and data any person submits for 1011
any purpose to the Ohio housing finance agency or the 1012
controlling board in connection with applying for, receiving, or 1013

accounting for financial assistance from the agency, and 1014
information that identifies any individual who benefits directly 1015
or indirectly from financial assistance from the agency; 1016

(y) Records listed in section 5101.29 of the Revised Code; 1017

(z) Discharges recorded with a county recorder under 1018
section 317.24 of the Revised Code, as specified in division (B) 1019
(2) of that section; 1020

(aa) Usage information including names and addresses of 1021
specific residential and commercial customers of a municipally 1022
owned or operated public utility; 1023

(bb) Records described in division (C) of section 187.04 1024
of the Revised Code that are not designated to be made available 1025
to the public as provided in that division; 1026

(cc) Information and records that are made confidential, 1027
privileged, and not subject to disclosure under divisions (B) 1028
and (C) of section 2949.221 of the Revised Code. 1029

(dd) The confidential name, address, and other personally 1030
identifiable information of a program participant in the address 1031
confidentiality program established under sections 111.41 to 1032
111.47 of the Revised Code, and records or portions of records 1033
pertaining to that program that identify the number of program 1034
participants that reside within a precinct, ward, township, 1035
municipal corporation, county, or any other geographic area 1036
smaller than the state. As used in this division, "confidential 1037
address" and "program participant" have the meaning defined in 1038
section 111.41 of the Revised Code. 1039

(2) "Confidential law enforcement investigatory record" 1040
means any record that pertains to a law enforcement matter of a 1041
criminal, quasi-criminal, civil, or administrative nature, but 1042

only to the extent that the release of the record would create a 1043
high probability of disclosure of any of the following: 1044

(a) The identity of a suspect who has not been charged 1045
with the offense to which the record pertains, or of an 1046
information source or witness to whom confidentiality has been 1047
reasonably promised; 1048

(b) Information provided by an information source or 1049
witness to whom confidentiality has been reasonably promised, 1050
which information would reasonably tend to disclose the source's 1051
or witness's identity; 1052

(c) Specific confidential investigatory techniques or 1053
procedures or specific investigatory work product; 1054

(d) Information that would endanger the life or physical 1055
safety of law enforcement personnel, a crime victim, a witness, 1056
or a confidential information source. 1057

(3) "Medical record" means any document or combination of 1058
documents, except births, deaths, and the fact of admission to 1059
or discharge from a hospital, that pertains to the medical 1060
history, diagnosis, prognosis, or medical condition of a patient 1061
and that is generated and maintained in the process of medical 1062
treatment. 1063

(4) "Trial preparation record" means any record that 1064
contains information that is specifically compiled in reasonable 1065
anticipation of, or in defense of, a civil or criminal action or 1066
proceeding, including the independent thought processes and 1067
personal trial preparation of an attorney. 1068

(5) "Intellectual property record" means a record, other 1069
than a financial or administrative record, that is produced or 1070
collected by or for faculty or staff of a state institution of 1071

higher learning in the conduct of or as a result of study or 1072
research on an educational, commercial, scientific, artistic, 1073
technical, or scholarly issue, regardless of whether the study 1074
or research was sponsored by the institution alone or in 1075
conjunction with a governmental body or private concern, and 1076
that has not been publicly released, published, or patented. 1077

(6) "Donor profile record" means all records about donors 1078
or potential donors to a public institution of higher education 1079
except the names and reported addresses of the actual donors and 1080
the date, amount, and conditions of the actual donation. 1081

(7) "Peace officer, parole officer, probation officer, 1082
bailiff, prosecuting attorney, assistant prosecuting attorney, 1083
correctional employee, community-based correctional facility 1084
employee, youth services employee, firefighter, EMT, ~~or~~ 1085
investigator of the bureau of criminal identification and 1086
investigation, or federal law enforcement officer residential 1087
and familial information" means any information that discloses 1088
any of the following about a peace officer, parole officer, 1089
probation officer, bailiff, prosecuting attorney, assistant 1090
prosecuting attorney, correctional employee, community-based 1091
correctional facility employee, youth services employee, 1092
firefighter, EMT, ~~or~~ investigator of the bureau of criminal 1093
identification and investigation, or federal law enforcement 1094
officer: 1095

(a) The address of the actual personal residence of a 1096
peace officer, parole officer, probation officer, bailiff, 1097
assistant prosecuting attorney, correctional employee, 1098
community-based correctional facility employee, youth services 1099
employee, firefighter, EMT, ~~or~~ an investigator of the bureau of 1100
criminal identification and investigation, or federal law 1101

enforcement officer, except for the state or political 1102
subdivision in which the peace officer, parole officer, 1103
probation officer, bailiff, assistant prosecuting attorney, 1104
correctional employee, community-based correctional facility 1105
employee, youth services employee, firefighter, EMT, ~~or~~ 1106
investigator of the bureau of criminal identification and 1107
investigation, or federal law enforcement officer resides; 1108

(b) Information compiled from referral to or participation 1109
in an employee assistance program; 1110

(c) The social security number, the residential telephone 1111
number, any bank account, debit card, charge card, or credit 1112
card number, or the emergency telephone number of, or any 1113
medical information pertaining to, a peace officer, parole 1114
officer, probation officer, bailiff, prosecuting attorney, 1115
assistant prosecuting attorney, correctional employee, 1116
community-based correctional facility employee, youth services 1117
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1118
criminal identification and investigation, or federal law 1119
enforcement officer; 1120

(d) The name of any beneficiary of employment benefits, 1121
including, but not limited to, life insurance benefits, provided 1122
to a peace officer, parole officer, probation officer, bailiff, 1123
prosecuting attorney, assistant prosecuting attorney, 1124
correctional employee, community-based correctional facility 1125
employee, youth services employee, firefighter, EMT, ~~or~~ 1126
investigator of the bureau of criminal identification and 1127
investigation, or federal law enforcement officer by the peace 1128
officer's, parole officer's, probation officer's, bailiff's, 1129
prosecuting attorney's, assistant prosecuting attorney's, 1130
correctional employee's, community-based correctional facility 1131

employee's, youth services employee's, firefighter's, EMT's, ~~or~~ 1132
investigator of the bureau of criminal identification and 1133
investigation's, or federal law enforcement officer's employer; 1134

(e) The identity and amount of any charitable or 1135
employment benefit deduction made by the peace officer's, parole 1136
officer's, probation officer's, bailiff's, prosecuting 1137
attorney's, assistant prosecuting attorney's, correctional 1138
employee's, community-based correctional facility employee's, 1139
youth services employee's, firefighter's, EMT's, ~~or~~ investigator 1140
of the bureau of criminal identification and investigation's, or 1141
federal law enforcement officer's employer from the peace 1142
officer's, parole officer's, probation officer's, bailiff's, 1143
prosecuting attorney's, assistant prosecuting attorney's, 1144
correctional employee's, community-based correctional facility 1145
employee's, youth services employee's, firefighter's, EMT's, ~~or~~ 1146
investigator of the bureau of criminal identification and 1147
investigation's, or federal law enforcement officer's 1148
compensation unless the amount of the deduction is required by 1149
state or federal law; 1150

(f) The name, the residential address, the name of the 1151
employer, the address of the employer, the social security 1152
number, the residential telephone number, any bank account, 1153
debit card, charge card, or credit card number, or the emergency 1154
telephone number of the spouse, a former spouse, or any child of 1155
a peace officer, parole officer, probation officer, bailiff, 1156
prosecuting attorney, assistant prosecuting attorney, 1157
correctional employee, community-based correctional facility 1158
employee, youth services employee, firefighter, EMT, ~~or~~ 1159
investigator of the bureau of criminal identification and 1160
investigation, or federal law enforcement officer; 1161

(g) A photograph of a peace officer who holds a position 1162
or has an assignment that may include undercover or plain 1163
clothes positions or assignments as determined by the peace 1164
officer's appointing authority. 1165

As used in divisions (A) (7) and (B) (9) of this section, 1166
"peace officer" has the same meaning as in section 109.71 of the 1167
Revised Code and also includes the superintendent and troopers 1168
of the state highway patrol; it does not include the sheriff of 1169
a county or a supervisory employee who, in the absence of the 1170
sheriff, is authorized to stand in for, exercise the authority 1171
of, and perform the duties of the sheriff. 1172

As used in divisions (A) (7) and (B) (9) of this section, 1173
"correctional employee" means any employee of the department of 1174
rehabilitation and correction who in the course of performing 1175
the employee's job duties has or has had contact with inmates 1176
and persons under supervision. 1177

As used in divisions (A) (7) and (B) (9) of this section, 1178
"youth services employee" means any employee of the department 1179
of youth services who in the course of performing the employee's 1180
job duties has or has had contact with children committed to the 1181
custody of the department of youth services. 1182

As used in divisions (A) (7) and (B) (9) of this section, 1183
"firefighter" means any regular, paid or volunteer, member of a 1184
lawfully constituted fire department of a municipal corporation, 1185
township, fire district, or village. 1186

As used in divisions (A) (7) and (B) (9) of this section, 1187
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 1188
emergency medical services for a public emergency medical 1189
service organization. "Emergency medical service organization," 1190

"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 1191
in section 4765.01 of the Revised Code. 1192

As used in divisions (A)(7) and (B)(9) of this section, 1193
"investigator of the bureau of criminal identification and 1194
investigation" has the meaning defined in section 2903.11 of the 1195
Revised Code. 1196

As used in divisions (A)(7) and (B)(9) of this section, 1197
"federal law enforcement officer" has the meaning defined in 1198
section 9.88 of the Revised Code. 1199

(8) "Information pertaining to the recreational activities 1200
of a person under the age of eighteen" means information that is 1201
kept in the ordinary course of business by a public office, that 1202
pertains to the recreational activities of a person under the 1203
age of eighteen years, and that discloses any of the following: 1204

(a) The address or telephone number of a person under the 1205
age of eighteen or the address or telephone number of that 1206
person's parent, guardian, custodian, or emergency contact 1207
person; 1208

(b) The social security number, birth date, or 1209
photographic image of a person under the age of eighteen; 1210

(c) Any medical record, history, or information pertaining 1211
to a person under the age of eighteen; 1212

(d) Any additional information sought or required about a 1213
person under the age of eighteen for the purpose of allowing 1214
that person to participate in any recreational activity 1215
conducted or sponsored by a public office or to use or obtain 1216
admission privileges to any recreational facility owned or 1217
operated by a public office. 1218

(9) "Community control sanction" has the same meaning as 1219
in section 2929.01 of the Revised Code. 1220

(10) "Post-release control sanction" has the same meaning 1221
as in section 2967.01 of the Revised Code. 1222

(11) "Redaction" means obscuring or deleting any 1223
information that is exempt from the duty to permit public 1224
inspection or copying from an item that otherwise meets the 1225
definition of a "record" in section 149.011 of the Revised Code. 1226

(12) "Designee" and "elected official" have the same 1227
meanings as in section 109.43 of the Revised Code. 1228

(B) (1) Upon request and subject to division (B) (8) of this 1229
section, all public records responsive to the request shall be 1230
promptly prepared and made available for inspection to any 1231
person at all reasonable times during regular business hours. 1232
Subject to division (B) (8) of this section, upon request, a 1233
public office or person responsible for public records shall 1234
make copies of the requested public record available at cost and 1235
within a reasonable period of time. If a public record contains 1236
information that is exempt from the duty to permit public 1237
inspection or to copy the public record, the public office or 1238
the person responsible for the public record shall make 1239
available all of the information within the public record that 1240
is not exempt. When making that public record available for 1241
public inspection or copying that public record, the public 1242
office or the person responsible for the public record shall 1243
notify the requester of any redaction or make the redaction 1244
plainly visible. A redaction shall be deemed a denial of a 1245
request to inspect or copy the redacted information, except if 1246
federal or state law authorizes or requires a public office to 1247
make the redaction. 1248

(2) To facilitate broader access to public records, a 1249
public office or the person responsible for public records shall 1250
organize and maintain public records in a manner that they can 1251
be made available for inspection or copying in accordance with 1252
division (B) of this section. A public office also shall have 1253
available a copy of its current records retention schedule at a 1254
location readily available to the public. If a requester makes 1255
an ambiguous or overly broad request or has difficulty in making 1256
a request for copies or inspection of public records under this 1257
section such that the public office or the person responsible 1258
for the requested public record cannot reasonably identify what 1259
public records are being requested, the public office or the 1260
person responsible for the requested public record may deny the 1261
request but shall provide the requester with an opportunity to 1262
revise the request by informing the requester of the manner in 1263
which records are maintained by the public office and accessed 1264
in the ordinary course of the public office's or person's 1265
duties. 1266

(3) If a request is ultimately denied, in part or in 1267
whole, the public office or the person responsible for the 1268
requested public record shall provide the requester with an 1269
explanation, including legal authority, setting forth why the 1270
request was denied. If the initial request was provided in 1271
writing, the explanation also shall be provided to the requester 1272
in writing. The explanation shall not preclude the public office 1273
or the person responsible for the requested public record from 1274
relying upon additional reasons or legal authority in defending 1275
an action commenced under division (C) of this section. 1276

(4) Unless specifically required or authorized by state or 1277
federal law or in accordance with division (B) of this section, 1278
no public office or person responsible for public records may 1279

limit or condition the availability of public records by 1280
requiring disclosure of the requester's identity or the intended 1281
use of the requested public record. Any requirement that the 1282
requester disclose the requestor's identity or the intended use 1283
of the requested public record constitutes a denial of the 1284
request. 1285

(5) A public office or person responsible for public 1286
records may ask a requester to make the request in writing, may 1287
ask for the requester's identity, and may inquire about the 1288
intended use of the information requested, but may do so only 1289
after disclosing to the requester that a written request is not 1290
mandatory and that the requester may decline to reveal the 1291
requester's identity or the intended use and when a written 1292
request or disclosure of the identity or intended use would 1293
benefit the requester by enhancing the ability of the public 1294
office or person responsible for public records to identify, 1295
locate, or deliver the public records sought by the requester. 1296

(6) If any person chooses to obtain a copy of a public 1297
record in accordance with division (B) of this section, the 1298
public office or person responsible for the public record may 1299
require that person to pay in advance the cost involved in 1300
providing the copy of the public record in accordance with the 1301
choice made by the person seeking the copy under this division. 1302
The public office or the person responsible for the public 1303
record shall permit that person to choose to have the public 1304
record duplicated upon paper, upon the same medium upon which 1305
the public office or person responsible for the public record 1306
keeps it, or upon any other medium upon which the public office 1307
or person responsible for the public record determines that it 1308
reasonably can be duplicated as an integral part of the normal 1309
operations of the public office or person responsible for the 1310

public record. When the person seeking the copy makes a choice 1311
under this division, the public office or person responsible for 1312
the public record shall provide a copy of it in accordance with 1313
the choice made by the person seeking the copy. Nothing in this 1314
section requires a public office or person responsible for the 1315
public record to allow the person seeking a copy of the public 1316
record to make the copies of the public record. 1317

(7) Upon a request made in accordance with division (B) of 1318
this section and subject to division (B)(6) of this section, a 1319
public office or person responsible for public records shall 1320
transmit a copy of a public record to any person by United 1321
States mail or by any other means of delivery or transmission 1322
within a reasonable period of time after receiving the request 1323
for the copy. The public office or person responsible for the 1324
public record may require the person making the request to pay 1325
in advance the cost of postage if the copy is transmitted by 1326
United States mail or the cost of delivery if the copy is 1327
transmitted other than by United States mail, and to pay in 1328
advance the costs incurred for other supplies used in the 1329
mailing, delivery, or transmission. 1330

Any public office may adopt a policy and procedures that 1331
it will follow in transmitting, within a reasonable period of 1332
time after receiving a request, copies of public records by 1333
United States mail or by any other means of delivery or 1334
transmission pursuant to this division. A public office that 1335
adopts a policy and procedures under this division shall comply 1336
with them in performing its duties under this division. 1337

In any policy and procedures adopted under this division, 1338
a public office may limit the number of records requested by a 1339
person that the office will transmit by United States mail to 1340

ten per month, unless the person certifies to the office in 1341
writing that the person does not intend to use or forward the 1342
requested records, or the information contained in them, for 1343
commercial purposes. For purposes of this division, "commercial" 1344
shall be narrowly construed and does not include reporting or 1345
gathering news, reporting or gathering information to assist 1346
citizen oversight or understanding of the operation or 1347
activities of government, or nonprofit educational research. 1348

(8) A public office or person responsible for public 1349
records is not required to permit a person who is incarcerated 1350
pursuant to a criminal conviction or a juvenile adjudication to 1351
inspect or to obtain a copy of any public record concerning a 1352
criminal investigation or prosecution or concerning what would 1353
be a criminal investigation or prosecution if the subject of the 1354
investigation or prosecution were an adult, unless the request 1355
to inspect or to obtain a copy of the record is for the purpose 1356
of acquiring information that is subject to release as a public 1357
record under this section and the judge who imposed the sentence 1358
or made the adjudication with respect to the person, or the 1359
judge's successor in office, finds that the information sought 1360
in the public record is necessary to support what appears to be 1361
a justiciable claim of the person. 1362

(9) (a) Upon written request made and signed by a 1363
journalist on or after December 16, 1999, a public office, or 1364
person responsible for public records, having custody of the 1365
records of the agency employing a specified peace officer, 1366
parole officer, probation officer, bailiff, prosecuting 1367
attorney, assistant prosecuting attorney, correctional employee, 1368
community-based correctional facility employee, youth services 1369
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1370
criminal identification and investigation, or federal law 1371

enforcement officer shall disclose to the journalist the address 1372
of the actual personal residence of the peace officer, parole 1373
officer, probation officer, bailiff, prosecuting attorney, 1374
assistant prosecuting attorney, correctional employee, 1375
community-based correctional facility employee, youth services 1376
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1377
criminal identification and investigation, or federal law 1378
enforcement officer and, if the peace officer's, parole 1379
officer's, probation officer's, bailiff's, prosecuting 1380
attorney's, assistant prosecuting attorney's, correctional 1381
employee's, community-based correctional facility employee's, 1382
youth services employee's, firefighter's, EMT's, ~~or~~ investigator 1383
of the bureau of criminal identification and investigation's, or 1384
federal law enforcement officer's spouse, former spouse, or 1385
child is employed by a public office, the name and address of 1386
the employer of the peace officer's, parole officer's, probation 1387
officer's, bailiff's, prosecuting attorney's, assistant 1388
prosecuting attorney's, correctional employee's, community-based 1389
correctional facility employee's, youth services employee's, 1390
firefighter's, EMT's, ~~or~~ investigator of the bureau of criminal 1391
identification and investigation's, or federal law enforcement 1392
officer's spouse, former spouse, or child. The request shall 1393
include the journalist's name and title and the name and address 1394
of the journalist's employer and shall state that disclosure of 1395
the information sought would be in the public interest. 1396

(b) Division (B) (9) (a) of this section also applies to 1397
journalist requests for customer information maintained by a 1398
municipally owned or operated public utility, other than social 1399
security numbers and any private financial information such as 1400
credit reports, payment methods, credit card numbers, and bank 1401
account information. 1402

(c) As used in division (B) (9) of this section, 1403
"journalist" means a person engaged in, connected with, or 1404
employed by any news medium, including a newspaper, magazine, 1405
press association, news agency, or wire service, a radio or 1406
television station, or a similar medium, for the purpose of 1407
gathering, processing, transmitting, compiling, editing, or 1408
disseminating information for the general public. 1409

(C) (1) If a person allegedly is aggrieved by the failure 1410
of a public office or the person responsible for public records 1411
to promptly prepare a public record and to make it available to 1412
the person for inspection in accordance with division (B) of 1413
this section or by any other failure of a public office or the 1414
person responsible for public records to comply with an 1415
obligation in accordance with division (B) of this section, the 1416
person allegedly aggrieved may commence a mandamus action to 1417
obtain a judgment that orders the public office or the person 1418
responsible for the public record to comply with division (B) of 1419
this section, that awards court costs and reasonable attorney's 1420
fees to the person that instituted the mandamus action, and, if 1421
applicable, that includes an order fixing statutory damages 1422
under division (C) (1) of this section. The mandamus action may 1423
be commenced in the court of common pleas of the county in which 1424
division (B) of this section allegedly was not complied with, in 1425
the supreme court pursuant to its original jurisdiction under 1426
Section 2 of Article IV, Ohio Constitution, or in the court of 1427
appeals for the appellate district in which division (B) of this 1428
section allegedly was not complied with pursuant to its original 1429
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1430

If a requestor transmits a written request by hand 1431
delivery or certified mail to inspect or receive copies of any 1432
public record in a manner that fairly describes the public 1433

record or class of public records to the public office or person 1434
responsible for the requested public records, except as 1435
otherwise provided in this section, the requestor shall be 1436
entitled to recover the amount of statutory damages set forth in 1437
this division if a court determines that the public office or 1438
the person responsible for public records failed to comply with 1439
an obligation in accordance with division (B) of this section. 1440

The amount of statutory damages shall be fixed at one 1441
hundred dollars for each business day during which the public 1442
office or person responsible for the requested public records 1443
failed to comply with an obligation in accordance with division 1444
(B) of this section, beginning with the day on which the 1445
requester files a mandamus action to recover statutory damages, 1446
up to a maximum of one thousand dollars. The award of statutory 1447
damages shall not be construed as a penalty, but as compensation 1448
for injury arising from lost use of the requested information. 1449
The existence of this injury shall be conclusively presumed. The 1450
award of statutory damages shall be in addition to all other 1451
remedies authorized by this section. 1452

The court may reduce an award of statutory damages or not 1453
award statutory damages if the court determines both of the 1454
following: 1455

(a) That, based on the ordinary application of statutory 1456
law and case law as it existed at the time of the conduct or 1457
threatened conduct of the public office or person responsible 1458
for the requested public records that allegedly constitutes a 1459
failure to comply with an obligation in accordance with division 1460
(B) of this section and that was the basis of the mandamus 1461
action, a well-informed public office or person responsible for 1462
the requested public records reasonably would believe that the 1463

conduct or threatened conduct of the public office or person 1464
responsible for the requested public records did not constitute 1465
a failure to comply with an obligation in accordance with 1466
division (B) of this section; 1467

(b) That a well-informed public office or person 1468
responsible for the requested public records reasonably would 1469
believe that the conduct or threatened conduct of the public 1470
office or person responsible for the requested public records 1471
would serve the public policy that underlies the authority that 1472
is asserted as permitting that conduct or threatened conduct. 1473

(2) (a) If the court issues a writ of mandamus that orders 1474
the public office or the person responsible for the public 1475
record to comply with division (B) of this section and 1476
determines that the circumstances described in division (C) (1) 1477
of this section exist, the court shall determine and award to 1478
the relator all court costs. 1479

(b) If the court renders a judgment that orders the public 1480
office or the person responsible for the public record to comply 1481
with division (B) of this section, the court may award 1482
reasonable attorney's fees subject to reduction as described in 1483
division (C) (2) (c) of this section. The court shall award 1484
reasonable attorney's fees, subject to reduction as described in 1485
division (C) (2) (c) of this section when either of the following 1486
applies: 1487

(i) The public office or the person responsible for the 1488
public records failed to respond affirmatively or negatively to 1489
the public records request in accordance with the time allowed 1490
under division (B) of this section. 1491

(ii) The public office or the person responsible for the 1492

public records promised to permit the relator to inspect or 1493
receive copies of the public records requested within a 1494
specified period of time but failed to fulfill that promise 1495
within that specified period of time. 1496

(c) Court costs and reasonable attorney's fees awarded 1497
under this section shall be construed as remedial and not 1498
punitive. Reasonable attorney's fees shall include reasonable 1499
fees incurred to produce proof of the reasonableness and amount 1500
of the fees and to otherwise litigate entitlement to the fees. 1501
The court may reduce an award of attorney's fees to the relator 1502
or not award attorney's fees to the relator if the court 1503
determines both of the following: 1504

(i) That, based on the ordinary application of statutory 1505
law and case law as it existed at the time of the conduct or 1506
threatened conduct of the public office or person responsible 1507
for the requested public records that allegedly constitutes a 1508
failure to comply with an obligation in accordance with division 1509
(B) of this section and that was the basis of the mandamus 1510
action, a well-informed public office or person responsible for 1511
the requested public records reasonably would believe that the 1512
conduct or threatened conduct of the public office or person 1513
responsible for the requested public records did not constitute 1514
a failure to comply with an obligation in accordance with 1515
division (B) of this section; 1516

(ii) That a well-informed public office or person 1517
responsible for the requested public records reasonably would 1518
believe that the conduct or threatened conduct of the public 1519
office or person responsible for the requested public records as 1520
described in division (C) (2) (c) (i) of this section would serve 1521
the public policy that underlies the authority that is asserted 1522

as permitting that conduct or threatened conduct. 1523

(D) Chapter 1347. of the Revised Code does not limit the 1524
provisions of this section. 1525

(E) (1) To ensure that all employees of public offices are 1526
appropriately educated about a public office's obligations under 1527
division (B) of this section, all elected officials or their 1528
appropriate designees shall attend training approved by the 1529
attorney general as provided in section 109.43 of the Revised 1530
Code. In addition, all public offices shall adopt a public 1531
records policy in compliance with this section for responding to 1532
public records requests. In adopting a public records policy 1533
under this division, a public office may obtain guidance from 1534
the model public records policy developed and provided to the 1535
public office by the attorney general under section 109.43 of 1536
the Revised Code. Except as otherwise provided in this section, 1537
the policy may not limit the number of public records that the 1538
public office will make available to a single person, may not 1539
limit the number of public records that it will make available 1540
during a fixed period of time, and may not establish a fixed 1541
period of time before it will respond to a request for 1542
inspection or copying of public records, unless that period is 1543
less than eight hours. 1544

(2) The public office shall distribute the public records 1545
policy adopted by the public office under division (E) (1) of 1546
this section to the employee of the public office who is the 1547
records custodian or records manager or otherwise has custody of 1548
the records of that office. The public office shall require that 1549
employee to acknowledge receipt of the copy of the public 1550
records policy. The public office shall create a poster that 1551
describes its public records policy and shall post the poster in 1552

a conspicuous place in the public office and in all locations 1553
where the public office has branch offices. The public office 1554
may post its public records policy on the internet web site of 1555
the public office if the public office maintains an internet web 1556
site. A public office that has established a manual or handbook 1557
of its general policies and procedures for all employees of the 1558
public office shall include the public records policy of the 1559
public office in the manual or handbook. 1560

(F) (1) The bureau of motor vehicles may adopt rules 1561
pursuant to Chapter 119. of the Revised Code to reasonably limit 1562
the number of bulk commercial special extraction requests made 1563
by a person for the same records or for updated records during a 1564
calendar year. The rules may include provisions for charges to 1565
be made for bulk commercial special extraction requests for the 1566
actual cost of the bureau, plus special extraction costs, plus 1567
ten per cent. The bureau may charge for expenses for redacting 1568
information, the release of which is prohibited by law. 1569

(2) As used in division (F) (1) of this section: 1570

(a) "Actual cost" means the cost of depleted supplies, 1571
records storage media costs, actual mailing and alternative 1572
delivery costs, or other transmitting costs, and any direct 1573
equipment operating and maintenance costs, including actual 1574
costs paid to private contractors for copying services. 1575

(b) "Bulk commercial special extraction request" means a 1576
request for copies of a record for information in a format other 1577
than the format already available, or information that cannot be 1578
extracted without examination of all items in a records series, 1579
class of records, or database by a person who intends to use or 1580
forward the copies for surveys, marketing, solicitation, or 1581
resale for commercial purposes. "Bulk commercial special 1582

extraction request" does not include a request by a person who 1583
gives assurance to the bureau that the person making the request 1584
does not intend to use or forward the requested copies for 1585
surveys, marketing, solicitation, or resale for commercial 1586
purposes. 1587

(c) "Commercial" means profit-seeking production, buying, 1588
or selling of any good, service, or other product. 1589

(d) "Special extraction costs" means the cost of the time 1590
spent by the lowest paid employee competent to perform the task, 1591
the actual amount paid to outside private contractors employed 1592
by the bureau, or the actual cost incurred to create computer 1593
programs to make the special extraction. "Special extraction 1594
costs" include any charges paid to a public agency for computer 1595
or records services. 1596

(3) For purposes of divisions (F)(1) and (2) of this 1597
section, "surveys, marketing, solicitation, or resale for 1598
commercial purposes" shall be narrowly construed and does not 1599
include reporting or gathering news, reporting or gathering 1600
information to assist citizen oversight or understanding of the 1601
operation or activities of government, or nonprofit educational 1602
research. 1603

Sec. 149.45. (A) As used in this section: 1604

(1) "Personal information" means any of the following: 1605

(a) An individual's social security number; 1606

(b) An individual's federal tax identification number; 1607

(c) An individual's driver's license number or state 1608
identification number; 1609

(d) An individual's checking account number, savings 1610

account number, or credit card number. 1611

(2) "Public record" and "peace officer, parole officer, 1612
probation officer, bailiff, prosecuting attorney, assistant 1613
prosecuting attorney, correctional employee, youth services 1614
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1615
criminal identification and investigation, or federal law 1616
enforcement officer residential and familial information" have 1617
the same meanings as in section 149.43 of the Revised Code. 1618

(3) "Truncate" means to redact all but the last four 1619
digits of an individual's social security number. 1620

(B) (1) No public office or person responsible for a public 1621
office's public records shall make available to the general 1622
public on the internet any document that contains an 1623
individual's social security number without otherwise redacting, 1624
encrypting, or truncating the social security number. 1625

(2) A public office or person responsible for a public 1626
office's public records that prior to ~~the effective date of this~~ 1627
~~section~~ October 17, 2011, made available to the general public 1628
on the internet any document that contains an individual's 1629
social security number shall redact, encrypt, or truncate the 1630
social security number from that document. 1631

(3) Divisions (B) (1) and (2) of this section do not apply 1632
to documents that are only accessible through the internet with 1633
a password. 1634

(C) (1) An individual may request that a public office or a 1635
person responsible for a public office's public records redact 1636
personal information of that individual from any record made 1637
available to the general public on the internet. An individual 1638
who makes a request for redaction pursuant to this division 1639

shall make the request in writing on a form developed by the 1640
attorney general and shall specify the personal information to 1641
be redacted and provide any information that identifies the 1642
location of that personal information within a document that 1643
contains that personal information. 1644

(2) Upon receiving a request for a redaction pursuant to 1645
division (C)(1) of this section, a public office or a person 1646
responsible for a public office's public records shall act 1647
within five business days in accordance with the request to 1648
redact the personal information of the individual from any 1649
record made available to the general public on the internet, if 1650
practicable. If a redaction is not practicable, the public 1651
office or person responsible for the public office's public 1652
records shall verbally or in writing within five business days 1653
after receiving the written request explain to the individual 1654
why the redaction is impracticable. 1655

(3) The attorney general shall develop a form to be used 1656
by an individual to request a redaction pursuant to division (C) 1657
(1) of this section. The form shall include a place to provide 1658
any information that identifies the location of the personal 1659
information to be redacted. 1660

(D)(1) A peace officer, parole officer, probation officer, 1661
bailiff, prosecuting attorney, assistant prosecuting attorney, 1662
correctional employee, youth services employee, firefighter, 1663
EMT, ~~or~~ investigator of the bureau of criminal identification 1664
and investigation, or federal law enforcement officer may 1665
request that a public office other than a county auditor or a 1666
person responsible for the public records of a public office 1667
other than a county auditor redact the address of the person 1668
making the request from any record made available to the general 1669

public on the internet that includes peace officer, parole 1670
officer, probation officer, bailiff, prosecuting attorney, 1671
assistant prosecuting attorney, correctional employee, youth 1672
services employee, firefighter, EMT, ~~or~~-investigator of the 1673
bureau of criminal identification and investigation, or federal 1674
law enforcement officer residential and familial information of 1675
the person making the request. A person who makes a request for 1676
a redaction pursuant to this division shall make the request in 1677
writing and on a form developed by the attorney general. 1678

(2) Upon receiving a written request for a redaction 1679
pursuant to division (D)(1) of this section, a public office 1680
other than a county auditor or a person responsible for the 1681
public records of a public office other than a county auditor 1682
shall act within five business days in accordance with the 1683
request to redact the address of the peace officer, parole 1684
officer, probation officer, bailiff, prosecuting attorney, 1685
assistant prosecuting attorney, correctional employee, youth 1686
services employee, firefighter, EMT, ~~or~~-investigator of the 1687
bureau of criminal identification and investigation, or federal 1688
law enforcement officer making the request from any record made 1689
available to the general public on the internet that includes 1690
peace officer, parole officer, probation officer, bailiff, 1691
prosecuting attorney, assistant prosecuting attorney, 1692
correctional employee, youth services employee, firefighter, 1693
EMT, ~~or~~-investigator of the bureau of criminal identification 1694
and investigation, or federal law enforcement officer 1695
residential and familial information of the person making the 1696
request, if practicable. If a redaction is not practicable, the 1697
public office or person responsible for the public office's 1698
public records shall verbally or in writing within five business 1699
days after receiving the written request explain to the peace 1700

officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, ~~or~~ investigator of the bureau of criminal identification and investigation, or federal law enforcement officer why the redaction is impracticable.

(3) Except as provided in this section and section 319.28 of the Revised Code, a public office other than an employer of a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, ~~or~~ investigator of the bureau of criminal identification and investigation, or federal law enforcement officer or a person responsible for the public records of the employer is not required to redact the residential and familial information of the peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, ~~or~~ investigator of the bureau of criminal identification and investigation, or federal law enforcement officer from other records maintained by the public office.

(4) The attorney general shall develop a form to be used by a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, ~~or~~ investigator of the bureau of criminal identification and investigation, or federal law enforcement officer to request a redaction pursuant to division (D)(1) of this section. The form shall include a place to provide any information that identifies the location of the address of a peace officer, parole officer, probation officer, bailiff, prosecuting

attorney, assistant prosecuting attorney, correctional employee, 1732
youth services employee, firefighter, EMT, ~~or~~ investigator of 1733
the bureau of criminal identification and investigation, or 1734
federal law enforcement officer to be redacted. 1735

(E) (1) If a public office or a person responsible for a 1736
public office's public records becomes aware that an electronic 1737
record of that public office that is made available to the 1738
general public on the internet contains an individual's social 1739
security number that was mistakenly not redacted, encrypted, or 1740
truncated as required by division (B) (1) or (2) of this section, 1741
the public office or person responsible for the public office's 1742
public records shall redact, encrypt, or truncate the 1743
individual's social security number within a reasonable period 1744
of time. 1745

(2) A public office or a person responsible for a public 1746
office's public records is not liable in damages in a civil 1747
action for any harm an individual allegedly sustains as a result 1748
of the inclusion of that individual's personal information on 1749
any record made available to the general public on the internet 1750
or any harm a peace officer, parole officer, probation officer, 1751
bailiff, prosecuting attorney, assistant prosecuting attorney, 1752
correctional employee, youth services employee, firefighter, 1753
EMT, ~~or~~ investigator of the bureau of criminal identification 1754
and investigation, or federal law enforcement officer sustains 1755
as a result of the inclusion of the address of the peace 1756
officer, parole officer, probation officer, bailiff, prosecuting 1757
attorney, assistant prosecuting attorney, correctional employee, 1758
youth services employee, firefighter, EMT, ~~or~~ investigator of 1759
the bureau of criminal identification and investigation, or 1760
federal law enforcement officer on any record made available to 1761
the general public on the internet in violation of this section 1762

unless the public office or person responsible for the public 1763
office's public records acted with malicious purpose, in bad 1764
faith, or in a wanton or reckless manner or division (A) (6) (a) 1765
or (c) of section 2744.03 of the Revised Code applies. 1766

Sec. 2929.18. (A) Except as otherwise provided in this 1767
division and in addition to imposing court costs pursuant to 1768
section 2947.23 of the Revised Code, the court imposing a 1769
sentence upon an offender for a felony may sentence the offender 1770
to any financial sanction or combination of financial sanctions 1771
authorized under this section or, in the circumstances specified 1772
in section 2929.32 of the Revised Code, may impose upon the 1773
offender a fine in accordance with that section. Financial 1774
sanctions that may be imposed pursuant to this section include, 1775
but are not limited to, the following: 1776

(1) Restitution by the offender to the victim of the 1777
offender's crime or any survivor of the victim, in an amount 1778
based on the victim's economic loss. If the court imposes 1779
restitution, the court shall order that the restitution be made 1780
to the victim in open court, to the adult probation department 1781
that serves the county on behalf of the victim, to the clerk of 1782
courts, or to another agency designated by the court. If the 1783
court imposes restitution, at sentencing, the court shall 1784
determine the amount of restitution to be made by the offender. 1785
If the court imposes restitution, the court may base the amount 1786
of restitution it orders on an amount recommended by the victim, 1787
the offender, a presentence investigation report, estimates or 1788
receipts indicating the cost of repairing or replacing property, 1789
and other information, provided that the amount the court orders 1790
as restitution shall not exceed the amount of the economic loss 1791
suffered by the victim as a direct and proximate result of the 1792
commission of the offense. If the court decides to impose 1793

restitution, the court shall hold a hearing on restitution if 1794
the offender, victim, or survivor disputes the amount. All 1795
restitution payments shall be credited against any recovery of 1796
economic loss in a civil action brought by the victim or any 1797
survivor of the victim against the offender. 1798

If the court imposes restitution, the court may order that 1799
the offender pay a surcharge of not more than five per cent of 1800
the amount of the restitution otherwise ordered to the entity 1801
responsible for collecting and processing restitution payments. 1802

The victim or survivor may request that the prosecutor in 1803
the case file a motion, or the offender may file a motion, for 1804
modification of the payment terms of any restitution ordered. If 1805
the court grants the motion, it may modify the payment terms as 1806
it determines appropriate. 1807

(2) Except as provided in division (B)(1), (3), or (4) of 1808
this section, a fine payable by the offender to the state, to a 1809
political subdivision, or as described in division (B)(2) of 1810
this section to one or more law enforcement agencies, with the 1811
amount of the fine based on a standard percentage of the 1812
offender's daily income over a period of time determined by the 1813
court and based upon the seriousness of the offense. A fine 1814
ordered under this division shall not exceed the maximum 1815
conventional fine amount authorized for the level of the offense 1816
under division (A)(3) of this section. 1817

(3) Except as provided in division (B)(1), (3), or (4) of 1818
this section, a fine payable by the offender to the state, to a 1819
political subdivision when appropriate for a felony, or as 1820
described in division (B)(2) of this section to one or more law 1821
enforcement agencies, in the following amount: 1822

(a) For a felony of the first degree, not more than twenty thousand dollars;	1823 1824
(b) For a felony of the second degree, not more than fifteen thousand dollars;	1825 1826
(c) For a felony of the third degree, not more than ten thousand dollars;	1827 1828
(d) For a felony of the fourth degree, not more than five thousand dollars;	1829 1830
(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.	1831 1832
(4) A state fine or costs as defined in section 2949.111 of the Revised Code.	1833 1834
(5) (a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:	1835 1836 1837
(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code;	1838 1839 1840
(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement;	1841 1842 1843 1844 1845 1846 1847
(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a	1848 1849 1850

court orders an offender to use under section 4510.13 of the Revised Code. 1851
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(b) If the offender is sentenced to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the Revised Code that is to be served in a facility operated by a board of county commissioners, a legislative authority of a municipal corporation, or another local governmental entity, if, pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and section 2929.37 of the Revised Code, the board, legislative authority, or other local governmental entity requires prisoners to reimburse the county, municipal corporation, or other entity for its expenses incurred by reason of the prisoner's confinement, and if the court does not impose a financial sanction under division (A) (5) (a) (ii) of this section, confinement costs may be assessed pursuant to section 2929.37 of the Revised Code. In addition, the offender may be required to pay the fees specified in section 2929.38 of the Revised Code in accordance with that section. 1853
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(c) Reimbursement by the offender for costs pursuant to section 2929.71 of the Revised Code. 1870
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(B) (1) For a first, second, or third degree felony violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code, the sentencing court shall impose upon the offender a mandatory fine of at least one-half of, but not more than, the maximum statutory fine amount authorized for the level of the offense pursuant to division (A) (3) of this section. If an offender alleges in an affidavit filed with the court prior to sentencing that the offender is indigent and unable to pay the mandatory fine and if the court determines the offender is 1872
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an indigent person and is unable to pay the mandatory fine 1881
described in this division, the court shall not impose the 1882
mandatory fine upon the offender. 1883

(2) Any mandatory fine imposed upon an offender under 1884
division (B) (1) of this section and any fine imposed upon an 1885
offender under division (A) (2) or (3) of this section for any 1886
fourth or fifth degree felony violation of any provision of 1887
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 1888
to law enforcement agencies pursuant to division (F) of section 1889
2925.03 of the Revised Code. 1890

(3) For a fourth degree felony OVI offense and for a third 1891
degree felony OVI offense, the sentencing court shall impose 1892
upon the offender a mandatory fine in the amount specified in 1893
division (G) (1) (d) or (e) of section 4511.19 of the Revised 1894
Code, whichever is applicable. The mandatory fine so imposed 1895
shall be disbursed as provided in the division pursuant to which 1896
it is imposed. 1897

(4) Notwithstanding any fine otherwise authorized or 1898
required to be imposed under division (A) (2) or (3) or (B) (1) of 1899
this section or section 2929.31 of the Revised Code for a 1900
violation of section 2925.03 of the Revised Code, in addition to 1901
any penalty or sanction imposed for that offense under section 1902
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 1903
in addition to the forfeiture of property in connection with the 1904
offense as prescribed in Chapter 2981. of the Revised Code, the 1905
court that sentences an offender for a violation of section 1906
2925.03 of the Revised Code may impose upon the offender a fine 1907
in addition to any fine imposed under division (A) (2) or (3) of 1908
this section and in addition to any mandatory fine imposed under 1909
division (B) (1) of this section. The fine imposed under division 1910

(B) (4) of this section shall be used as provided in division (H) 1911
of section 2925.03 of the Revised Code. A fine imposed under 1912
division (B) (4) of this section shall not exceed whichever of 1913
the following is applicable: 1914

(a) The total value of any personal or real property in 1915
which the offender has an interest and that was used in the 1916
course of, intended for use in the course of, derived from, or 1917
realized through conduct in violation of section 2925.03 of the 1918
Revised Code, including any property that constitutes proceeds 1919
derived from that offense; 1920

(b) If the offender has no interest in any property of the 1921
type described in division (B) (4) (a) of this section or if it is 1922
not possible to ascertain whether the offender has an interest 1923
in any property of that type in which the offender may have an 1924
interest, the amount of the mandatory fine for the offense 1925
imposed under division (B) (1) of this section or, if no 1926
mandatory fine is imposed under division (B) (1) of this section, 1927
the amount of the fine authorized for the level of the offense 1928
imposed under division (A) (3) of this section. 1929

(5) Prior to imposing a fine under division (B) (4) of this 1930
section, the court shall determine whether the offender has an 1931
interest in any property of the type described in division (B) 1932
(4) (a) of this section. Except as provided in division (B) (6) or 1933
(7) of this section, a fine that is authorized and imposed under 1934
division (B) (4) of this section does not limit or affect the 1935
imposition of the penalties and sanctions for a violation of 1936
section 2925.03 of the Revised Code prescribed under those 1937
sections or sections 2929.11 to 2929.18 of the Revised Code and 1938
does not limit or affect a forfeiture of property in connection 1939
with the offense as prescribed in Chapter 2981. of the Revised 1940

Code. 1941

(6) If the sum total of a mandatory fine amount imposed 1942
for a first, second, or third degree felony violation of section 1943
2925.03 of the Revised Code under division (B)(1) of this 1944
section plus the amount of any fine imposed under division (B) 1945
(4) of this section does not exceed the maximum statutory fine 1946
amount authorized for the level of the offense under division 1947
(A)(3) of this section or section 2929.31 of the Revised Code, 1948
the court may impose a fine for the offense in addition to the 1949
mandatory fine and the fine imposed under division (B)(4) of 1950
this section. The sum total of the amounts of the mandatory 1951
fine, the fine imposed under division (B)(4) of this section, 1952
and the additional fine imposed under division (B)(6) of this 1953
section shall not exceed the maximum statutory fine amount 1954
authorized for the level of the offense under division (A)(3) of 1955
this section or section 2929.31 of the Revised Code. The clerk 1956
of the court shall pay any fine that is imposed under division 1957
(B)(6) of this section to the county, township, municipal 1958
corporation, park district as created pursuant to section 511.18 1959
or 1545.04 of the Revised Code, or state law enforcement 1960
agencies in this state that primarily were responsible for or 1961
involved in making the arrest of, and in prosecuting, the 1962
offender pursuant to division (F) of section 2925.03 of the 1963
Revised Code. 1964

(7) If the sum total of the amount of a mandatory fine 1965
imposed for a first, second, or third degree felony violation of 1966
section 2925.03 of the Revised Code plus the amount of any fine 1967
imposed under division (B)(4) of this section exceeds the 1968
maximum statutory fine amount authorized for the level of the 1969
offense under division (A)(3) of this section or section 2929.31 1970
of the Revised Code, the court shall not impose a fine under 1971

division (B) (6) of this section. 1972

(8) (a) If an offender who is convicted of or pleads guilty 1973
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 1974
2923.32, division (A) (1) or (2) of section 2907.323, or division 1975
(B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised 1976
Code also is convicted of or pleads guilty to a specification of 1977
the type described in section 2941.1422 of the Revised Code that 1978
charges that the offender knowingly committed the offense in 1979
furtherance of human trafficking, the sentencing court shall 1980
sentence the offender to a financial sanction of restitution by 1981
the offender to the victim or any survivor of the victim, with 1982
the restitution including the costs of housing, counseling, and 1983
medical and legal assistance incurred by the victim as a direct 1984
result of the offense and the greater of the following: 1985

(i) The gross income or value to the offender of the 1986
victim's labor or services; 1987

(ii) The value of the victim's labor as guaranteed under 1988
the minimum wage and overtime provisions of the "Federal Fair 1989
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 1990
state labor laws. 1991

(b) If a court imposing sentence upon an offender for a 1992
felony is required to impose upon the offender a financial 1993
sanction of restitution under division (B) (8) (a) of this 1994
section, in addition to that financial sanction of restitution, 1995
the court may sentence the offender to any other financial 1996
sanction or combination of financial sanctions authorized under 1997
this section, including a restitution sanction under division 1998
(A) (1) of this section. 1999

(9) In addition to any other fine that is or may be 2000

imposed under this section, the court imposing sentence upon an offender for a felony that is a sexually oriented offense or a child-victim oriented offense, as those terms are defined in section 2950.01 of the Revised Code, may impose a fine of not less than fifty nor more than five hundred dollars.

(10) In addition to any other fine that is or may be imposed under this section, the court imposing sentence upon an offender for any of the following offenses that is a felony may impose a fine of not less than seventy nor more than five hundred dollars, which shall be transmitted to the treasurer of state to be credited to the address confidentiality program fund created by section 111.48 of the Revised Code:

(a) Domestic violence;

(b) Menacing by stalking;

(c) Rape;

(d) Sexual battery;

(e) Trafficking in persons;

(f) A violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code, if the offender also is convicted of a specification of the type described in section 2941.1422 of the Revised Code that charges that the offender knowingly committed the offense in furtherance of human trafficking.

(C) (1) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed upon the offender pursuant to division (A) (5) (a) of this section to pay the costs incurred by a county pursuant to any sanction

imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code to the county treasurer. The county treasurer shall deposit the reimbursements in the sanction cost reimbursement fund that each board of county commissioners shall create in its county treasury. The county shall use the amounts deposited in the fund to pay the costs incurred by the county pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code.

(2) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed upon the offender pursuant to division (A) (5) (a) of this section to pay the costs incurred by a municipal corporation pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code to the treasurer of the municipal corporation. The treasurer shall deposit the reimbursements in a special fund that shall be established in the treasury of each municipal corporation. The municipal corporation shall use the amounts deposited in the fund to pay the costs incurred by the municipal corporation pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code.

(3) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed pursuant to division (A) (5) (a) of this section for the costs incurred by a

private provider pursuant to a sanction imposed under this 2060
section or section 2929.16 or 2929.17 of the Revised Code to the 2061
provider. 2062

(D) Except as otherwise provided in this division, a 2063
financial sanction imposed pursuant to division (A) or (B) of 2064
this section is a judgment in favor of the state or a political 2065
subdivision in which the court that imposed the financial 2066
sanction is located, and the offender subject to the financial 2067
sanction is the judgment debtor. A financial sanction of 2068
reimbursement imposed pursuant to division (A) (5) (a) (ii) of this 2069
section upon an offender who is incarcerated in a state facility 2070
or a municipal jail is a judgment in favor of the state or the 2071
municipal corporation, and the offender subject to the financial 2072
sanction is the judgment debtor. A financial sanction of 2073
reimbursement imposed upon an offender pursuant to this section 2074
for costs incurred by a private provider of sanctions is a 2075
judgment in favor of the private provider, and the offender 2076
subject to the financial sanction is the judgment debtor. A 2077
financial sanction of restitution imposed pursuant to division 2078
(A) (1) or (B) (8) of this section is an order in favor of the 2079
victim of the offender's criminal act that can be collected 2080
through a certificate of judgment as described in division (D) 2081
(1) of this section, through execution as described in division 2082
(D) (2) of this section, or through an order as described in 2083
division (D) (3) of this section, and the offender shall be 2084
considered for purposes of the collection as the judgment 2085
debtor. Imposition of a financial sanction and execution on the 2086
judgment does not preclude any other power of the court to 2087
impose or enforce sanctions on the offender. Once the financial 2088
sanction is imposed as a judgment or order under this division, 2089
the victim, private provider, state, or political subdivision 2090

may do any of the following:	2091
(1) Obtain from the clerk of the court in which the	2092
judgment was entered a certificate of judgment that shall be in	2093
the same manner and form as a certificate of judgment issued in	2094
a civil action;	2095
(2) Obtain execution of the judgment or order through any	2096
available procedure, including:	2097
(a) An execution against the property of the judgment	2098
debtor under Chapter 2329. of the Revised Code;	2099
(b) An execution against the person of the judgment debtor	2100
under Chapter 2331. of the Revised Code;	2101
(c) A proceeding in aid of execution under Chapter 2333.	2102
of the Revised Code, including:	2103
(i) A proceeding for the examination of the judgment	2104
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to	2105
2333.27 of the Revised Code;	2106
(ii) A proceeding for attachment of the person of the	2107
judgment debtor under section 2333.28 of the Revised Code;	2108
(iii) A creditor's suit under section 2333.01 of the	2109
Revised Code.	2110
(d) The attachment of the property of the judgment debtor	2111
under Chapter 2715. of the Revised Code;	2112
(e) The garnishment of the property of the judgment debtor	2113
under Chapter 2716. of the Revised Code.	2114
(3) Obtain an order for the assignment of wages of the	2115
judgment debtor under section 1321.33 of the Revised Code.	2116
(E) A court that imposes a financial sanction upon an	2117

offender may hold a hearing if necessary to determine whether 2118
the offender is able to pay the sanction or is likely in the 2119
future to be able to pay it. 2120

(F) Each court imposing a financial sanction upon an 2121
offender under this section or under section 2929.32 of the 2122
Revised Code may designate the clerk of the court or another 2123
person to collect the financial sanction. The clerk or other 2124
person authorized by law or the court to collect the financial 2125
sanction may enter into contracts with one or more public 2126
agencies or private vendors for the collection of, amounts due 2127
under the financial sanction imposed pursuant to this section or 2128
section 2929.32 of the Revised Code. Before entering into a 2129
contract for the collection of amounts due from an offender 2130
pursuant to any financial sanction imposed pursuant to this 2131
section or section 2929.32 of the Revised Code, a court shall 2132
comply with sections 307.86 to 307.92 of the Revised Code. 2133

(G) If a court that imposes a financial sanction under 2134
division (A) or (B) of this section finds that an offender 2135
satisfactorily has completed all other sanctions imposed upon 2136
the offender and that all restitution that has been ordered has 2137
been paid as ordered, the court may suspend any financial 2138
sanctions imposed pursuant to this section or section 2929.32 of 2139
the Revised Code that have not been paid. 2140

(H) No financial sanction imposed under this section or 2141
section 2929.32 of the Revised Code shall preclude a victim from 2142
bringing a civil action against the offender. 2143

Sec. 2929.28. (A) In addition to imposing court costs 2144
pursuant to section 2947.23 of the Revised Code, the court 2145
imposing a sentence upon an offender for a misdemeanor, 2146
including a minor misdemeanor, may sentence the offender to any 2147

financial sanction or combination of financial sanctions 2148
authorized under this section. If the court in its discretion 2149
imposes one or more financial sanctions, the financial sanctions 2150
that may be imposed pursuant to this section include, but are 2151
not limited to, the following: 2152

(1) Unless the misdemeanor offense is a minor misdemeanor 2153
or could be disposed of by the traffic violations bureau serving 2154
the court under Traffic Rule 13, restitution by the offender to 2155
the victim of the offender's crime or any survivor of the 2156
victim, in an amount based on the victim's economic loss. The 2157
court may not impose restitution as a sanction pursuant to this 2158
division if the offense is a minor misdemeanor or could be 2159
disposed of by the traffic violations bureau serving the court 2160
under Traffic Rule 13. If the court requires restitution, the 2161
court shall order that the restitution be made to the victim in 2162
open court or to the adult probation department that serves the 2163
jurisdiction or the clerk of the court on behalf of the victim. 2164

If the court imposes restitution, the court shall 2165
determine the amount of restitution to be paid by the offender. 2166
If the court imposes restitution, the court may base the amount 2167
of restitution it orders on an amount recommended by the victim, 2168
the offender, a presentence investigation report, estimates or 2169
receipts indicating the cost of repairing or replacing property, 2170
and other information, provided that the amount the court orders 2171
as restitution shall not exceed the amount of the economic loss 2172
suffered by the victim as a direct and proximate result of the 2173
commission of the offense. If the court decides to impose 2174
restitution, the court shall hold an evidentiary hearing on 2175
restitution if the offender, victim, or survivor disputes the 2176
amount of restitution. If the court holds an evidentiary 2177
hearing, at the hearing the victim or survivor has the burden to 2178

prove by a preponderance of the evidence the amount of 2179
restitution sought from the offender. 2180

All restitution payments shall be credited against any 2181
recovery of economic loss in a civil action brought by the 2182
victim or any survivor of the victim against the offender. No 2183
person may introduce evidence of an award of restitution under 2184
this section in a civil action for purposes of imposing 2185
liability against an insurer under section 3937.18 of the 2186
Revised Code. 2187

If the court imposes restitution, the court may order that 2188
the offender pay a surcharge, of not more than five per cent of 2189
the amount of the restitution otherwise ordered, to the entity 2190
responsible for collecting and processing restitution payments. 2191

The victim or survivor may request that the prosecutor in 2192
the case file a motion, or the offender may file a motion, for 2193
modification of the payment terms of any restitution ordered. If 2194
the court grants the motion, it may modify the payment terms as 2195
it determines appropriate. 2196

(2) A fine of the type described in divisions (A) (2) (a) 2197
and (b) of this section payable to the appropriate entity as 2198
required by law: 2199

(a) A fine in the following amount: 2200

(i) For a misdemeanor of the first degree, not more than 2201
one thousand dollars; 2202

(ii) For a misdemeanor of the second degree, not more than 2203
seven hundred fifty dollars; 2204

(iii) For a misdemeanor of the third degree, not more than 2205
five hundred dollars; 2206

(iv) For a misdemeanor of the fourth degree, not more than 2207
two hundred fifty dollars; 2208

(v) For a minor misdemeanor, not more than one hundred 2209
fifty dollars. 2210

(b) A state fine or cost as defined in section 2949.111 of 2211
the Revised Code. 2212

(3) (a) Reimbursement by the offender of any or all of the 2213
costs of sanctions incurred by the government, including, but 2214
not limited to, the following: 2215

(i) All or part of the costs of implementing any community 2216
control sanction, including a supervision fee under section 2217
2951.021 of the Revised Code; 2218

(ii) All or part of the costs of confinement in a jail or 2219
other residential facility, including, but not limited to, a per 2220
diem fee for room and board, the costs of medical and dental 2221
treatment, and the costs of repairing property damaged by the 2222
offender while confined; 2223

(iii) All or part of the cost of purchasing and using an 2224
immobilizing or disabling device, including a certified ignition 2225
interlock device, or a remote alcohol monitoring device that a 2226
court orders an offender to use under section 4510.13 of the 2227
Revised Code. 2228

(b) The amount of reimbursement ordered under division (A) 2229
(3) (a) of this section shall not exceed the total amount of 2230
reimbursement the offender is able to pay and shall not exceed 2231
the actual cost of the sanctions. The court may collect any 2232
amount of reimbursement the offender is required to pay under 2233
that division. If the court does not order reimbursement under 2234
that division, confinement costs may be assessed pursuant to a 2235

repayment policy adopted under section 2929.37 of the Revised Code. In addition, the offender may be required to pay the fees specified in section 2929.38 of the Revised Code in accordance with that section.

(B) If the court determines a hearing is necessary, the court may hold a hearing to determine whether the offender is able to pay the financial sanction imposed pursuant to this section or court costs or is likely in the future to be able to pay the sanction or costs.

If the court determines that the offender is indigent and unable to pay the financial sanction or court costs, the court shall consider imposing and may impose a term of community service under division (A) of section 2929.27 of the Revised Code in lieu of imposing a financial sanction or court costs. If the court does not determine that the offender is indigent, the court may impose a term of community service under division (A) of section 2929.27 of the Revised Code in lieu of or in addition to imposing a financial sanction under this section and in addition to imposing court costs. The court may order community service for a minor misdemeanor pursuant to division (D) of section 2929.27 of the Revised Code in lieu of or in addition to imposing a financial sanction under this section and in addition to imposing court costs. If a person fails to pay a financial sanction or court costs, the court may order community service in lieu of the financial sanction or court costs.

(C) (1) The offender shall pay reimbursements imposed upon the offender pursuant to division (A) (3) of this section to pay the costs incurred by a county pursuant to any sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code or in operating a facility used to confine offenders

pursuant to a sanction imposed under section 2929.26 of the Revised Code to the county treasurer. The county treasurer shall deposit the reimbursements in the county's general fund. The county shall use the amounts deposited in the fund to pay the costs incurred by the county pursuant to any sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.26 of the Revised Code.

(2) The offender shall pay reimbursements imposed upon the offender pursuant to division (A) (3) of this section to pay the costs incurred by a municipal corporation pursuant to any sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.26 of the Revised Code to the treasurer of the municipal corporation. The treasurer shall deposit the reimbursements in the municipal corporation's general fund. The municipal corporation shall use the amounts deposited in the fund to pay the costs incurred by the municipal corporation pursuant to any sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.26 of the Revised Code.

(3) The offender shall pay reimbursements imposed pursuant to division (A) (3) of this section for the costs incurred by a private provider pursuant to a sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code to the provider.

(D) In addition to any other fine that is or may be

imposed under this section, the court imposing sentence upon an 2296
offender for misdemeanor domestic violence or menacing by 2297
stalking may impose a fine of not less than seventy nor more 2298
than five hundred dollars, which shall be transmitted to the 2299
treasurer of state to be credited to the address confidentiality 2300
program fund created by section 111.48 of the Revised Code. 2301

(E) Except as otherwise provided in this division, a 2302
financial sanction imposed under division (A) of this section is 2303
a judgment in favor of the state or the political subdivision 2304
that operates the court that imposed the financial sanction, and 2305
the offender subject to the financial sanction is the judgment 2306
debtor. A financial sanction of reimbursement imposed pursuant 2307
to division (A) (3) (a) (i) of this section upon an offender is a 2308
judgment in favor of the entity administering the community 2309
control sanction, and the offender subject to the financial 2310
sanction is the judgment debtor. A financial sanction of 2311
reimbursement imposed pursuant to division (A) (3) (a) (ii) of this 2312
section upon an offender confined in a jail or other residential 2313
facility is a judgment in favor of the entity operating the jail 2314
or other residential facility, and the offender subject to the 2315
financial sanction is the judgment debtor. A financial sanction 2316
of restitution imposed pursuant to division (A) (1) of this 2317
section is an order in favor of the victim of the offender's 2318
criminal act that can be collected through a certificate of 2319
judgment as described in division ~~(D)~~ (E) (1) of this section, 2320
through execution as described in division ~~(D)~~ (E) (2) of this 2321
section, or through an order as described in division ~~(D)~~ (E) (3) 2322
of this section, and the offender shall be considered for 2323
purposes of the collection as the judgment debtor. 2324

Once the financial sanction is imposed as a judgment or 2325
order under this division, the victim, private provider, state, 2326

or political subdivision may do any of the following: 2327

(1) Obtain from the clerk of the court in which the 2328
judgment was entered a certificate of judgment that shall be in 2329
the same manner and form as a certificate of judgment issued in 2330
a civil action; 2331

(2) Obtain execution of the judgment or order through any 2332
available procedure, including any of the procedures identified 2333
in divisions ~~(D)~~(E) (1) and (2) of section 2929.18 of the Revised 2334
Code. 2335

(3) Obtain an order for the assignment of wages of the 2336
judgment debtor under section 1321.33 of the Revised Code. 2337

~~(E)~~(F) The civil remedies authorized under division ~~(D)~~ 2338
(E) of this section for the collection of the financial sanction 2339
supplement, but do not preclude, enforcement of the criminal 2340
sentence. 2341

~~(F)~~(G) Each court imposing a financial sanction upon an 2342
offender under this section may designate the clerk of the court 2343
or another person to collect the financial sanction. The clerk, 2344
or another person authorized by law or the court to collect the 2345
financial sanction may do the following: 2346

(1) Enter into contracts with one or more public agencies 2347
or private vendors for the collection of amounts due under the 2348
sanction. Before entering into a contract for the collection of 2349
amounts due from an offender pursuant to any financial sanction 2350
imposed pursuant to this section, a court shall comply with 2351
sections 307.86 to 307.92 of the Revised Code. 2352

(2) Permit payment of all or any portion of the sanction 2353
in installments, by financial transaction device if the court is 2354
a county court or a municipal court operated by a county, by 2355

credit or debit card or by another electronic transfer if the 2356
court is a municipal court not operated by a county, or by any 2357
other reasonable method, in any time, and on any terms that 2358
court considers just, except that the maximum time permitted for 2359
payment shall not exceed five years. If the court is a county 2360
court or a municipal court operated by a county, the acceptance 2361
of payments by any financial transaction device shall be 2362
governed by the policy adopted by the board of county 2363
commissioners of the county pursuant to section 301.28 of the 2364
Revised Code. If the court is a municipal court not operated by 2365
a county, the clerk may pay any fee associated with processing 2366
an electronic transfer out of public money or may charge the fee 2367
to the offender. 2368

(3) To defray administrative costs, charge a reasonable 2369
fee to an offender who elects a payment plan rather than a lump 2370
sum payment of any financial sanction. 2371

~~(G)~~ (H) No financial sanction imposed under this section 2372
shall preclude a victim from bringing a civil action against the 2373
offender. 2374

Sec. 3503.13. (A) Except as otherwise provided in section 2375
111.44 of the Revised Code or by state or federal law, 2376
registration forms submitted by applicants and the statewide 2377
voter registration database established under section 3503.15 of 2378
the Revised Code shall be open to public inspection at all times 2379
when the office of the board of elections is open for business, 2380
under such regulations as the board adopts, provided that no 2381
person shall be permitted to inspect voter registration forms 2382
except in the presence of an employee of the board. 2383

(B) A board of elections may use a legible digitized 2384
signature list of voter signatures, copied from the signatures 2385

on the registration forms in a form and manner prescribed by the 2386
secretary of state, provided that the board includes the 2387
required voter registration information in the statewide voter 2388
registration database established under section 3503.15 of the 2389
Revised Code, and provided that the precinct election officials 2390
have computer printouts at the polls prepared in the manner 2391
required under section 3503.23 of the Revised Code. 2392

Sec. 3503.16. (A) ~~Whenever~~ Except as otherwise provided in 2393
division (D) of section 111.44 of the Revised Code, whenever a 2394
registered elector changes the place of residence of that 2395
registered elector from one precinct to another within a county 2396
or from one county to another, or has a change of name, that 2397
registered elector shall report the change by delivering a 2398
change of residence or change of name form, whichever is 2399
appropriate, as prescribed by the secretary of state under 2400
section 3503.14 of the Revised Code to the state or local office 2401
of a designated agency, a public high school or vocational 2402
school, a public library, the office of the county treasurer, 2403
the office of the secretary of state, any office of the 2404
registrar or deputy registrar of motor vehicles, or any office 2405
of a board of elections in person or by a third person. Any 2406
voter registration, change of address, or change of name 2407
application, returned by mail, may be sent only to the secretary 2408
of state or the board of elections. 2409

A registered elector also may update the registration of 2410
that registered elector by filing a change of residence or 2411
change of name form on the day of a special, primary, or general 2412
election at the polling place in the precinct in which that 2413
registered elector resides or at the board of elections or at 2414
another site designated by the board. 2415

(B) (1) (a) Any registered elector who moves within a precinct on or prior to the day of a general, primary, or special election and has not filed a notice of change of residence with the board of elections may vote in that election by going to that registered elector's assigned polling place, completing and signing a notice of change of residence, showing identification in the form of a current and valid photo identification, a military identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and current address of the elector, and casting a ballot.

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

(2) Any registered elector who moves from one precinct to another within a county or moves from one precinct to another and changes the name of that registered elector on or prior to the day of a general, primary, or special election and has not filed a notice of change of residence or change of name, whichever is appropriate, with the board of elections may vote

in that election if that registered elector complies with 2447
division (G) of this section or does all of the following: 2448

(a) Appears at anytime during regular business hours on or 2449
after the twenty-eighth day prior to the election in which that 2450
registered elector wishes to vote or, if the election is held on 2451
the day of a presidential primary election, the twenty-fifth day 2452
prior to the election, through noon of the Saturday prior to the 2453
election at the office of the board of elections, appears at any 2454
time during regular business hours on the Monday prior to the 2455
election at the office of the board of elections, or appears on 2456
the day of the election at either of the following locations: 2457

(i) The polling place for the precinct in which that 2458
registered elector resides; 2459

(ii) The office of the board of elections or, if pursuant 2460
to division (C) of section 3501.10 of the Revised Code the board 2461
has designated another location in the county at which 2462
registered electors may vote, at that other location instead of 2463
the office of the board of elections. 2464

(b) Completes and signs, under penalty of election 2465
falsification, the written affirmation on the provisional ballot 2466
envelope, which shall serve as a notice of change of residence 2467
or change of name, whichever is appropriate; 2468

(c) Votes a provisional ballot under section 3505.181 of 2469
the Revised Code at the polling place, at the office of the 2470
board of elections, or, if pursuant to division (C) of section 2471
3501.10 of the Revised Code the board has designated another 2472
location in the county at which registered electors may vote, at 2473
that other location instead of the office of the board of 2474
elections, whichever is appropriate, using the address to which 2475

that registered elector has moved or the name of that registered 2476
elector as changed, whichever is appropriate; 2477

(d) Completes and signs, under penalty of election 2478
falsification, a statement attesting that that registered 2479
elector moved or had a change of name, whichever is appropriate, 2480
on or prior to the day of the election, has voted a provisional 2481
ballot at the polling place for the precinct in which that 2482
registered elector resides, at the office of the board of 2483
elections, or, if pursuant to division (C) of section 3501.10 of 2484
the Revised Code the board has designated another location in 2485
the county at which registered electors may vote, at that other 2486
location instead of the office of the board of elections, 2487
whichever is appropriate, and will not vote or attempt to vote 2488
at any other location for that particular election. 2489

(C) Any registered elector who moves from one county to 2490
another county within the state on or prior to the day of a 2491
general, primary, or special election and has not registered to 2492
vote in the county to which that registered elector moved may 2493
vote in that election if that registered elector complies with 2494
division (G) of this section or does all of the following: 2495

(1) Appears at any time during regular business hours on 2496
or after the twenty-eighth day prior to the election in which 2497
that registered elector wishes to vote or, if the election is 2498
held on the day of a presidential primary election, the twenty- 2499
fifth day prior to the election, through noon of the Saturday 2500
prior to the election at the office of the board of elections 2501
or, if pursuant to division (C) of section 3501.10 of the 2502
Revised Code the board has designated another location in the 2503
county at which registered electors may vote, at that other 2504
location instead of the office of the board of elections, 2505

appears during regular business hours on the Monday prior to the 2506
election at the office of the board of elections or, if pursuant 2507
to division (C) of section 3501.10 of the Revised Code the board 2508
has designated another location in the county at which 2509
registered electors may vote, at that other location instead of 2510
the office of the board of elections, or appears on the day of 2511
the election at the office of the board of elections or, if 2512
pursuant to division (C) of section 3501.10 of the Revised Code 2513
the board has designated another location in the county at which 2514
registered electors may vote, at that other location instead of 2515
the office of the board of elections; 2516

(2) Completes and signs, under penalty of election 2517
falsification, the written affirmation on the provisional ballot 2518
envelope, which shall serve as a notice of change of residence; 2519

(3) Votes a provisional ballot under section 3505.181 of 2520
the Revised Code at the office of the board of elections or, if 2521
pursuant to division (C) of section 3501.10 of the Revised Code 2522
the board has designated another location in the county at which 2523
registered electors may vote, at that other location instead of 2524
the office of the board of elections, using the address to which 2525
that registered elector has moved; 2526

(4) Completes and signs, under penalty of election 2527
falsification, a statement attesting that that registered 2528
elector has moved from one county to another county within the 2529
state on or prior to the day of the election, has voted at the 2530
office of the board of elections or, if pursuant to division (C) 2531
of section 3501.10 of the Revised Code the board has designated 2532
another location in the county at which registered electors may 2533
vote, at that other location instead of the office of the board 2534
of elections, and will not vote or attempt to vote at any other 2535

location for that particular election. 2536

(D) A person who votes by absent voter's ballots pursuant 2537
to division (G) of this section shall not make written 2538
application for the ballots pursuant to Chapter 3509. of the 2539
Revised Code. Ballots cast pursuant to division (G) of this 2540
section shall be set aside in a special envelope and counted 2541
during the official canvass of votes in the manner provided for 2542
in sections 3505.32 and 3509.06 of the Revised Code insofar as 2543
that manner is applicable. The board shall examine the pollbooks 2544
to verify that no ballot was cast at the polls or by absent 2545
voter's ballots under Chapter 3509. or 3511. of the Revised Code 2546
by an elector who has voted by absent voter's ballots pursuant 2547
to division (G) of this section. Any ballot determined to be 2548
insufficient for any of the reasons stated above or stated in 2549
section 3509.07 of the Revised Code shall not be counted. 2550

Subject to division (C) of section 3501.10 of the Revised 2551
Code, a board of elections may lease or otherwise acquire a site 2552
different from the office of the board at which registered 2553
electors may vote pursuant to division (B) or (C) of this 2554
section. 2555

(E) Upon receiving a notice of change of residence or 2556
change of name, the board of elections shall immediately send 2557
the registrant an acknowledgment notice. If the change of 2558
residence or change of name notice is valid, the board shall 2559
update the voter's registration as appropriate. If that form is 2560
incomplete, the board shall inform the registrant in the 2561
acknowledgment notice specified in this division of the 2562
information necessary to complete or update that registrant's 2563
registration. 2564

(F) Change of residence and change of name forms shall be 2565

available at each polling place, and when these forms are 2566
completed, noting changes of residence or name, as appropriate, 2567
they shall be filed with election officials at the polling 2568
place. Election officials shall return completed forms, together 2569
with the pollbooks and tally sheets, to the board of elections. 2570

The board of elections shall provide change of residence 2571
and change of name forms to the probate court and court of 2572
common pleas. The court shall provide the forms to any person 2573
eighteen years of age or older who has a change of name by order 2574
of the court or who applies for a marriage license. The court 2575
shall forward all completed forms to the board of elections 2576
within five days after receiving them. 2577

(G) A registered elector who otherwise would qualify to 2578
vote under division (B) or (C) of this section but is unable to 2579
appear at the office of the board of elections or, if pursuant 2580
to division (C) of section 3501.10 of the Revised Code the board 2581
has designated another location in the county at which 2582
registered electors may vote, at that other location, on account 2583
of personal illness, physical disability, or infirmity, may vote 2584
on the day of the election if that registered elector does all 2585
of the following: 2586

(1) Makes a written application that includes all of the 2587
information required under section 3509.03 of the Revised Code 2588
to the appropriate board for an absent voter's ballot on or 2589
after the twenty-seventh day prior to the election in which the 2590
registered elector wishes to vote through noon of the Saturday 2591
prior to that election and requests that the absent voter's 2592
ballot be sent to the address to which the registered elector 2593
has moved if the registered elector has moved, or to the address 2594
of that registered elector who has not moved but has had a 2595

change of name; 2596

(2) Declares that the registered elector has moved or had 2597
a change of name, whichever is appropriate, and otherwise is 2598
qualified to vote under the circumstances described in division 2599
(B) or (C) of this section, whichever is appropriate, but that 2600
the registered elector is unable to appear at the board of 2601
elections because of personal illness, physical disability, or 2602
infirmity; 2603

(3) Completes and returns along with the completed absent 2604
voter's ballot a notice of change of residence indicating the 2605
address to which the registered elector has moved, or a notice 2606
of change of name, whichever is appropriate; 2607

(4) Completes and signs, under penalty of election 2608
falsification, a statement attesting that the registered elector 2609
has moved or had a change of name on or prior to the day before 2610
the election, has voted by absent voter's ballot because of 2611
personal illness, physical disability, or infirmity that 2612
prevented the registered elector from appearing at the board of 2613
elections, and will not vote or attempt to vote at any other 2614
location or by absent voter's ballot mailed to any other 2615
location or address for that particular election. 2616

(H) A registered elector who has a confidential voter 2617
registration record, as described in section 111.44 of the 2618
Revised Code, and who moves or has a change of name on or prior 2619
to the day of an election and has not filed a notice of change 2620
of residence or change of name under division (D) of that 2621
section may vote in that election if that registered elector 2622
does all of the following: 2623

(1) Appears on the day of the election at the polling 2624

place for the precinct in which that registered elector resides; 2625

(2) Completes and signs, under penalty of election 2626
falsification, the written affirmation on the provisional ballot 2627
envelope, which shall serve as a notice of change of residence 2628
or change of name, whichever is appropriate; 2629

(3) Votes a provisional ballot under section 3505.181 of 2630
the Revised Code at the polling place using the address to which 2631
that registered elector has moved or the name of that registered 2632
elector as changed, whichever is appropriate; 2633

(4) Completes and signs, under penalty of election 2634
falsification, a statement attesting that that registered 2635
elector moved or had a change of name, whichever is appropriate, 2636
on or prior to the day of the election, has voted a provisional 2637
ballot at the polling place for the precinct in which that 2638
registered elector resides, and will not vote or attempt to vote 2639
at any other location or by any other method for that particular 2640
election. 2641

Sec. 3503.21. (A) The registration of a registered elector 2642
shall be canceled upon the occurrence of any of the following: 2643

(1) The filing by a registered elector of a written 2644
request with a board of elections, on a form prescribed by the 2645
secretary of state and signed by the elector, that the 2646
registration be canceled. The filing of such a request does not 2647
prohibit an otherwise qualified elector from reregistering to 2648
vote at any time. 2649

(2) The filing of a notice of the death of a registered 2650
elector as provided in section 3503.18 of the Revised Code; 2651

(3) The filing with the board of elections of a certified 2652
copy of the death certificate of a registered elector by the 2653

deceased elector's spouse, parent, or child, by the 2654
administrator of the deceased elector's estate, or by the 2655
executor of the deceased elector's will; 2656

(4) The conviction of the registered elector of a felony 2657
under the laws of this state, any other state, or the United 2658
States as provided in section 2961.01 of the Revised Code; 2659

(5) The adjudication of incompetency of the registered 2660
elector for the purpose of voting as provided in section 2661
5122.301 of the Revised Code; 2662

(6) The change of residence of the registered elector to a 2663
location outside the county of registration in accordance with 2664
division (B) of this section; 2665

(7) The failure of the registered elector, after having 2666
been mailed a confirmation notice, to do either of the 2667
following: 2668

(a) Respond to such a notice and vote at least once during 2669
a period of four consecutive years, which period shall include 2670
two general federal elections; 2671

(b) Update the elector's registration and vote at least 2672
once during a period of four consecutive years, which period 2673
shall include two general federal elections. 2674

(8) The receipt by the board of elections of a 2675
cancellation notice or request pursuant to section 111.44 of the 2676
Revised Code. 2677

(B) (1) The secretary of state shall prescribe procedures 2678
to identify and cancel the registration in a prior county of 2679
residence of any registrant who changes the registrant's voting 2680
residence to a location outside the registrant's current county 2681

of registration. Any procedures prescribed in this division 2682
shall be uniform and nondiscriminatory, and shall comply with 2683
the Voting Rights Act of 1965. The secretary of state may 2684
prescribe procedures under this division that include the use of 2685
the national change of address service provided by the United 2686
States postal system through its licensees. Any program so 2687
prescribed shall be completed not later than ninety days prior 2688
to the date of any primary or general election for federal 2689
office. 2690

(2) The registration of any elector identified as having 2691
changed the elector's voting residence to a location outside the 2692
elector's current county of registration shall not be canceled 2693
unless the registrant is sent a confirmation notice on a form 2694
prescribed by the secretary of state and the registrant fails to 2695
respond to the confirmation notice or otherwise update the 2696
registration and fails to vote in any election during the period 2697
of two federal elections subsequent to the mailing of the 2698
confirmation notice. 2699

(C) The registration of a registered elector shall not be 2700
canceled except as provided in this section, section 111.44 of 2701
the Revised Code, division (Q) of section 3501.05 of the Revised 2702
Code, division (C) (2) of section 3503.19 of the Revised Code, or 2703
division (C) of section 3503.24 of the Revised Code. 2704

(D) Boards of elections shall send their voter 2705
registration information to the secretary of state as required 2706
under section 3503.15 of the Revised Code. The secretary of 2707
state may prescribe by rule adopted pursuant to section 111.15 2708
of the Revised Code the format in which the boards of elections 2709
must send that information to the secretary of state. In the 2710
first quarter of each year, the secretary of state shall send 2711

the information to the national change of address service 2712
described in division (B) of this section and request that 2713
service to provide the secretary of state with a list of any 2714
voters sent by the secretary of state who have moved within the 2715
last twelve months. The secretary of state shall transmit to 2716
each appropriate board of elections whatever lists the secretary 2717
of state receives from that service. The board shall send a 2718
notice to each person on the list transmitted by the secretary 2719
of state requesting confirmation of the person's change of 2720
address, together with a postage prepaid, preaddressed return 2721
envelope containing a form on which the voter may verify or 2722
correct the change of address information. 2723

(E) The registration of a registered elector described in 2724
division (A) (7) or (B) (2) of this section shall be canceled not 2725
later than one hundred twenty days after the date of the second 2726
general federal election in which the elector fails to vote or 2727
not later than one hundred twenty days after the expiration of 2728
the four-year period in which the elector fails to vote or 2729
respond to a confirmation notice, whichever is later. 2730

(F) (1) When a registration is canceled pursuant to 2731
division (A) (2) or (3) of this section, the applicable board of 2732
elections shall send a written notice, on a form prescribed by 2733
the secretary of state, to the address at which the elector was 2734
registered, informing the recipient that the elector's 2735
registration has been canceled, of the reason for the 2736
cancellation, and that if the cancellation was made in error, 2737
the elector may contact the board of elections to correct the 2738
error. 2739

(2) If the elector's registration is canceled pursuant to 2740
division (A) (2) or (3) of this section in error, it shall be 2741

restored and treated as though it were never canceled. 2742

Sec. 3503.23. (A) Fourteen days before an election, the 2743
board of elections shall cause to be prepared from the statewide 2744
voter registration database established under section 3503.15 of 2745
the Revised Code a complete and official registration list for 2746
each precinct, containing the names, addresses, and political 2747
party whose ballot the elector voted in the most recent primary 2748
election within the current year and the immediately preceding 2749
two calendar years, of all qualified registered voters in the 2750
precinct, except as otherwise provided in section 111.44 of the 2751
Revised Code. All the names, insofar as practicable, shall be 2752
arranged in alphabetical order. The lists may be prepared either 2753
in sheet form on one side of the paper or in electronic form, at 2754
the discretion of the board. Each precinct list shall be headed 2755
"Register of Voters," and under the heading shall be indicated 2756
the district or ward and precinct. 2757

Appended to each precinct list shall be attached the names 2758
of the members of the board and the name of the director. A 2759
sufficient number of such lists shall be provided for 2760
distribution to the candidates, political parties, or organized 2761
groups that apply for them. The board shall have each precinct 2762
list available at the board for viewing by the public during 2763
normal business hours. The board shall ensure that, by the 2764
opening of the polls on the day of a general or primary 2765
election, each precinct has a paper copy of the registration 2766
list of voters in that precinct. 2767

(B) On the day of a general or primary election, precinct 2768
election officials shall do both of the following: 2769

(1) By the time the polls open, conspicuously post and 2770
display at the polling place one copy of the registration list 2771

of voters in that precinct in an area of the polling place that 2772
is easily accessible; 2773

(2) At 11 a.m. and 4 p.m. place a mark, on the official 2774
registration list posted at the polling place, before the name 2775
of those registered voters who have voted. 2776

(C) Notwithstanding division (B) of section 3501.35 of the 2777
Revised Code, any person may enter the polling place for the 2778
sole purpose of reviewing the official registration list posted 2779
in accordance with division (B) of this section, provided that 2780
the person does not engage in conduct that would constitute 2781
harassment in violation of the election law, as defined in 2782
section 3501.90 of the Revised Code. 2783

Sec. 3503.24. (A) Application for the correction of any 2784
precinct registration list or a challenge of the right to vote 2785
of any registered elector may be made by any qualified elector 2786
of the county at the office of the board of elections not later 2787
than twenty days prior to the election. The applications or 2788
challenges, with the reasons for the application or challenge, 2789
shall be filed with the board on a form prescribed by the 2790
secretary of state and shall be signed under penalty of election 2791
falsification. 2792

(B) On receiving an application or challenge filed under 2793
this section, the board of elections promptly shall review the 2794
board's records. If the board is able to determine that an 2795
application or challenge should be granted or denied solely on 2796
the basis of the records maintained by the board, the board 2797
immediately shall vote to grant or deny that application or 2798
challenge. 2799

If the board is not able to determine whether an 2800

application or challenge should be granted or denied solely on 2801
the basis of the records maintained by the board, the director 2802
shall promptly set a time and date for a hearing before the 2803
board. Except as otherwise provided in division (D) of this 2804
section, the hearing shall be held, and the application or 2805
challenge shall be decided, no later than ten days after the 2806
board receives the application or challenge. The director shall 2807
send written notice to any elector whose right to vote is 2808
challenged and to any person whose name is alleged to have been 2809
omitted from a registration list. The notice shall inform the 2810
person of the time and date of the hearing, and of the person's 2811
right to appear and testify, call witnesses, and be represented 2812
by counsel. The notice shall be sent by first class mail no 2813
later than three days before the day of any scheduled hearing. 2814
~~The~~ Except as otherwise provided in division (E) of this 2815
section, the director shall also provide the person who filed 2816
the application or challenge with such written notice of the 2817
date and time of the hearing. 2818

At the request of either party or any member of the board, 2819
the board shall issue subpoenas to witnesses to appear and 2820
testify before the board at a hearing held under this section. 2821
All witnesses shall testify under oath. The board shall reach a 2822
decision on all applications and challenges immediately after 2823
hearing. 2824

(C) If the board decides that any such person is not 2825
entitled to have the person's name on the registration list, the 2826
person's name shall be removed from the list and the person's 2827
registration forms canceled. If the board decides that the name 2828
of any such person should appear on the registration list, it 2829
shall be added to the list, and the person's registration forms 2830
placed in the proper registration files. All such corrections 2831

and additions shall be made on a copy of the precinct lists, 2832
which shall constitute the poll lists, to be furnished to the 2833
respective precincts with other election supplies on the day 2834
preceding the election, to be used by the election officials in 2835
receiving the signatures of voters and in checking against the 2836
registration forms. 2837

(D) (1) If an application or challenge for which a hearing 2838
is required to be conducted under division (B) of this section 2839
is filed after the thirtieth day before the day of an election, 2840
the board of elections, in its discretion, may postpone that 2841
hearing and any notifications of that hearing until after the 2842
day of the election. Any hearing postponed under this division 2843
shall be conducted not later than ten days after the day of the 2844
election. 2845

(2) The board of elections shall cause the name of any 2846
registered elector whose registration is challenged and whose 2847
challenge hearing is postponed under division (D) (1) of this 2848
section to be marked in the official registration list and in 2849
the poll list or signature pollbook for that elector's precinct 2850
to indicate that the elector's registration is subject to 2851
challenge. 2852

(3) Any elector who is the subject of an application or 2853
challenge hearing that is postponed under division (D) (1) of 2854
this section shall be permitted to vote a provisional ballot 2855
under section 3505.181 of the Revised Code. The validity of a 2856
provisional ballot cast pursuant to this section shall be 2857
determined in accordance with section 3505.183 of the Revised 2858
Code, except that no such provisional ballot shall be counted 2859
unless the hearing conducted under division (B) of this section 2860
after the day of the election results in the elector's inclusion 2861

in the official registration list. 2862

(E) If an elector who is the subject of an application or challenge hearing has a confidential voter registration record, as described in section 111.44 of the Revised Code, all of the following apply: 2863
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2866

(1) If the elector's right to vote has been challenged, the person who filed the challenge shall not receive notice of the date and time of any hearing held concerning the challenge, shall not be permitted to attend the hearing, and shall not receive notice of the disposition of the challenge. 2867
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(2) If the elector is the subject of an application for the correction of the precinct registration list and the elector is not the person who filed the application, the person who filed the application shall not receive notice of the date and time of any hearing held concerning the application, shall not be permitted to attend the hearing, and shall not receive notice of the disposition of the application. 2872
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(3) Notwithstanding section 121.22 of the Revised Code, any hearing held concerning the application or challenge shall not be open to the public. 2879
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(4) Any records created as a result of the application or challenge that include the elector's residence address or precinct shall not be open to public inspection. 2882
2883
2884

Sec. 3503.26. (A) All registration forms and lists, when 2885
not in official use by the registrars or precinct election 2886
officials, shall be in the possession of the board of elections. 2887
Names and addresses of electors may be copied from the 2888
registration lists only in the office of the board when it is 2889
open for business; but no such copying shall be permitted during 2890

the period of time commencing twenty-one days before an election 2891
and ending on the eleventh day after an election if such copying 2892
will, in the opinion of the board, interfere with the necessary 2893
work of the board. ~~The~~ Except as provided in section 111.44 of 2894
the Revised Code, the board shall keep in convenient form and 2895
available for public inspection a correct set of the 2896
registration lists of all precincts in the county. 2897

(B) Notwithstanding division (A) of this section, and 2898
except as provided in section 111.44 of the Revised Code, the 2899
board of elections shall maintain and make available for public 2900
inspection and copying at a reasonable cost all records 2901
concerning the implementation of programs and activities 2902
conducted for the purpose of ensuring the accuracy and currency 2903
of voter registration lists, including the names and addresses 2904
of all registered electors sent confirmation notices and whether 2905
or not the elector responded to the confirmation notice. The 2906
board shall maintain all records described in this division for 2907
a period of two years. 2908

Sec. 3504.02. (A) Any citizen who desires to vote in a 2909
presidential election under this chapter shall, not later than 2910
four p.m. of the thirtieth day prior to the date of the 2911
presidential election, complete a certificate of intent to vote 2912
for presidential and vice-presidential electors. The certificate 2913
of intent shall be completed in duplicate on a form prescribed 2914
by the secretary of state that may be obtained and filed 2915
personally in the office of the board of elections of the county 2916
in which such person last resided before removal from this 2917
state, or mailed to such board of elections. 2918

(B) Immediately following the spaces on the certificate 2919
for inserting information as requested by the secretary of 2920

state, the following statement shall be printed: "I declare 2921
under penalty of election falsification that the statements 2922
herein contained are true to the best of my knowledge and 2923
belief; that I am legally qualified to vote; that I am not 2924
registered to vote in any other state; and that I have not voted 2925
in an election in any other state since removing myself from the 2926
state of Ohio. 2927

..... 2928

Signature of applicant 2929

..... 2930

Date 2931

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 2932
FELONY OF THE FIFTH DEGREE." 2933

(C) If the applicant has a confidential voter registration 2934
record, as described in section 111.44 of the Revised Code, the 2935
applicant may include the applicant's program participant 2936
identification number instead of the applicant's residence 2937
address or precinct in the certificate of intent. 2938

Sec. 3504.04. ~~On~~ (A) Except as provided in division (B) of 2939
this section, on or before election day, the director of the 2940
board of elections shall deliver to the polling place a list of 2941
persons who have filed certificates of intent to vote as former 2942
resident voters and who appear, from their voting address, 2943
entitled to vote at such polling place. Those persons whose 2944
names appear on the list of former resident voters, and who have 2945
otherwise complied with sections 3504.01 to 3504.06 of the 2946
Revised Code, shall then be entitled to vote for presidential 2947
and vice-presidential electors only at their polling place on 2948
election day or by absent voter's ballots. Such voter who votes 2949

at that voter's polling place on election day shall sign that 2950
voter's name in the poll book or poll list followed by, "Former 2951
Resident's Presidential Ballot." Qualified former residents 2952
shall be entitled to cast absent voter's ballots for 2953
presidential and vice-presidential electors. 2954

(B) The list of persons described in division (A) of this 2955
section shall not include any person who has a confidential 2956
voter registration record, as described in section 111.44 of the 2957
Revised Code. Such a person may vote for presidential and vice- 2958
presidential electors only by casting absent voter's ballots or 2959
a provisional ballot. 2960

Sec. 3505.181. (A) All of the following individuals shall 2961
be permitted to cast a provisional ballot at an election: 2962

(1) An individual who declares that the individual is a 2963
registered voter in the precinct in which the individual desires 2964
to vote and that the individual is eligible to vote in an 2965
election, but the name of the individual does not appear on the 2966
official list of eligible voters for the precinct or an election 2967
official asserts that the individual is not eligible to vote, 2968
including an individual who has a confidential voter 2969
registration record, as described in section 111.44 of the 2970
Revised Code; 2971

(2) An individual who does not have or is unable to 2972
provide to the election officials any of the forms of 2973
identification required under division (A) (1) of section 3505.18 2974
of the Revised Code; 2975

(3) An individual whose name in the poll list or signature 2976
pollbook has been marked under section 3509.09 or 3511.13 of the 2977
Revised Code as having requested an absent voter's ballot or a 2978

uniformed services or overseas absent voter's ballot for that 2979
election and who appears to vote at the polling place; 2980

(4) An individual whose notification of registration has 2981
been returned undelivered to the board of elections and whose 2982
name in the official registration list and in the poll list or 2983
signature pollbook has been marked under division (C) (2) of 2984
section 3503.19 of the Revised Code; 2985

(5) An individual who has been successfully challenged 2986
under section 3505.20 or 3513.20 of the Revised Code or whose 2987
application or challenge hearing has been postponed until after 2988
the day of the election under division (D) (1) of section 3503.24 2989
of the Revised Code; 2990

(6) An individual who changes the individual's name and 2991
remains within the precinct without providing proof of that name 2992
change under division (B) (1) (b) of section 3503.16 of the 2993
Revised Code, moves from one precinct to another within a 2994
county, moves from one precinct to another and changes the 2995
individual's name, or moves from one county to another within 2996
the state, and completes and signs the required forms and 2997
statements under division (B) or (C) of section 3503.16 of the 2998
Revised Code; 2999

(7) An individual whose signature, in the opinion of the 3000
precinct officers under section 3505.22 of the Revised Code, is 3001
not that of the person who signed that name in the registration 3002
forms. 3003

(B) An individual who is eligible to cast a provisional 3004
ballot under division (A) of this section shall be permitted to 3005
cast a provisional ballot as follows: 3006

(1) An election official at the polling place shall notify 3007

the individual that the individual may cast a provisional ballot 3008
in that election. 3009

(2) Except as otherwise provided in division (F) of this 3010
section, the individual shall complete and execute a written 3011
affirmation before an election official at the polling place 3012
stating that the individual is both of the following: 3013

(a) A registered voter in the precinct in which the 3014
individual desires to vote; 3015

(b) Eligible to vote in that election. 3016

(3) An election official at the polling place shall 3017
transmit the ballot cast by the individual and the voter 3018
information contained in the written affirmation executed by the 3019
individual under division (B)(2) of this section to an 3020
appropriate local election official for verification under 3021
division (B)(4) of this section. 3022

(4) If the appropriate local election official to whom the 3023
ballot or voter or address information is transmitted under 3024
division (B)(3) of this section determines that the individual 3025
is eligible to vote, the individual's provisional ballot shall 3026
be counted as a vote in that election. 3027

(5) (a) At the time that an individual casts a provisional 3028
ballot, the appropriate local election official shall give the 3029
individual written information that states that any individual 3030
who casts a provisional ballot will be able to ascertain under 3031
the system established under division (B)(5)(b) of this section 3032
whether the vote was counted, and, if the vote was not counted, 3033
the reason that the vote was not counted. 3034

(b) The appropriate state or local election official shall 3035
establish a free access system, in the form of a toll-free 3036

telephone number, that any individual who casts a provisional 3037
ballot may access to discover whether the vote of that 3038
individual was counted, and, if the vote was not counted, the 3039
reason that the vote was not counted. The free access system 3040
established under this division also shall provide to an 3041
individual whose provisional ballot was not counted information 3042
explaining how that individual may contact the board of 3043
elections to register to vote or to resolve problems with the 3044
individual's voter registration. 3045

The appropriate state or local election official shall 3046
establish and maintain reasonable procedures necessary to 3047
protect the security, confidentiality, and integrity of personal 3048
information collected, stored, or otherwise used by the free 3049
access system established under this division. The system shall 3050
permit an individual only to gain access to information about 3051
the individual's own provisional ballot. 3052

(6) If, at the time that an individual casts a provisional 3053
ballot, the individual provides identification in the form of a 3054
current and valid photo identification, a military 3055
identification, or a copy of a current utility bill, bank 3056
statement, government check, paycheck, or other government 3057
document, other than a notice of voter registration mailed by a 3058
board of elections under section 3503.19 of the Revised Code, 3059
that shows the individual's name and current address, or 3060
provides the individual's driver's license or state 3061
identification card number or the last four digits of the 3062
individual's social security number, the individual shall record 3063
the type of identification provided or the driver's license, 3064
state identification card, or social security number information 3065
and include that information on the provisional ballot 3066
affirmation under division (B) (3) of this section. 3067

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

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

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

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

(b) For a provisional ballot cast by an individual who has been successfully challenged under section 3505.20 of the Revised Code to be eligible to be counted, the individual who cast that ballot, within seven days after the day of that election, shall provide to the board of elections any

identification or other documentation required to be provided by 3098
the applicable challenge questions asked of that individual 3099
under section 3505.20 of the Revised Code. 3100

(C) (1) If an individual declares that the individual is 3101
eligible to vote in a precinct other than the precinct in which 3102
the individual desires to vote, or if, upon review of the 3103
precinct voting location guide using the residential street 3104
address provided by the individual, an election official at the 3105
precinct at which the individual desires to vote determines that 3106
the individual is not eligible to vote in that precinct, the 3107
election official shall direct the individual to the precinct 3108
and polling place in which the individual appears to be eligible 3109
to vote, explain that the individual may cast a provisional 3110
ballot at the current location but the ballot or a portion of 3111
the ballot will not be counted if it is cast in the wrong 3112
precinct, and provide the telephone number of the board of 3113
elections in case the individual has additional questions. 3114

(2) If the individual refuses to travel to the correct 3115
precinct or to the office of the board of elections to cast a 3116
ballot, the individual shall be permitted to vote a provisional 3117
ballot at that precinct in accordance with division (B) of this 3118
section. If the individual is in the correct polling location 3119
for the precinct in which the individual is registered and 3120
eligible to vote, the election official shall complete and sign, 3121
under penalty of election falsification, a form that includes 3122
all of the following, and attach the form to the individual's 3123
provisional ballot affirmation: 3124

(a) The name or number of the individual's correct 3125
precinct; 3126

(b) A statement that the election official instructed the 3127

individual to travel to the correct precinct to vote; 3128

(c) A statement that the election official informed the 3129
individual that casting a provisional ballot in the wrong 3130
precinct would result in all or a portion of the votes on the 3131
ballot being rejected; 3132

(d) The name or number of the precinct in which the 3133
individual is casting a provisional ballot; and 3134

(e) The name of the polling location in which the 3135
individual is casting a provisional ballot. 3136

(D) The appropriate local election official shall cause 3137
voting information to be publicly posted at each polling place 3138
on the day of each election. 3139

(E) As used in this section and sections 3505.182 and 3140
3505.183 of the Revised Code: 3141

(1) "Precinct voting location guide" means either of the 3142
following: 3143

(a) An electronic or paper record that lists the correct 3144
precinct and polling place for either each specific residential 3145
street address in the county or the range of residential street 3146
addresses located in each neighborhood block in the county; 3147

(b) Any other method that a board of elections creates 3148
that allows a precinct election official or any elector who is 3149
at a polling place in that county to determine the correct 3150
precinct and polling place of any qualified elector who resides 3151
in the county. 3152

(2) "Voting information" means all of the following: 3153

(a) A sample version of the ballot that will be used for 3154

that election; 3155

(b) Information regarding the date of the election and the 3156
hours during which polling places will be open; 3157

(c) Instructions on how to vote, including how to cast a 3158
vote and how to cast a provisional ballot; 3159

(d) Instructions for mail-in registrants and first-time 3160
voters under applicable federal and state laws; 3161

(e) General information on voting rights under applicable 3162
federal and state laws, including information on the right of an 3163
individual to cast a provisional ballot and instructions on how 3164
to contact the appropriate officials if these rights are alleged 3165
to have been violated; 3166

(f) General information on federal and state laws 3167
regarding prohibitions against acts of fraud and 3168
misrepresentation. 3169

(F) Nothing in this section or section 3505.183 of the 3170
Revised Code is in derogation of section 3505.24 of the Revised 3171
Code, which permits a blind, disabled, or illiterate elector to 3172
receive assistance in the marking of the elector's ballot by two 3173
precinct election officials of different political parties. A 3174
blind, disabled, or illiterate elector may receive assistance in 3175
marking that elector's provisional ballot and in completing the 3176
required affirmation in the same manner as an elector may 3177
receive assistance on the day of an election under that section. 3178

Sec. 3505.182. Each individual who casts a provisional 3179
ballot under section 3505.181 of the Revised Code shall execute 3180
a written affirmation. The form of the written affirmation shall 3181
be printed upon the face of the provisional ballot envelope and 3182
shall be as follows: 3183

"Provisional Ballot Affirmation	3184
(A) Clearly print your full name:	3185
(B) Write your date of birth:	3186
(C) (1) Write your current address:	3187
.....	3188
(2) Have you moved without updating your voter registration?:	3189 3190
Yes No	3191
If yes, write your former address:	3192
.....	3193
Failure to provide your former address will not cause your provisional ballot to be rejected.	3194 3195
<u>(3) If you have a confidential voter registration record,</u> <u>write your address confidentiality program participant</u> <u>identification number:</u>	3196 3197 3198
<u>If you have a confidential voter registration record and</u> <u>you have not moved without updating your voter registration, you</u> <u>may provide your participant identification number instead of</u> <u>your current address.</u>	3199 3200 3201 3202
(D) Provide one of the following forms of identification:	3203
(1) Write your full Ohio driver's license or state identification card number:	3204 3205
(2) Write the last four digits of your Social Security number:	3206 3207
(3) If you did not write your full Ohio driver's license	3208

or state identification card number or the last four digits of
your Social Security number, you must show one of the following
forms of identification to the precinct election official. If
you do not check one of the following boxes affirming the type
of identification you showed to the precinct election official,
the board of elections will conclude that you did not show
identification to your precinct election official and that you
must show identification at the board of elections during the
seven days after the election for your vote to be eligible to be
counted.

..... A form of photo identification that was issued by
the United States government or the State of Ohio, that contains
your name and current address (or your former address if the
identification is an Ohio driver's license or state
identification card), and that has an expiration date that has
not passed;

..... A military identification card; or

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

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

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

(F) Sign and date the following statement:

I solemnly swear or affirm that I am a citizen of the United States; that I will be at least 18 years of age at the time of the general election; that I have lived in this state for 30 days immediately preceding this election in which I am voting this ballot; that I am a registered voter in the precinct in which I am voting this provisional ballot; and that I am eligible to vote in the election in which I am voting this provisional ballot.

I understand that, if the information I provide on this provisional ballot affirmation is not fully completed and correct, if the board of elections determines that I am not registered to vote, a resident of this precinct, or eligible to vote in this election, or if the board of elections determines that I have already voted in this election, my provisional ballot will not be counted. I understand that, if I am not currently registered to vote or if I am not registered at my current address or under my current name, this form will serve as an application to register to vote or update my registration for future elections, as long as I provide all of the information required to register to vote or update my registration. I further understand that knowingly providing false information is a violation of law and subjects me to possible criminal prosecution.

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

..... 3264

Signature of Voter 3265

..... 3266

Date 3267

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 3268
FELONY OF THE FIFTH DEGREE." 3269

In addition to any information required to be included on 3270
the written affirmation, an individual casting a provisional 3271
ballot may provide additional information to the election 3272
official to assist the board of elections in determining the 3273
individual's eligibility to vote in that election, including the 3274
date and location at which the individual registered to vote, if 3275
known. 3276

If the individual provided all of the information required 3277
under section 3503.14 of the Revised Code to register to vote or 3278
to update the individual's registration on the provisional 3279
ballot affirmation, the board of elections shall consider the 3280
individual's provisional ballot affirmation to also serve as a 3281
notice of change of name, change of residence, or both, or as a 3282
voter registration form, as applicable, for that individual only 3283
for the purposes of future elections. 3284

Sec. 3505.183. (A) When the ballot boxes are delivered to 3285
the board of elections from the precincts, the board shall 3286
separate the provisional ballot envelopes from the rest of the 3287
ballots. Teams of employees of the board consisting of one 3288
member of each major political party shall place the sealed 3289
provisional ballot envelopes in a secure location within the 3290
office of the board. The sealed provisional ballot envelopes 3291
shall remain in that secure location until the validity of those 3292
ballots is determined under division (B) of this section. While 3293
the provisional ballot is stored in that secure location, and 3294
prior to the counting of the provisional ballots, if the board 3295
receives information regarding the validity of a specific 3296

provisional ballot under division (B) of this section, the board 3297
may note, on the sealed provisional ballot envelope for that 3298
ballot, whether the ballot is valid and entitled to be counted. 3299

(B) (1) To determine whether a provisional ballot is valid 3300
and entitled to be counted, the board shall examine its records 3301
and determine whether the individual who cast the provisional 3302
ballot is registered and eligible to vote in the applicable 3303
election. The board shall examine the information contained in 3304
the written affirmation executed by the individual who cast the 3305
provisional ballot under division (B) (2) of section 3505.181 of 3306
the Revised Code. ~~The~~ 3307

(a) Except as otherwise provided in division (B) (1) (b) of 3308
this section, the following information shall be included in the 3309
written affirmation in order for the provisional ballot to be 3310
eligible to be counted: 3311

~~(a)~~ (i) The individual's printed name, signature, date of 3312
birth, and current address; 3313

~~(b)~~ (ii) A statement that the individual is a registered 3314
voter in the precinct in which the provisional ballot is being 3315
voted; 3316

~~(c)~~ (iii) A statement that the individual is eligible to 3317
vote in the election in which the provisional ballot is being 3318
voted. 3319

(b) If the individual has a confidential voter 3320
registration record and the written affirmation includes the 3321
individual's program participant identification number, the 3322
written affirmation need not include the individual's current 3323
address in order for the provisional ballot to be eligible to be 3324
counted. 3325

(2) In addition to the information required to be included 3326
in an affirmation under division (B) (1) of this section, in 3327
determining whether a provisional ballot is valid and entitled 3328
to be counted, the board also shall examine any additional 3329
information for determining ballot validity provided by the 3330
provisional voter on the affirmation, provided by the 3331
provisional voter to an election official under section 3505.182 3332
of the Revised Code, or provided to the board of elections 3333
during the seven days after the day of the election under 3334
division (B) (7) of section 3505.181 of the Revised Code, to 3335
assist the board in determining the individual's eligibility to 3336
vote. 3337

(3) If, in examining a provisional ballot affirmation and 3338
additional information under divisions (B) (1) and (2) of this 3339
section and comparing the information required under division 3340
(B) (1) of this section with the elector's information in the 3341
statewide voter registration database, the board determines that 3342
all of the following apply, the provisional ballot envelope 3343
shall be opened, and the ballot shall be placed in a ballot box 3344
to be counted: 3345

(a) The individual named on the affirmation is properly 3346
registered to vote. 3347

(b) The individual named on the affirmation is eligible to 3348
cast a ballot in the precinct and for the election in which the 3349
individual cast the provisional ballot. 3350

(c) The individual provided all of the information 3351
required under division (B) (1) of this section in the 3352
affirmation that the individual executed at the time the 3353
individual cast the provisional ballot. 3354

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

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

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

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

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

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

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

(h) If applicable, the hearing conducted under division

(B) of section 3503.24 of the Revised Code after the day of the 3384
election resulted in the individual's inclusion in the official 3385
registration list. 3386

(4) (a) Except as otherwise provided in division (D) of 3387
this section, if, in examining a provisional ballot affirmation 3388
and additional information under divisions (B) (1) and (2) of 3389
this section and comparing the information required under 3390
division (B) (1) of this section with the elector's information 3391
in the statewide voter registration database, the board 3392
determines that any of the following applies, the provisional 3393
ballot envelope shall not be opened, and the ballot shall not be 3394
counted: 3395

(i) The individual named on the affirmation is not 3396
qualified or is not properly registered to vote. 3397

(ii) The individual named on the affirmation is not 3398
eligible to cast a ballot in the precinct or for the election in 3399
which the individual cast the provisional ballot. 3400

(iii) The individual did not provide all of the 3401
information required under division (B) (1) of this section in 3402
the affirmation that the individual executed at the time the 3403
individual cast the provisional ballot. 3404

(iv) The individual has already cast a ballot for the 3405
election in which the individual cast the provisional ballot. 3406

(v) If applicable, the individual did not provide any 3407
additional information required under division (B) (7) of section 3408
3505.181 of the Revised Code within seven days after the day of 3409
the election. 3410

(vi) If applicable, the hearing conducted under division 3411
(B) of section 3503.24 of the Revised Code after the day of the 3412

election did not result in the individual's inclusion in the 3413
official registration list. 3414

(vii) The individual failed to provide a current and valid 3415
photo identification, a military identification, a copy of a 3416
current utility bill, bank statement, government check, 3417
paycheck, or other government document, other than a notice of 3418
voter registration mailed by a board of elections under section 3419
3503.19 of the Revised Code, with the voter's name and current 3420
address, the individual's driver's license or state 3421
identification card number, or the last four digits of the 3422
individual's social security number or to execute an affirmation 3423
under division (B) of section 3505.181 of the Revised Code. 3424

(viii) The last four digits of the elector's social 3425
security number or the elector's driver's license number or 3426
state identification card number are different from the last 3427
four digits of the elector's social security number or the 3428
elector's driver's license number or state identification card 3429
number contained in the statewide voter registration database. 3430

(ix) Except as otherwise provided in this division, the 3431
month and day of the elector's date of birth are different from 3432
the day and month of the elector's date of birth contained in 3433
the statewide voter registration database. 3434

This division does not apply to an elector's provisional 3435
ballot if either of the following is true: 3436

(I) The elector's date of birth contained in the statewide 3437
voter registration database is January 1, 1800. 3438

(II) The board of elections has found, by a vote of at 3439
least three of its members, that the elector has met all of the 3440
requirements of division (B) (3) of this section, other than the 3441

requirements of division (B) (3) (e) of this section. 3442

(x) The elector's current address is different from the 3443
elector's address contained in the statewide voter registration 3444
database, unless the elector indicated that the elector is 3445
casting a provisional ballot because the elector has moved and 3446
has not submitted a notice of change of address, as described in 3447
division (A) (6) of section 3505.181 of the Revised Code. 3448

(b) If, in examining a provisional ballot affirmation and 3449
additional information under divisions (B) (1) and (2) of this 3450
section and comparing the information required under division 3451
(B) (1) of this section with the elector's information in the 3452
statewide voter registration database, the board is unable to 3453
determine either of the following, the provisional ballot 3454
envelope shall not be opened, and the ballot shall not be 3455
counted: 3456

(i) Whether the individual named on the affirmation is 3457
qualified or properly registered to vote; 3458

(ii) Whether the individual named on the affirmation is 3459
eligible to cast a ballot in the precinct or for the election in 3460
which the individual cast the provisional ballot. 3461

(C) For each provisional ballot rejected under division 3462
(B) (4) of this section, the board shall record the name of the 3463
provisional voter who cast the ballot, the identification number 3464
of the provisional ballot envelope, the names of the election 3465
officials who determined the validity of that ballot, the date 3466
and time that the determination was made, and the reason that 3467
the ballot was not counted, unless the board has already 3468
recorded that information in another database. 3469

(D) (1) If an individual cast a provisional ballot in a 3470

precinct in which the individual is not registered and eligible 3471
to vote, but in the correct polling location for the precinct in 3472
which the individual is registered and eligible to vote, and the 3473
election official failed to direct the individual to the correct 3474
precinct, the individual's ballot shall be remade under division 3475
(D) (2) of this section. The election official shall be deemed to 3476
have directed the individual to the correct precinct if the 3477
election official correctly completed the form described in 3478
division (C) (2) of section 3505.181 of the Revised Code. 3479

(2) A board of elections that remakes a provisional ballot 3480
under division (D) (1) of this section shall remake the 3481
provisional ballot on a ballot for the appropriate precinct to 3482
reflect the offices, questions, and issues for which the 3483
individual was eligible to cast a ballot and for which the 3484
individual attempted to cast a provisional ballot. The remade 3485
ballot shall be counted for each office, question, and issue for 3486
which the individual was eligible to vote. 3487

(3) If an individual cast a provisional ballot in a 3488
precinct in which the individual is not registered and eligible 3489
to vote and in the incorrect polling location for the precinct 3490
in which the individual is registered and eligible to vote, the 3491
provisional ballot envelope shall not be opened, and the ballot 3492
shall not be counted. 3493

(E) Provisional ballots that are rejected under division 3494
(B) (4) of this section shall not be counted but shall be 3495
preserved in their provisional ballot envelopes unopened until 3496
the time provided by section 3505.31 of the Revised Code for the 3497
destruction of all other ballots used at the election for which 3498
ballots were provided, at which time they shall be destroyed. 3499

(F) (1) Provisional ballots that the board determines are 3500

eligible to be counted under division (B) (3) or (D) of this 3501
section shall be counted in the same manner as provided for 3502
other ballots under section 3505.27 of the Revised Code. No 3503
provisional ballots shall be counted in a particular county 3504
until the board determines the eligibility to be counted of all 3505
provisional ballots cast in that county under division (B) of 3506
this section for that election. ~~Observers~~ 3507

(2) (a) Except as otherwise provided in division (F) (2) (b) 3508
of this section, observers, as provided in section 3505.21 of 3509
the Revised Code, may be present at all times that the board is 3510
determining the eligibility of provisional ballots to be counted 3511
and counting those provisional ballots determined to be 3512
eligible. ~~No~~ 3513

(b) Observers shall not be permitted to witness the 3514
determination of the eligibility to be counted of, or the 3515
counting of, provisional ballots cast by electors who have 3516
confidential voter registration records in a manner that would 3517
permit the observers to learn the identities or residence 3518
addresses of those electors. 3519

(3) No person shall recklessly disclose the count or any 3520
portion of the count of provisional ballots in such a manner as 3521
to jeopardize the secrecy of any individual ballot. 3522

(G) (1) Except as otherwise provided in division (G) (2) of 3523
this section, nothing in this section shall prevent a board of 3524
elections from examining provisional ballot affirmations and 3525
additional information under divisions (B) (1) and (2) of this 3526
section to determine the eligibility of provisional ballots to 3527
be counted during the ten days after the day of an election. 3528

(2) A board of elections shall not examine the provisional 3529

ballot affirmation and additional information under divisions 3530
(B) (1) and (2) of this section of any provisional ballot cast by 3531
an individual who must provide additional information to the 3532
board of elections under division (B) (7) of section 3505.181 of 3533
the Revised Code for the board to determine the individual's 3534
eligibility until the individual provides that information, 3535
until any hearing required to be conducted under section 3503.24 3536
of the Revised Code with regard to the provisional voter is 3537
held, or until the eleventh day after the day of the election, 3538
whichever is earlier. 3539

Sec. 3509.03. (A) Except as provided in division (B) of 3540
section 3509.08 of the Revised Code, any qualified elector 3541
desiring to vote absent voter's ballots at an election shall 3542
make written application for those ballots to the director of 3543
elections of the county in which the elector's voting residence 3544
is located. ~~The~~ 3545

(B) Except as otherwise provided in division (C) of this 3546
section, the application need not be in any particular form but 3547
shall contain all of the following: 3548

~~(A)~~ (1) The elector's name; 3549

~~(B)~~ (2) The elector's signature; 3550

~~(C)~~ (3) The address at which the elector is registered to 3551
vote; 3552

~~(D)~~ (4) The elector's date of birth; 3553

~~(E)~~ (5) One of the following: 3554

~~(1)~~ (a) The elector's driver's license number; 3555

~~(2)~~ (b) The last four digits of the elector's social 3556
security number; 3557

~~(3)~~ (c) A copy of the elector's current and valid photo identification, a copy of a military identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.

~~(F)~~ (6) A statement identifying the election for which absent voter's ballots are requested;

~~(G)~~ (7) A statement that the person requesting the ballots is a qualified elector;

~~(H)~~ (8) If the request is for primary election ballots, the elector's party affiliation;

~~(I)~~ (9) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed.

(C) If the elector has a confidential voter registration record, as described in section 111.44 of the Revised Code, the elector may provide the elector's program participant identification number instead of the address at which the elector is registered to vote.

(D) Each application for absent voter's ballots shall be delivered to the director not earlier than the first day of January of the year of the elections for which the absent voter's ballots are requested or not earlier than ninety days before the day of the election at which the ballots are to be voted, whichever is earlier, and not later than twelve noon of the third day before the day of the election at which the ballots are to be voted, or not later than six p.m. on the last Friday before the day of the election at which the ballots are

to be voted if the application is delivered in person to the 3587
office of the board. 3588

(E) A board of elections that mails an absent voter's 3589
ballot application to an elector under this section shall not 3590
prepay the return postage for that application. 3591

(F) Except as otherwise provided in this section and in 3592
sections 3505.24 and 3509.08 of the Revised Code, an election 3593
official shall not fill out any portion of an application for 3594
absent voter's ballots on behalf of an applicant. The secretary 3595
of state or a board of elections may preprint only an 3596
applicant's name and address on an application for absent 3597
voter's ballots before mailing that application to the 3598
applicant, except that if the applicant has a confidential voter 3599
registration record, the secretary of state or a board of 3600
elections shall not preprint the applicant's address on the 3601
application. 3602

Sec. 3509.04. (A) If a director of a board of elections 3603
receives an application for absent voter's ballots that does not 3604
contain all of the required information, the director promptly 3605
shall notify the applicant of the additional information 3606
required to be provided by the applicant to complete that 3607
application. 3608

(B) Upon receipt by the director of elections of an 3609
application for absent voter's ballots that contains all of the 3610
required information, as provided by section 3509.03 and 3611
division (G) of section 3503.16 of the Revised Code, the 3612
director, if the director finds that the applicant is a 3613
qualified elector, shall deliver to the applicant in person or 3614
mail directly to the applicant by special delivery mail, air 3615
mail, or regular mail, postage prepaid, proper absent voter's 3616

ballots. The director shall deliver or mail with the ballots an 3617
unsealed identification envelope upon the face of which shall be 3618
printed a form substantially as follows: 3619

"Identification Envelope Statement of Voter 3620

I,(Name of voter), declare under 3621
penalty of election falsification that the within ballot or 3622
ballots contained no voting marks of any kind when I received 3623
them, and I caused the ballot or ballots to be marked, enclosed 3624
in the identification envelope, and sealed in that envelope. 3625

My voting residence in Ohio is 3626
..... 3627

(Street and Number, if any, or Rural Route and Number) 3628
of (City, Village, or Township) 3629
Ohio, which is in Ward Precinct 3630
in that city, village, or township. 3631

If I have a confidential voter registration record, I am 3632
providing my program participant identification number instead 3633
of my residence address: 3634

The primary election ballots, if any, within this envelope 3635
are primary election ballots of the Party. 3636

Ballots contained within this envelope are to be voted at 3637
the (general, special, or primary) election to be 3638
held on the day 3639
of, 3640

My date of birth is (Month and 3641
Day), (Year). 3642

(Voter must provide one of the following:) 3643

My driver's license number is (Driver's license number). 3644
3645

The last four digits of my Social Security Number are (Last four digits of Social Security Number). 3646
3647
3648

..... In lieu of providing a driver's license number or the last four digits of my Social Security Number, I am enclosing a copy of one of the following in the return envelope in which this identification envelope will be mailed: a current and valid photo identification, a military identification, or a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration mailed by a board of elections, that shows my name and address. 3649
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I hereby declare, under penalty of election falsification, that the statements above are true, as I verily believe. 3658
3659

..... (Signature of Voter) 3660

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE." 3661
3662

The director shall mail with the ballots and the unsealed identification envelope an unsealed return envelope upon the face of which shall be printed the official title and post-office address of the director. In the upper left corner on the face of the return envelope, several blank lines shall be printed upon which the voter may write the voter's name and return address. The return envelope shall be of such size that the identification envelope can be conveniently placed within it for returning the identification envelope to the director. 3663
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A board of elections that mails or otherwise delivers 3672

absent voter's ballots to an elector under this section shall 3673
not prepay the return postage for those ballots. 3674

Except as otherwise provided in this section and in 3675
sections 3505.24 and 3509.08 of the Revised Code, an election 3676
official shall not fill out any portion of an identification 3677
envelope statement of voter or an absent voter's ballot on 3678
behalf of an elector. A board of elections may preprint only an 3679
elector's name and address on an identification envelope 3680
statement of voter before mailing absent voter's ballots to the 3681
elector, except that if the elector has a confidential voter 3682
registration record, as described in section 111.44 of the 3683
Revised Code, the board of elections shall not preprint the 3684
elector's address on the identification envelope statement of 3685
voter. 3686

Sec. 3509.05. (A) When an elector receives an absent 3687
voter's ballot pursuant to the elector's application or request, 3688
the elector shall, before placing any marks on the ballot, note 3689
whether there are any voting marks on it. If there are any 3690
voting marks, the ballot shall be returned immediately to the 3691
board of elections; otherwise, the elector shall cause the 3692
ballot to be marked, folded in a manner that the stub on it and 3693
the indorsements and facsimile signatures of the members of the 3694
board of elections on the back of it are visible, and placed and 3695
sealed within the identification envelope received from the 3696
director of elections for that purpose. Then, the elector shall 3697
cause the statement of voter on the outside of the 3698
identification envelope to be completed and signed, under 3699
penalty of election falsification. 3700

If the elector does not provide the elector's driver's 3701
license number or the last four digits of the elector's social 3702

security number on the statement of voter on the identification 3703
envelope, the elector also shall include in the return envelope 3704
with the identification envelope a copy of the elector's current 3705
valid photo identification, a copy of a military identification, 3706
or a copy of a current utility bill, bank statement, government 3707
check, paycheck, or other government document, other than a 3708
notice of voter registration mailed by a board of elections 3709
under section 3503.19 of the Revised Code, that shows the name 3710
and address of the elector. 3711

The elector shall mail the identification envelope to the 3712
director from whom it was received in the return envelope, 3713
postage prepaid, or the elector may personally deliver it to the 3714
director, or the spouse of the elector, the father, mother, 3715
father-in-law, mother-in-law, grandfather, grandmother, brother, 3716
or sister of the whole or half blood, or the son, daughter, 3717
adopting parent, adopted child, stepparent, stepchild, uncle, 3718
aunt, nephew, or niece of the elector may deliver it to the 3719
director. The return envelope shall be transmitted to the 3720
director in no other manner, except as provided in section 3721
3509.08 of the Revised Code. 3722

When absent voter's ballots are delivered to an elector at 3723
the office of the board, the elector may retire to a voting 3724
compartment provided by the board and there mark the ballots. 3725
Thereupon, the elector shall fold them, place them in the 3726
identification envelope provided, seal the envelope, fill in and 3727
sign the statement on the envelope under penalty of election 3728
falsification, and deliver the envelope to the director of the 3729
board. 3730

Except as otherwise provided in division (B) of this 3731
section, all other envelopes containing marked absent voter's 3732

ballots shall be delivered to the director not later than the 3733
close of the polls on the day of an election. Absent voter's 3734
ballots delivered to the director later than the times specified 3735
shall not be counted, but shall be kept by the board in the 3736
sealed identification envelopes in which they are delivered to 3737
the director, until the time provided by section 3505.31 of the 3738
Revised Code for the destruction of all other ballots used at 3739
the election for which ballots were provided, at which time they 3740
shall be destroyed. 3741

(B) (1) Except as otherwise provided in division (B) (2) of 3742
this section, any return envelope that is postmarked prior to 3743
the day of the election shall be delivered to the director prior 3744
to the eleventh day after the election. Ballots delivered in 3745
envelopes postmarked prior to the day of the election that are 3746
received after the close of the polls on election day through 3747
the tenth day thereafter shall be counted on the eleventh day at 3748
the board of elections in the manner provided in divisions (C) 3749
and (D) of section 3509.06 of the Revised Code or in the manner 3750
provided in division (E) of that section, as applicable. Any 3751
such ballots that are received by the director later than the 3752
tenth day following the election shall not be counted, but shall 3753
be kept by the board in the sealed identification envelopes as 3754
provided in division (A) of this section. 3755

(2) Division (B) (1) of this section shall not apply to any 3756
mail that is postmarked using a postage evidencing system, 3757
including a postage meter, as defined in 39 C.F.R. 501.1. 3758

Sec. 3509.06. (A) The board of elections shall determine 3759
whether absent voter's ballots shall be counted in each 3760
precinct, at the office of the board, or at some other location 3761
designated by the board, and shall proceed accordingly under 3762

division (B) ~~or, (C), or (E)~~ of this section, as applicable. 3763

(B) ~~When~~ (1) Except as otherwise provided in division (B) 3764
(2) of this section, when the board of elections determines that 3765
absent voter's ballots shall be counted in each precinct, the 3766
director shall deliver to the voting location manager of each 3767
precinct on election day identification envelopes purporting to 3768
contain absent voter's ballots of electors whose voting 3769
residence appears from the statement of voter on the outside of 3770
each of those envelopes, to be located in that manager's 3771
precinct, and which were received by the director not later than 3772
the close of the polls on election day. The director shall 3773
deliver to the voting location manager a list containing the 3774
name and voting residence of each person whose voting residence 3775
is in such precinct to whom absent voter's ballots were mailed. 3776

(2) The director shall not deliver to the voting location 3777
manager identification envelopes cast by electors who provided a 3778
program participant identification number instead of a residence 3779
address on the identification envelope and shall not inform the 3780
voting location manager of the names and voting residences of 3781
persons who have confidential voter registration records. Those 3782
identification envelopes shall be examined and processed as 3783
described in division (E) of this section. 3784

(C) When the board of elections determines that absent 3785
voter's ballots shall be counted at the office of the board of 3786
elections or at another location designated by the board, 3787
special election officials shall be appointed by the board for 3788
that purpose having the same authority as is exercised by 3789
precinct election officials. The votes so cast shall be added to 3790
the vote totals by the board, and the absent voter's ballots 3791
shall be preserved separately by the board, in the same manner 3792

and for the same length of time as provided by section 3505.31 3793
of the Revised Code. 3794

(D) Each of the identification envelopes purporting to 3795
contain absent voter's ballots delivered to the voting location 3796
manager of the precinct or the special election official 3797
appointed by the board of elections shall be handled as follows: 3798

(1) The election officials shall compare the signature of 3799
the elector on the outside of the identification envelope with 3800
the signature of that elector on the elector's registration form 3801
and verify that the absent voter's ballot is eligible to be 3802
counted under section 3509.07 of the Revised Code. 3803

(2) (a) Any of the precinct officials may challenge the 3804
right of the elector named on the identification envelope to 3805
vote the absent voter's ballots upon the ground that the 3806
signature on the envelope is not the same as the signature on 3807
the registration form, that the identification envelope 3808
statement of voter is incomplete, or upon any other of the 3809
grounds upon which the right of persons to vote may be lawfully 3810
challenged. 3811

(b) If the elector's name does not appear in the pollbook 3812
or poll list or signature pollbook, the precinct officials shall 3813
deliver the absent voter's ballots to the director of the board 3814
of elections to be examined and processed in the manner 3815
described in division (E) of this section. 3816

(3) (a) ~~An~~ Except as otherwise provided in division (D) (3) 3817
(c) of this section, an identification envelope statement of 3818
voter shall be considered incomplete if it does not include all 3819
of the following: 3820

(i) The voter's name; 3821

(ii) The voter's residence address;	3822
(iii) The voter's date of birth. The requirements of this	3823
division are satisfied if the voter provided a date of birth and	3824
any of the following is true:	3825
(I) The month and day of the voter's date of birth on the	3826
identification envelope statement of voter are not different	3827
from the month and day of the voter's date of birth contained in	3828
the statewide voter registration database.	3829
(II) The voter's date of birth contained in the statewide	3830
voter registration database is January 1, 1800.	3831
(III) The board of elections has found, by a vote of at	3832
least three of its members, that the voter has met the	3833
requirements of divisions (D) (3) (a) (i), (ii), (iv), and (v) of	3834
this section.	3835
(iv) The voter's signature; and	3836
(v) One of the following forms of identification:	3837
(I) The voter's driver's license number;	3838
(II) The last four digits of the voter's social security	3839
number; or	3840
(III) A copy of a current and valid photo identification,	3841
a military identification, or a current utility bill, bank	3842
statement, government check, paycheck, or other government	3843
document, other than a notice of voter registration mailed by a	3844
board of elections, that shows the voter's name and address.	3845
(b) If the election officials find that the identification	3846
envelope statement of voter is incomplete or that the	3847
information contained in that statement does not conform to the	3848

information contained in the statewide voter registration 3849
database concerning the voter, the election officials shall mail 3850
a written notice to the voter, informing the voter of the nature 3851
of the defect. The notice shall inform the voter that in order 3852
for the voter's ballot to be counted, the voter must provide the 3853
necessary information to the board of elections in writing and 3854
on a form prescribed by the secretary of state not later than 3855
the seventh day after the day of the election. The voter may 3856
deliver the form to the office of the board in person or by 3857
mail. If the voter provides the necessary information to the 3858
board of elections not later than the seventh day after the day 3859
of the election and the ballot is not successfully challenged on 3860
another basis, the voter's ballot shall be counted in accordance 3861
with this section. 3862

(c) An identification envelope statement of voter that 3863
does not contain the voter's residence address shall not be 3864
considered incomplete if the voter has a confidential voter 3865
registration record, as described in section 111.44 of the 3866
Revised Code, and the voter provided the voter's program 3867
participant identification number. 3868

(4) If no such challenge is made, or if such a challenge 3869
is made and not sustained, the voting location manager shall 3870
open the envelope without defacing the statement of voter and 3871
without mutilating the ballots in it, and shall remove the 3872
ballots contained in it and proceed to count them. 3873

~~(5) The~~ (a) Except as otherwise provided in division (D) 3874
(5) (b) of this section, the name of each person voting who is 3875
entitled to vote only an absent voter's presidential ballot 3876
shall be entered in a pollbook or poll list or signature 3877
pollbook followed by the words "Absentee Presidential Ballot." 3878

The name of each person voting an absent voter's ballot, other than such persons entitled to vote only a presidential ballot, shall be entered in the pollbook or poll list or signature pollbook and the person's registration card marked to indicate that the person has voted.

(b) If the person voting has a confidential voter registration record, the person's registration card shall be marked to indicate that the person has voted, but the person's name shall not be entered in the pollbook or poll list or signature pollbook.

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

(E) (1) When the board of elections receives absent voter's ballots from an elector who has provided a program participant identification number instead of a residence address on the identification envelope statement of voter, the director and the deputy director personally shall examine and process the identification envelope statement of voter in the manner prescribed in division (D) of this section.

(2) If the director and the deputy director find that the identification envelope statement of voter is incomplete or that the information contained in that statement does not conform to the information contained in the statewide voter registration database concerning the voter or to the information contained in the voter's confidential voter registration record, the director and the deputy director shall mail a written notice to the voter informing the voter of the nature of the defect. The notice

shall inform the voter that in order for the voter's ballot to 3909
be counted the voter must provide the necessary information to 3910
the board of elections in writing and on a form prescribed by 3911
the secretary of state not later than the seventh day after the 3912
day of the election. The voter may deliver the form to the 3913
office of the board in person or by mail. If the voter provides 3914
the necessary information to the board of elections not later 3915
than the seventh day after the day of the election and the 3916
ballot is not successfully challenged on another basis, the 3917
voter's ballot shall be counted in accordance with this section. 3918

(3) The director or the deputy director may challenge the 3919
ballot on the ground that the signature on the envelope is not 3920
the same as the signature on the registration form, that the 3921
identification envelope statement of voter is incomplete, or 3922
upon any other of the grounds upon which the right of persons to 3923
vote may be lawfully challenged. If such a challenge is made, 3924
the board of elections shall decide whether to sustain the 3925
challenge. 3926

(4) If neither the director nor the deputy director 3927
challenges the ballot, or if such a challenge is made and not 3928
sustained, the director and the deputy director shall open the 3929
envelope without defacing the statement of voter and without 3930
mutilating the ballots in it, shall remove the ballots contained 3931
in it, and shall transmit the ballots to the election officials 3932
to be counted with other absent voter's ballots from that 3933
precinct. 3934

(F) Special election officials, employees or members of 3935
the board of elections, or observers shall not disclose the 3936
count or any portion of the count of absent voter's ballots 3937
prior to the time of the closing of the polling places. No 3938

person shall recklessly disclose the count or any portion of the 3939
count of absent voter's ballots in such a manner as to 3940
jeopardize the secrecy of any individual ballot. 3941

~~(F) Observers~~ (G) (1) Except as otherwise provided in 3942
division (G) (2) of this section, observers may be appointed 3943
under section 3505.21 of the Revised Code to witness the 3944
examination and opening of identification envelopes and the 3945
counting of absent voters' ballots under this section. 3946

(2) Observers shall not be permitted to witness the 3947
examination and opening of identification envelopes returned by, 3948
and the counting of absent voter's ballots cast by, electors who 3949
have confidential voter registration records in a manner that 3950
would permit the observers to learn the identities or residence 3951
addresses of those electors. 3952

Sec. 3509.07. If election officials find that any of the 3953
following are true concerning an absent voter's ballot or absent 3954
voter's presidential ballot and, if applicable, the person did 3955
not provide any required additional information to the board of 3956
elections not later than the seventh day after the day of the 3957
election, as permitted under division (D) (3) (b) or (E) (2) of 3958
section 3509.06 of the Revised Code, the ballot shall not be 3959
accepted or counted: 3960

(A) The statement accompanying the ballot is incomplete as 3961
described in division (D) (3) (a) of section 3509.06 of the 3962
Revised Code or is insufficient; 3963

(B) The signatures do not correspond with the person's 3964
registration signature; 3965

(C) The applicant is not a qualified elector in the 3966
precinct; 3967

(D) The ballot envelope contains more than one ballot of 3968
any one kind, or any voted ballot that the elector is not 3969
entitled to vote; 3970

(E) Stub A is detached from the absent voter's ballot or 3971
absent voter's presidential ballot; or 3972

(F) The elector has not included with the elector's ballot 3973
any identification required under section 3509.05 or 3511.09 of 3974
the Revised Code. 3975

The vote of any absent voter may be challenged for cause 3976
in the same manner as other votes are challenged, and the 3977
election officials shall determine the legality of that ballot. 3978
Every ballot not counted shall be endorsed on its back "Not 3979
Counted" with the reasons the ballot was not counted, and shall 3980
be enclosed and returned to or retained by the board of 3981
elections along with the contested ballots. 3982

Sec. 3509.09. (A) The poll list or signature pollbook for 3983
each precinct shall identify each registered elector in that 3984
precinct who has requested an absent voter's ballot for that 3985
election, other than an elector who has a confidential voter 3986
registration record, as described in section 111.44 of the 3987
Revised Code. 3988

(B) (1) If a registered elector appears to vote in that 3989
precinct and that elector has requested an absent voter's ballot 3990
for that election but the director has not received a sealed 3991
identification envelope purporting to contain that elector's 3992
voted absent voter's ballots for that election, the elector 3993
shall be permitted to cast a provisional ballot under section 3994
3505.181 of the Revised Code in that precinct on the day of that 3995
election. 3996

(2) If a registered elector appears to vote in that precinct and that elector has requested an absent voter's ballot for that election and the director has received a sealed identification envelope purporting to contain that elector's voted absent voter's ballots for that election, the elector shall be permitted to cast a provisional ballot under section 3505.181 of the Revised Code in that precinct on the day of that election.

(C) (1) In counting absent voter's ballots under section 3509.06 of the Revised Code, the board of elections shall compare the signature of each elector from whom the director has received a sealed identification envelope purporting to contain that elector's voted absent voter's ballots for that election to the signature on that elector's registration form. Except as otherwise provided in division (C) (3) of this section, if the board of elections determines that the absent voter's ballot in the sealed identification envelope is valid, it shall be counted. If the board of elections determines that the signature on the sealed identification envelope purporting to contain the elector's voted absent voter's ballot does not match the signature on the elector's registration form, the ballot shall be set aside and the board shall examine, during the time prior to the beginning of the official canvass, the poll list or signature pollbook from the precinct in which the elector is registered to vote to determine if the elector also cast a provisional ballot under section 3505.181 of the Revised Code in that precinct on the day of the election.

(2) The board of elections shall count the provisional ballot, instead of the absent voter's ballot, if both of the following apply:

(a) The board of elections determines that the signature 4027
of the elector on the outside of the identification envelope in 4028
which the absent voter's ballots are enclosed does not match the 4029
signature of the elector on the elector's registration form; 4030

(b) The elector cast a provisional ballot in the precinct 4031
on the day of the election. 4032

(3) If the board of elections does not receive the sealed 4033
identification envelope purporting to contain the elector's 4034
voted absent voter's ballot by the applicable deadline 4035
established under section 3509.05 of the Revised Code, the 4036
provisional ballot cast under section 3505.181 of the Revised 4037
Code in that precinct on the day of the election shall be 4038
counted as valid, if that provisional ballot is otherwise 4039
determined to be valid pursuant to section 3505.183 of the 4040
Revised Code. 4041

(D) If the board of elections counts a provisional ballot 4042
under division (C) (2) or (3) of this section, the returned 4043
identification envelope of that elector shall not be opened, and 4044
the ballot within that envelope shall not be counted. The 4045
identification envelope shall be endorsed "Not Counted" with the 4046
reason the ballot was not counted. 4047

Sec. 3511.02. (A) Notwithstanding any section of the 4048
Revised Code to the contrary, whenever any person applies for 4049
registration as a voter on a form adopted in accordance with 4050
federal regulations relating to the "Uniformed and Overseas 4051
Citizens Absentee Voting Act," 100 Stat. 924, 42 U.S.C.A. 1973ff 4052
(1986), this application shall be sufficient for voter 4053
registration and as a request for an absent voter's ballot. 4054
Uniformed services or overseas absent voter's ballots may be 4055
obtained by any person meeting the requirements of section 4056

3511.011 of the Revised Code by applying electronically to the 4057
secretary of state or to the board of elections of the county in 4058
which the person's voting residence is located in accordance 4059
with section 3511.021 of the Revised Code or by applying to the 4060
director of the board of elections of the county in which the 4061
person's voting residence is located, in one of the following 4062
ways: 4063

~~(A)~~ ~~(1)~~ That person may make written application for those 4064
ballots. The person may personally deliver the application to 4065
the director or may mail it, send it by facsimile machine, send 4066
it by electronic mail, send it through internet delivery if such 4067
delivery is offered by the board of elections or the secretary 4068
of state, or otherwise send it to the director. ~~The~~ Except as 4069
otherwise provided in division (B) of this section, the 4070
application need not be in any particular form but shall contain 4071
all of the following information: 4072

~~(1)~~ ~~(a)~~ The elector's name; 4073

~~(2)~~ ~~(b)~~ The elector's signature; 4074

~~(3)~~ ~~(c)~~ The address at which the elector is registered to 4075
vote; 4076

~~(4)~~ ~~(d)~~ The elector's date of birth; 4077

~~(5)~~ ~~(e)~~ One of the following: 4078

~~(a)~~ ~~(i)~~ The elector's driver's license number; 4079

~~(b)~~ ~~(ii)~~ The last four digits of the elector's social 4080
security number; 4081

~~(c)~~ ~~(iii)~~ A copy of the elector's current and valid photo 4082
identification, a copy of a military identification, or a copy 4083
of a current utility bill, bank statement, government check, 4084

paycheck, or other government document, other than a notice of 4085
voter registration mailed by a board of elections under section 4086
3503.19 of the Revised Code, that shows the name and address of 4087
the elector. 4088

~~(6)~~ (f) A statement identifying the election for which 4089
absent voter's ballots are requested; 4090

~~(7)~~ (g) A statement that the person requesting the ballots 4091
is a qualified elector; 4092

~~(8)~~ (h) A statement that the elector is an absent 4093
uniformed services voter or overseas voter as defined in 42 4094
U.S.C. 1973ff-6; 4095

~~(9)~~ (i) A statement of the elector's length of residence 4096
in the state immediately preceding the commencement of service, 4097
immediately preceding the date of leaving to be with or near the 4098
service member, or immediately preceding leaving the United 4099
States, or a statement that the elector's parent or legal 4100
guardian resided in this state long enough to establish 4101
residency for voting purposes immediately preceding leaving the 4102
United States, whichever is applicable; 4103

~~(10)~~ (j) If the request is for primary election ballots, 4104
the elector's party affiliation; 4105

~~(11)~~ (k) If the elector desires ballots to be mailed to 4106
the elector, the address to which those ballots shall be mailed; 4107

~~(12)~~ (l) If the elector desires ballots to be sent to the 4108
elector by facsimile machine, the telephone number to which they 4109
shall be so sent; 4110

~~(13)~~ (m) If the elector desires ballots to be sent to the 4111
elector by electronic mail or, if offered by the board of 4112

elections or the secretary of state, through internet delivery, 4113
the elector's electronic mail address or other internet contact 4114
information. 4115

~~(B)~~ (2) A voter or any relative of a voter listed in 4116
division ~~(C)~~ (A) (3) of this section may use a single federal 4117
post card application to apply for uniformed services or 4118
overseas absent voter's ballots for use at the primary and 4119
general elections in a given year and any special election to be 4120
held on the day in that year specified by division (E) of 4121
section 3501.01 of the Revised Code for the holding of a primary 4122
election, designated by the general assembly for the purpose of 4123
submitting constitutional amendments proposed by the general 4124
assembly to the voters of the state. A single federal postcard 4125
application shall be processed by the board of elections 4126
pursuant to section 3511.04 of the Revised Code the same as if 4127
the voter had applied separately for uniformed services or 4128
overseas absent voter's ballots for each election. 4129

~~(C)~~ (3) Application to have uniformed services or overseas 4130
absent voter's ballots mailed or sent by facsimile machine to 4131
such a person may be made by the spouse, father, mother, father- 4132
in-law, mother-in-law, grandfather, grandmother, brother or 4133
sister of the whole blood or half blood, son, daughter, adopting 4134
parent, adopted child, stepparent, stepchild, daughter-in-law, 4135
son-in-law, uncle, aunt, nephew, or niece of such a person. The 4136
application shall be in writing upon a blank form furnished only 4137
by the director or on a single federal post card as provided in 4138
division ~~(B)~~ (A) (2) of this section. The form of the application 4139
shall be prescribed by the secretary of state. The director 4140
shall furnish that blank form to any of the relatives specified 4141
in this division desiring to make the application, only upon the 4142
request of such a relative made in person at the office of the 4143

board or upon the written request of such a relative mailed to 4144
the office of the board. ~~The~~ Except as otherwise provided in 4145
division (B) of this section, the application, subscribed and 4146
sworn to by the applicant, shall contain all of the following: 4147

~~(1)~~ (a) The full name of the elector for whom ballots are 4148
requested; 4149

~~(2)~~ (b) A statement that the elector is an absent 4150
uniformed services voter or overseas voter as defined in 42 4151
U.S.C. 1973ff-6; 4152

~~(3)~~ (c) The address at which the elector is registered to 4153
vote; 4154

~~(4)~~ (d) A statement identifying the elector's length of 4155
residence in the state immediately preceding the commencement of 4156
service, immediately preceding the date of leaving to be with or 4157
near a service member, or immediately preceding leaving the 4158
United States, or a statement that the elector's parent or legal 4159
guardian resided in this state long enough to establish 4160
residency for voting purposes immediately preceding leaving the 4161
United States, as the case may be; 4162

~~(5)~~ (e) The elector's date of birth; 4163

~~(6)~~ (f) One of the following: 4164

~~(a)~~ (i) The elector's driver's license number; 4165

~~(b)~~ (ii) The last four digits of the elector's social 4166
security number; 4167

~~(c)~~ (iii) A copy of the elector's current and valid photo 4168
identification, a copy of a military identification, or a copy 4169
of a current utility bill, bank statement, government check, 4170
paycheck, or other government document, other than a notice of 4171

voter registration mailed by a board of elections under section 4172
3503.19 of the Revised Code, that shows the name and address of 4173
the elector. 4174

~~(7)~~ (g) A statement identifying the election for which 4175
absent voter's ballots are requested; 4176

~~(8)~~ (h) A statement that the person requesting the ballots 4177
is a qualified elector; 4178

~~(9)~~ (i) If the request is for primary election ballots, 4179
the elector's party affiliation; 4180

~~(10)~~ (j) A statement that the applicant bears a 4181
relationship to the elector as specified in division ~~(C)~~ (A) (3) 4182
of this section; 4183

~~(11)~~ (k) The address to which ballots shall be mailed, the 4184
telephone number to which ballots shall be sent by facsimile 4185
machine, the electronic mail address to which ballots shall be 4186
sent by electronic mail, or, if internet delivery is offered by 4187
the board of elections or the secretary of state, the internet 4188
contact information to which ballots shall be sent through 4189
internet delivery; 4190

~~(12)~~ (l) The signature and address of the person making 4191
the application. 4192

(B) If the elector has a confidential voter registration 4193
record, as described in section 111.44 of the Revised Code, the 4194
application may include the elector's program participant 4195
identification number instead of the address at which the 4196
elector is registered to vote. 4197

(C) Each application for uniformed services or overseas 4198
absent voter's ballots shall be delivered to the director not 4199

earlier than the first day of January of the year of the 4200
elections for which the uniformed services or overseas absent 4201
voter's ballots are requested or not earlier than ninety days 4202
before the day of the election at which the ballots are to be 4203
voted, whichever is earlier, and not later than twelve noon of 4204
the third day preceding the day of the election, or not later 4205
than six p.m. on the last Friday before the day of the election 4206
at which those ballots are to be voted if the application is 4207
delivered in person to the office of the board. 4208

(D) If the voter for whom the application is made is 4209
entitled to vote for presidential and vice-presidential electors 4210
only, the applicant shall submit to the director in addition to 4211
the requirements of ~~divisions~~ division (A), ~~(B)~~, and ~~(C)~~ of this 4212
section, a statement to the effect that the voter is qualified 4213
to vote for presidential and vice-presidential electors and for 4214
no other offices. 4215

(E) A board of elections that mails a federal post card 4216
application or other absent voter's ballot application to an 4217
elector under this section shall not prepay the return postage 4218
for that application. 4219

(F) Except as otherwise provided in this section and in 4220
sections 3505.24 and 3509.08 of the Revised Code, an election 4221
official shall not fill out any portion of a federal post card 4222
application or other application for absent voter's ballots on 4223
behalf of an applicant. The secretary of state or a board of 4224
elections may preprint only an applicant's name and address on a 4225
federal post card application or other application for absent 4226
voter's ballots before mailing that application to the 4227
applicant, except that if the applicant has a confidential voter 4228
registration record, the secretary of state or the board of 4229

elections shall not preprint the applicant's address on the 4230
application. 4231

Sec. 3511.05. (A) The director of the board of elections 4232
shall place uniformed services or overseas absent voter's 4233
ballots sent by mail in an unsealed identification envelope, 4234
gummed ready for sealing. The director shall include with 4235
uniformed services or overseas absent voter's ballots sent 4236
electronically, including by facsimile machine, an instruction 4237
sheet for preparing a gummed envelope in which the ballots shall 4238
be returned. The envelope for returning ballots sent by either 4239
means shall have printed or written on its face a form 4240
substantially as follows: 4241

"Identification Envelope Statement of Voter 4242

I,(Name of voter), declare under 4243
penalty of election falsification that the within ballot or 4244
ballots contained no voting marks of any kind when I received 4245
them, and I caused the ballot or ballots to be marked, enclosed 4246
in the identification envelope, and sealed in that envelope. 4247

My voting residence in Ohio is 4248

..... 4249

(Street and Number, if any, or Rural Route and Number) 4250

of (City, Village, or Township) 4251

Ohio, which is in Ward Precinct 4252

in that city, village, or township. 4253

If I have a confidential voter registration record, I am 4254
providing my program participant identification number instead 4255
of my residence address: 4256

The primary election ballots, if any, within this envelope 4257

are primary election ballots of the Party. 4258

Ballots contained within this envelope are to be voted at 4259

the (general, special, or primary) election to be 4260

held on the day 4261

of, 4262

My date of birth is (Month and 4263

Day), (Year). 4264

(Voter must provide one of the following:) 4265

My driver's license number is (Driver's 4266

license number). 4267

The last four digits of my Social Security Number 4268

are (Last four digits of Social Security 4269

Number). 4270

..... In lieu of providing a driver's license number or 4271

the last four digits of my Social Security Number, I am 4272

enclosing a copy of one of the following in the return envelope 4273

in which this identification envelope will be mailed: a current 4274

and valid photo identification, a military identification, or a 4275

current utility bill, bank statement, government check, 4276

paycheck, or other government document, other than a notice of 4277

voter registration mailed by a board of elections, that shows my 4278

name and address. 4279

I hereby declare, under penalty of election falsification, 4280

that the statements above are true, as I verily believe. 4281

..... 4282

(Signature of Voter) 4283

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 4284

THE FIFTH DEGREE." 4285

(B) The director shall also mail with the ballots and the unsealed identification envelope sent by mail an unsealed return envelope, gummed, ready for sealing, for use by the voter in returning the voter's marked ballots to the director. The director shall send with the ballots and the instruction sheet for preparing a gummed envelope sent electronically, including by facsimile machine, an instruction sheet for preparing a second gummed envelope as described in this division, for use by the voter in returning that voter's marked ballots to the director. The return envelope shall have two parallel lines, each one quarter of an inch in width, printed across its face paralleling the top, with an intervening space of one quarter of an inch between such lines. The top line shall be one and one-quarter inches from the top of the envelope. Between the parallel lines shall be printed: "OFFICIAL ELECTION UNIFORMED SERVICES OR OVERSEAS ABSENT VOTER'S BALLOTS -- VIA AIR MAIL." Three blank lines shall be printed in the upper left corner on the face of the envelope for the use by the voter in placing the voter's complete military, naval, or mailing address on these lines, and beneath these lines there shall be printed a box beside the words "check if out-of-country." The voter shall check this box if the voter will be outside the United States on the day of the election. The official title and the post-office address of the director to whom the envelope shall be returned shall be printed on the face of such envelope in the lower right portion below the bottom parallel line.

(C) On the back of each identification envelope and each return envelope shall be printed the following:

"Instructions to voter:

If the flap on this envelope is so firmly stuck to the

back of the envelope when received by you as to require forcible 4316
opening in order to use it, open the envelope in the manner 4317
least injurious to it, and, after marking your ballots and 4318
enclosing same in the envelope for mailing them to the director 4319
of the board of elections, reclose the envelope in the most 4320
practicable way, by sealing or otherwise, and sign the blank 4321
form printed below. 4322

The flap on this envelope was firmly stuck to the back of 4323
the envelope when received, and required forced opening before 4324
sealing and mailing. 4325

..... 4326

(Signature of voter)" 4327

(D) Division (C) of this section does not apply when 4328
absent voter's ballots are sent electronically, including by 4329
facsimile machine. 4330

(E) Except as otherwise provided in this division and in 4331
sections 3505.24 and 3509.08 of the Revised Code, an election 4332
official shall not fill out any portion of an identification 4333
envelope statement of voter or an absent voter's ballot on 4334
behalf of an elector. A board of elections may preprint only an 4335
elector's name and address on an identification envelope 4336
statement of voter before mailing or electronically transmitting 4337
absent voter's ballots to the elector, except that if the 4338
elector has a confidential voter registration record, as 4339
described in section 111.44 of the Revised Code, the board of 4340
elections shall not preprint the elector's address on the 4341
identification envelope statement of voter. 4342

Sec. 3511.11. (A) Upon receipt of any return envelope 4343
bearing the designation "Official Election Uniformed Services or 4344

Overseas Absent Voter's Ballot" prior to the eleventh day after 4345
the day of any election, the director of the board of elections 4346
shall open it but shall not open the identification envelope 4347
contained in it. If, upon so opening the return envelope, the 4348
director finds ballots in it that are not enclosed in and 4349
properly sealed in the identification envelope, the director 4350
shall not look at the markings upon the ballots and shall 4351
promptly place them in the identification envelope and promptly 4352
seal it. If, upon so opening the return envelope, the director 4353
finds that ballots are enclosed in the identification envelope 4354
but that it is not properly sealed, the director shall not look 4355
at the markings upon the ballots and shall promptly seal the 4356
identification envelope. 4357

(B) Uniformed services or overseas absent voter's ballots 4358
delivered to the director not later than the close of the polls 4359
on election day shall be counted in the manner provided in 4360
section 3509.06 of the Revised Code. 4361

(C) A return envelope is not required to be postmarked in 4362
order for a uniformed services or overseas absent voter's ballot 4363
contained in it to be valid. Except as otherwise provided in 4364
this division, whether or not the return envelope containing the 4365
ballot is postmarked, contains a late postmark, or contains an 4366
illegible postmark, a uniformed services or overseas absent 4367
voter's ballot that is received after the close of the polls on 4368
election day through the tenth day after the election day shall 4369
be counted on the eleventh day after the election day at the 4370
office of the board of elections in the manner provided in 4371
divisions (C) and (D) of section 3509.06 of the Revised Code or 4372
in the manner provided in division (E) of that section, as 4373
applicable, if the voter signed the identification envelope by 4374
the time specified in section 3511.09 of the Revised Code. 4375

However, if a return envelope containing a uniformed services or 4376
overseas absent voter's ballot is so received and so indicates, 4377
but the identification envelope in it is signed after the close 4378
of the polls on election day, the uniformed services or overseas 4379
absent voter's ballot shall not be counted. 4380

(D) The following types of uniformed services or overseas 4381
absent voter's ballots shall not be counted: 4382

(1) Uniformed services or overseas absent voter's ballots 4383
contained in return envelopes that bear the designation 4384
"Official Election Uniformed Services or Overseas Absent Voter's 4385
Ballots," that are received by the director after the close of 4386
the polls on the day of the election, and that contain an 4387
identification envelope that is signed after the time specified 4388
in section 3511.09 of the Revised Code; 4389

(2) Uniformed services or overseas absent voter's ballots 4390
contained in return envelopes that bear that designation and 4391
that are received after the tenth day following the election. 4392

The uncounted ballots shall be preserved in their 4393
identification envelopes unopened until the time provided by 4394
section 3505.31 of the Revised Code for the destruction of all 4395
other ballots used at the election for which ballots were 4396
provided, at which time they shall be destroyed. 4397

Sec. 3511.12. In counting uniformed services or overseas 4398
absent voter's ballots pursuant to section 3511.11 of the 4399
Revised Code, the name of each voter, followed by "Uniformed 4400
Services or Overseas Absent Voter's Ballot," shall be written in 4401
the poll book or poll list together with such notations as will 4402
indicate the kinds of ballots the envelope contained, except 4403
that if the voter has a confidential voter registration record, 4404

as described in section 111.44 of the Revised Code, that 4405
information shall be marked in the voter's registration record 4406
but not in the poll book or poll list. If any challenge is made 4407
and sustained, the identification envelope of such voter shall 4408
not be opened and shall be indorsed "not counted" with the 4409
reasons therefor. 4410

Section 2. That existing sections 109.57, 149.43, 149.45, 4411
2929.18, 2929.28, 3503.13, 3503.16, 3503.21, 3503.23, 3503.24, 4412
3503.26, 3504.02, 3504.04, 3505.181, 3505.182, 3505.183, 4413
3509.03, 3509.04, 3509.05, 3509.06, 3509.07, 3509.09, 3511.02, 4414
3511.05, 3511.11, and 3511.12 of the Revised Code are hereby 4415
repealed. 4416

Section 3. The General Assembly respectfully requests the 4417
Supreme Court of Ohio to revise Rule 4.2 of the Ohio Rules of 4418
Civil Procedure to allow service of process to be made upon a 4419
program participant by serving the Secretary of State as the 4420
program participant's agent, as described in section 111.43 of 4421
the Revised Code, as enacted by this act. As used in this 4422
section, "program participant" has the meaning defined in 4423
section 111.41 of the Revised Code, as enacted by this act. 4424

Section 4. Section 3509.06 of the Revised Code is 4425
presented in this act as a composite of the section as amended 4426
by Am. Sub. S.B. 109, Sub. S.B. 205, and Sub. S.B. 216, all of 4427
the 130th General Assembly. The General Assembly, applying the 4428
principle stated in division (B) of section 1.52 of the Revised 4429
Code that amendments are to be harmonized if reasonably capable 4430
of simultaneous operation, finds that the composite is the 4431
resulting version of the section in effect prior to the 4432
effective date of the section as presented in this act. 4433