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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, Boccieri, 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

Senators Balderson, Beagle, Burke, Coley, Eklund, Faber, Hughes, Jones, Jordan, LaRose, Lehner, Manning, Patton, Peterson, Schiavoni, Tavares, Thomas, Uecker, Williams

A BILL

To amend sections 109.57, 149.43, 149.45, 319.28, 1
1901.25, 2313.06, 2929.18, 2929.28, 3113.31, 2
3503.13, 3503.16, 3503.21, 3503.23, 3503.24, 3
3503.26, 3504.02, 3504.04, 3509.03, 3509.04, 4
3509.05, 3509.06, 3509.07, 3509.09, 3511.02, 5
3511.05, 3511.11, and 3511.12; to enact sections 6
111.41, 111.42, 111.43, 111.44, 111.45, 111.46, 7
111.47, 111.48, 111.99, 3113.45, 3113.451, 8
3113.452, 3113.453, 3113.454, 3113.455, 9
3113.456, 3113.457, 3113.458, and 3113.459; and 10
to repeal section 3505.19 of the Revised Code to 11
create an address confidentiality program for 12
victims of domestic violence, menacing by 13
stalking, human trafficking, trafficking in 14

persons, rape, or sexual battery and to allow 15
wireless service account transfer in a domestic 16
violence situation. 17

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

Section 1. That sections 109.57, 149.43, 149.45, 319.28, 18
1901.25, 2313.06, 2929.18, 2929.28, 3113.31, 3503.13, 3503.16, 19
3503.21, 3503.23, 3503.24, 3503.26, 3504.02, 3504.04, 3509.03, 20
3509.04, 3509.05, 3509.06, 3509.07, 3509.09, 3511.02, 3511.05, 21
3511.11, and 3511.12 be amended and sections 111.41, 111.42, 22
111.43, 111.44, 111.45, 111.46, 111.47, 111.48, 111.99, 3113.45, 23
3113.451, 3113.452, 3113.453, 3113.454, 3113.455, 3113.456, 24
3113.457, 3113.458, and 3113.459 of the Revised Code be enacted 25
to read as follows: 26

Sec. 109.57. (A) (1) The superintendent of the bureau of 27
criminal identification and investigation shall procure from 28
wherever procurable and file for record photographs, pictures, 29
descriptions, fingerprints, measurements, and other information 30
that may be pertinent of all persons who have been convicted of 31
committing within this state a felony, any crime constituting a 32
misdemeanor on the first offense and a felony on subsequent 33
offenses, or any misdemeanor described in division (A) (1) (a), 34
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 35
of all children under eighteen years of age who have been 36
adjudicated delinquent children for committing within this state 37
an act that would be a felony or an offense of violence if 38
committed by an adult or who have been convicted of or pleaded 39
guilty to committing within this state a felony or an offense of 40
violence, and of all well-known and habitual criminals. The 41

person in charge of any county, multicounty, municipal, 42
municipal-county, or multicounty-municipal jail or workhouse, 43
community-based correctional facility, halfway house, 44
alternative residential facility, or state correctional 45
institution and the person in charge of any state institution 46
having custody of a person suspected of having committed a 47
felony, any crime constituting a misdemeanor on the first 48
offense and a felony on subsequent offenses, or any misdemeanor 49
described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 50
section 109.572 of the Revised Code or having custody of a child 51
under eighteen years of age with respect to whom there is 52
probable cause to believe that the child may have committed an 53
act that would be a felony or an offense of violence if 54
committed by an adult shall furnish such material to the 55
superintendent of the bureau. Fingerprints, photographs, or 56
other descriptive information of a child who is under eighteen 57
years of age, has not been arrested or otherwise taken into 58
custody for committing an act that would be a felony or an 59
offense of violence who is not in any other category of child 60
specified in this division, if committed by an adult, has not 61
been adjudicated a delinquent child for committing an act that 62
would be a felony or an offense of violence if committed by an 63
adult, has not been convicted of or pleaded guilty to committing 64
a felony or an offense of violence, and is not a child with 65
respect to whom there is probable cause to believe that the 66
child may have committed an act that would be a felony or an 67
offense of violence if committed by an adult shall not be 68
procured by the superintendent or furnished by any person in 69
charge of any county, multicounty, municipal, municipal-county, 70
or multicounty-municipal jail or workhouse, community-based 71
correctional facility, halfway house, alternative residential 72
facility, or state correctional institution, except as 73

authorized in section 2151.313 of the Revised Code. 74

(2) Every clerk of a court of record in this state, other 75
than the supreme court or a court of appeals, shall send to the 76
superintendent of the bureau a weekly report containing a 77
summary of each case involving a felony, involving any crime 78
constituting a misdemeanor on the first offense and a felony on 79
subsequent offenses, involving a misdemeanor described in 80
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 81
of the Revised Code, or involving an adjudication in a case in 82
which a child under eighteen years of age was alleged to be a 83
delinquent child for committing an act that would be a felony or 84
an offense of violence if committed by an adult. The clerk of 85
the court of common pleas shall include in the report and 86
summary the clerk sends under this division all information 87
described in divisions (A) (2) (a) to (f) of this section 88
regarding a case before the court of appeals that is served by 89
that clerk. The summary shall be written on the standard forms 90
furnished by the superintendent pursuant to division (B) of this 91
section and shall include the following information: 92

(a) The incident tracking number contained on the standard 93
forms furnished by the superintendent pursuant to division (B) 94
of this section; 95

(b) The style and number of the case; 96

(c) The date of arrest, offense, summons, or arraignment; 97

(d) The date that the person was convicted of or pleaded 98
guilty to the offense, adjudicated a delinquent child for 99
committing the act that would be a felony or an offense of 100
violence if committed by an adult, found not guilty of the 101
offense, or found not to be a delinquent child for committing an 102

act that would be a felony or an offense of violence if 103
committed by an adult, the date of an entry dismissing the 104
charge, an entry declaring a mistrial of the offense in which 105
the person is discharged, an entry finding that the person or 106
child is not competent to stand trial, or an entry of a nolle 107
prosequi, or the date of any other determination that 108
constitutes final resolution of the case; 109

(e) A statement of the original charge with the section of 110
the Revised Code that was alleged to be violated; 111

(f) If the person or child was convicted, pleaded guilty, 112
or was adjudicated a delinquent child, the sentence or terms of 113
probation imposed or any other disposition of the offender or 114
the delinquent child. 115

If the offense involved the disarming of a law enforcement 116
officer or an attempt to disarm a law enforcement officer, the 117
clerk shall clearly state that fact in the summary, and the 118
superintendent shall ensure that a clear statement of that fact 119
is placed in the bureau's records. 120

(3) The superintendent shall cooperate with and assist 121
sheriffs, chiefs of police, and other law enforcement officers 122
in the establishment of a complete system of criminal 123
identification and in obtaining fingerprints and other means of 124
identification of all persons arrested on a charge of a felony, 125
any crime constituting a misdemeanor on the first offense and a 126
felony on subsequent offenses, or a misdemeanor described in 127
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 128
of the Revised Code and of all children under eighteen years of 129
age arrested or otherwise taken into custody for committing an 130
act that would be a felony or an offense of violence if 131
committed by an adult. The superintendent also shall file for 132

record the fingerprint impressions of all persons confined in a 133
county, multicounty, municipal, municipal-county, or 134
multicounty-municipal jail or workhouse, community-based 135
correctional facility, halfway house, alternative residential 136
facility, or state correctional institution for the violation of 137
state laws and of all children under eighteen years of age who 138
are confined in a county, multicounty, municipal, municipal- 139
county, or multicounty-municipal jail or workhouse, community- 140
based correctional facility, halfway house, alternative 141
residential facility, or state correctional institution or in 142
any facility for delinquent children for committing an act that 143
would be a felony or an offense of violence if committed by an 144
adult, and any other information that the superintendent may 145
receive from law enforcement officials of the state and its 146
political subdivisions. 147

(4) The superintendent shall carry out Chapter 2950. of 148
the Revised Code with respect to the registration of persons who 149
are convicted of or plead guilty to a sexually oriented offense 150
or a child-victim oriented offense and with respect to all other 151
duties imposed on the bureau under that chapter. 152

(5) The bureau shall perform centralized recordkeeping 153
functions for criminal history records and services in this 154
state for purposes of the national crime prevention and privacy 155
compact set forth in section 109.571 of the Revised Code and is 156
the criminal history record repository as defined in that 157
section for purposes of that compact. The superintendent or the 158
superintendent's designee is the compact officer for purposes of 159
that compact and shall carry out the responsibilities of the 160
compact officer specified in that compact. 161

(B) The superintendent shall prepare and furnish to every 162

county, multicounty, municipal, municipal-county, or 163
multicounty-municipal jail or workhouse, community-based 164
correctional facility, halfway house, alternative residential 165
facility, or state correctional institution and to every clerk 166
of a court in this state specified in division (A) (2) of this 167
section standard forms for reporting the information required 168
under division (A) of this section. The standard forms that the 169
superintendent prepares pursuant to this division may be in a 170
tangible format, in an electronic format, or in both tangible 171
formats and electronic formats. 172

(C) (1) The superintendent may operate a center for 173
electronic, automated, or other data processing for the storage 174
and retrieval of information, data, and statistics pertaining to 175
criminals and to children under eighteen years of age who are 176
adjudicated delinquent children for committing an act that would 177
be a felony or an offense of violence if committed by an adult, 178
criminal activity, crime prevention, law enforcement, and 179
criminal justice, and may establish and operate a statewide 180
communications network to be known as the Ohio law enforcement 181
gateway to gather and disseminate information, data, and 182
statistics for the use of law enforcement agencies and for other 183
uses specified in this division. The superintendent may gather, 184
store, retrieve, and disseminate information, data, and 185
statistics that pertain to children who are under eighteen years 186
of age and that are gathered pursuant to sections 109.57 to 187
109.61 of the Revised Code together with information, data, and 188
statistics that pertain to adults and that are gathered pursuant 189
to those sections. 190

(2) The superintendent or the superintendent's designee 191
shall gather information of the nature described in division (C) 192
(1) of this section that pertains to the offense and delinquency 193

history of a person who has been convicted of, pleaded guilty 194
to, or been adjudicated a delinquent child for committing a 195
sexually oriented offense or a child-victim oriented offense for 196
inclusion in the state registry of sex offenders and child- 197
victim offenders maintained pursuant to division (A) (1) of 198
section 2950.13 of the Revised Code and in the internet database 199
operated pursuant to division (A) (13) of that section and for 200
possible inclusion in the internet database operated pursuant to 201
division (A) (11) of that section. 202

(3) In addition to any other authorized use of 203
information, data, and statistics of the nature described in 204
division (C) (1) of this section, the superintendent or the 205
superintendent's designee may provide and exchange the 206
information, data, and statistics pursuant to the national crime 207
prevention and privacy compact as described in division (A) (5) 208
of this section. 209

(4) The Ohio law enforcement gateway shall contain the 210
name, confidential address, and telephone number of program 211
participants in the address confidentiality program established 212
under sections 111.41 to 111.47 of the Revised Code. 213

(5) The attorney general may adopt rules under Chapter 214
119. of the Revised Code establishing guidelines for the 215
operation of and participation in the Ohio law enforcement 216
gateway. The rules may include criteria for granting and 217
restricting access to information gathered and disseminated 218
through the Ohio law enforcement gateway. The attorney general 219
shall adopt rules under Chapter 119. of the Revised Code that 220
grant access to information in the gateway regarding an address 221
confidentiality program participant under sections 111.41 to 222
111.47 of the Revised Code to only chiefs of police, village 223

marshals, county sheriffs, county prosecuting attorneys, and a 224
designee of each of these individuals. The attorney general 225
shall permit the state medical board and board of nursing to 226
access and view, but not alter, information gathered and 227
disseminated through the Ohio law enforcement gateway. 228

The attorney general may appoint a steering committee to 229
advise the attorney general in the operation of the Ohio law 230
enforcement gateway that is comprised of persons who are 231
representatives of the criminal justice agencies in this state 232
that use the Ohio law enforcement gateway and is chaired by the 233
superintendent or the superintendent's designee. 234

(D) (1) The following are not public records under section 235
149.43 of the Revised Code: 236

(a) Information and materials furnished to the 237
superintendent pursuant to division (A) of this section; 238

(b) Information, data, and statistics gathered or 239
disseminated through the Ohio law enforcement gateway pursuant 240
to division (C) (1) of this section; 241

(c) Information and materials furnished to any board or 242
person under division (F) or (G) of this section. 243

(2) The superintendent or the superintendent's designee 244
shall gather and retain information so furnished under division 245
(A) of this section that pertains to the offense and delinquency 246
history of a person who has been convicted of, pleaded guilty 247
to, or been adjudicated a delinquent child for committing a 248
sexually oriented offense or a child-victim oriented offense for 249
the purposes described in division (C) (2) of this section. 250

(E) (1) The attorney general shall adopt rules, in 251
accordance with Chapter 119. of the Revised Code and subject to 252

division (E) (2) of this section, setting forth the procedure by 253
which a person may receive or release information gathered by 254
the superintendent pursuant to division (A) of this section. A 255
reasonable fee may be charged for this service. If a temporary 256
employment service submits a request for a determination of 257
whether a person the service plans to refer to an employment 258
position has been convicted of or pleaded guilty to an offense 259
listed or described in division (A) (1), (2), or (3) of section 260
109.572 of the Revised Code, the request shall be treated as a 261
single request and only one fee shall be charged. 262

(2) Except as otherwise provided in this division or 263
division (E) (3) or (4) of this section, a rule adopted under 264
division (E) (1) of this section may provide only for the release 265
of information gathered pursuant to division (A) of this section 266
that relates to the conviction of a person, or a person's plea 267
of guilty to, a criminal offense or to the arrest of a person as 268
provided in division (E) (3) of this section. The superintendent 269
shall not release, and the attorney general shall not adopt any 270
rule under division (E) (1) of this section that permits the 271
release of, any information gathered pursuant to division (A) of 272
this section that relates to an adjudication of a child as a 273
delinquent child, or that relates to a criminal conviction of a 274
person under eighteen years of age if the person's case was 275
transferred back to a juvenile court under division (B) (2) or 276
(3) of section 2152.121 of the Revised Code and the juvenile 277
court imposed a disposition or serious youthful offender 278
disposition upon the person under either division, unless either 279
of the following applies with respect to the adjudication or 280
conviction: 281

(a) The adjudication or conviction was for a violation of 282
section 2903.01 or 2903.02 of the Revised Code. 283

(b) The adjudication or conviction was for a sexually 284
oriented offense, the juvenile court was required to classify 285
the child a juvenile offender registrant for that offense under 286
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 287
classification has not been removed, and the records of the 288
adjudication or conviction have not been sealed or expunged 289
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 290
section 2952.32 of the Revised Code. 291

(3) A rule adopted under division (E) (1) of this section 292
may provide for the release of information gathered pursuant to 293
division (A) of this section that relates to the arrest of a 294
person who is eighteen years of age or older when the person has 295
not been convicted as a result of that arrest if any of the 296
following applies: 297

(a) The arrest was made outside of this state. 298

(b) A criminal action resulting from the arrest is 299
pending, and the superintendent confirms that the criminal 300
action has not been resolved at the time the criminal records 301
check is performed. 302

(c) The bureau cannot reasonably determine whether a 303
criminal action resulting from the arrest is pending, and not 304
more than one year has elapsed since the date of the arrest. 305

(4) A rule adopted under division (E) (1) of this section 306
may provide for the release of information gathered pursuant to 307
division (A) of this section that relates to an adjudication of 308
a child as a delinquent child if not more than five years have 309
elapsed since the date of the adjudication, the adjudication was 310
for an act that would have been a felony if committed by an 311
adult, the records of the adjudication have not been sealed or 312

expunged pursuant to sections 2151.355 to 2151.358 of the 313
Revised Code, and the request for information is made under 314
division (F) of this section or under section 109.572 of the 315
Revised Code. In the case of an adjudication for a violation of 316
the terms of community control or supervised release, the five- 317
year period shall be calculated from the date of the 318
adjudication to which the community control or supervised 319
release pertains. 320

(F) (1) As used in division (F) (2) of this section, "head 321
start agency" means an entity in this state that has been 322
approved to be an agency for purposes of subchapter II of the 323
"Community Economic Development Act," 95 Stat. 489 (1981), 42 324
U.S.C.A. 9831, as amended. 325

(2) (a) In addition to or in conjunction with any request 326
that is required to be made under section 109.572, 2151.86, 327
3301.32, 3301.541, division (C) of section 3310.58, or section 328
3319.39, 3319.391, 3327.10, 3701.881, 5104.013, 5123.081, or 329
5153.111 of the Revised Code or that is made under section 330
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 331
board of education of any school district; the director of 332
developmental disabilities; any county board of developmental 333
disabilities; any provider or subcontractor as defined in 334
section 5123.081 of the Revised Code; the chief administrator of 335
any chartered nonpublic school; the chief administrator of a 336
registered private provider that is not also a chartered 337
nonpublic school; the chief administrator of any home health 338
agency; the chief administrator of or person operating any child 339
day-care center, type A family day-care home, or type B family 340
day-care home licensed under Chapter 5104. of the Revised Code; 341
the chief administrator of any head start agency; the executive 342
director of a public children services agency; a private company 343

described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 344
the Revised Code; or an employer described in division (J) (2) of 345
section 3327.10 of the Revised Code may request that the 346
superintendent of the bureau investigate and determine, with 347
respect to any individual who has applied for employment in any 348
position after October 2, 1989, or any individual wishing to 349
apply for employment with a board of education may request, with 350
regard to the individual, whether the bureau has any information 351
gathered under division (A) of this section that pertains to 352
that individual. On receipt of the request, subject to division 353
(E) (2) of this section, the superintendent shall determine 354
whether that information exists and, upon request of the person, 355
board, or entity requesting information, also shall request from 356
the federal bureau of investigation any criminal records it has 357
pertaining to that individual. The superintendent or the 358
superintendent's designee also may request criminal history 359
records from other states or the federal government pursuant to 360
the national crime prevention and privacy compact set forth in 361
section 109.571 of the Revised Code. Within thirty days of the 362
date that the superintendent receives a request, subject to 363
division (E) (2) of this section, the superintendent shall send 364
to the board, entity, or person a report of any information that 365
the superintendent determines exists, including information 366
contained in records that have been sealed under section 2953.32 367
of the Revised Code, and, within thirty days of its receipt, 368
subject to division (E) (2) of this section, shall send the 369
board, entity, or person a report of any information received 370
from the federal bureau of investigation, other than information 371
the dissemination of which is prohibited by federal law. 372

(b) When a board of education or a registered private 373
provider is required to receive information under this section 374

as a prerequisite to employment of an individual pursuant to 375
division (C) of section 3310.58 or section 3319.39 of the 376
Revised Code, it may accept a certified copy of records that 377
were issued by the bureau of criminal identification and 378
investigation and that are presented by an individual applying 379
for employment with the district in lieu of requesting that 380
information itself. In such a case, the board shall accept the 381
certified copy issued by the bureau in order to make a photocopy 382
of it for that individual's employment application documents and 383
shall return the certified copy to the individual. In a case of 384
that nature, a district or provider only shall accept a 385
certified copy of records of that nature within one year after 386
the date of their issuance by the bureau. 387

(c) Notwithstanding division (F) (2) (a) of this section, in 388
the case of a request under section 3319.39, 3319.391, or 389
3327.10 of the Revised Code only for criminal records maintained 390
by the federal bureau of investigation, the superintendent shall 391
not determine whether any information gathered under division 392
(A) of this section exists on the person for whom the request is 393
made. 394

(3) The state board of education may request, with respect 395
to any individual who has applied for employment after October 396
2, 1989, in any position with the state board or the department 397
of education, any information that a school district board of 398
education is authorized to request under division (F) (2) of this 399
section, and the superintendent of the bureau shall proceed as 400
if the request has been received from a school district board of 401
education under division (F) (2) of this section. 402

(4) When the superintendent of the bureau receives a 403
request for information under section 3319.291 of the Revised 404

Code, the superintendent shall proceed as if the request has 405
been received from a school district board of education and 406
shall comply with divisions (F) (2) (a) and (c) of this section. 407

(5) When a recipient of a classroom reading improvement 408
grant paid under section 3301.86 of the Revised Code requests, 409
with respect to any individual who applies to participate in 410
providing any program or service funded in whole or in part by 411
the grant, the information that a school district board of 412
education is authorized to request under division (F) (2) (a) of 413
this section, the superintendent of the bureau shall proceed as 414
if the request has been received from a school district board of 415
education under division (F) (2) (a) of this section. 416

(G) In addition to or in conjunction with any request that 417
is required to be made under section 3701.881, 3712.09, or 418
3721.121 of the Revised Code with respect to an individual who 419
has applied for employment in a position that involves providing 420
direct care to an older adult or adult resident, the chief 421
administrator of a home health agency, hospice care program, 422
home licensed under Chapter 3721. of the Revised Code, or adult 423
day-care program operated pursuant to rules adopted under 424
section 3721.04 of the Revised Code may request that the 425
superintendent of the bureau investigate and determine, with 426
respect to any individual who has applied after January 27, 427
1997, for employment in a position that does not involve 428
providing direct care to an older adult or adult resident, 429
whether the bureau has any information gathered under division 430
(A) of this section that pertains to that individual. 431

In addition to or in conjunction with any request that is 432
required to be made under section 173.27 of the Revised Code 433
with respect to an individual who has applied for employment in 434

a position that involves providing ombudsman services to 435
residents of long-term care facilities or recipients of 436
community-based long-term care services, the state long-term 437
care ombudsman, the director of aging, a regional long-term care 438
ombudsman program, or the designee of the ombudsman, director, 439
or program may request that the superintendent investigate and 440
determine, with respect to any individual who has applied for 441
employment in a position that does not involve providing such 442
ombudsman services, whether the bureau has any information 443
gathered under division (A) of this section that pertains to 444
that applicant. 445

In addition to or in conjunction with any request that is 446
required to be made under section 173.38 of the Revised Code 447
with respect to an individual who has applied for employment in 448
a direct-care position, the chief administrator of a provider, 449
as defined in section 173.39 of the Revised Code, may request 450
that the superintendent investigate and determine, with respect 451
to any individual who has applied for employment in a position 452
that is not a direct-care position, whether the bureau has any 453
information gathered under division (A) of this section that 454
pertains to that applicant. 455

In addition to or in conjunction with any request that is 456
required to be made under section 3712.09 of the Revised Code 457
with respect to an individual who has applied for employment in 458
a position that involves providing direct care to a pediatric 459
respite care patient, the chief administrator of a pediatric 460
respite care program may request that the superintendent of the 461
bureau investigate and determine, with respect to any individual 462
who has applied for employment in a position that does not 463
involve providing direct care to a pediatric respite care 464
patient, whether the bureau has any information gathered under 465

division (A) of this section that pertains to that individual. 466

On receipt of a request under this division, the 467
superintendent shall determine whether that information exists 468
and, on request of the individual requesting information, shall 469
also request from the federal bureau of investigation any 470
criminal records it has pertaining to the applicant. The 471
superintendent or the superintendent's designee also may request 472
criminal history records from other states or the federal 473
government pursuant to the national crime prevention and privacy 474
compact set forth in section 109.571 of the Revised Code. Within 475
thirty days of the date a request is received, subject to 476
division (E) (2) of this section, the superintendent shall send 477
to the requester a report of any information determined to 478
exist, including information contained in records that have been 479
sealed under section 2953.32 of the Revised Code, and, within 480
thirty days of its receipt, shall send the requester a report of 481
any information received from the federal bureau of 482
investigation, other than information the dissemination of which 483
is prohibited by federal law. 484

(H) Information obtained by a government entity or person 485
under this section is confidential and shall not be released or 486
disseminated. 487

(I) The superintendent may charge a reasonable fee for 488
providing information or criminal records under division (F) (2) 489
or (G) of this section. 490

(J) As used in this section: 491

(1) "Pediatric respite care program" and "pediatric care 492
patient" have the same meanings as in section 3712.01 of the 493
Revised Code. 494

(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code. 495
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(3) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program. 498
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Sec. 111.41. As used in sections 111.41 to 111.99 of the Revised Code: 504
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(A) "Application assistant" means an employee or volunteer at an agency or organization that serves victims of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, or sexual battery who has received training and certification from the secretary of state to help individuals complete applications to be program participants. 506
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(B) "Confidential address" means the address of a program participant's residence, school, institution of higher education, business, or place of employment, as specified on an application to be a program participant or on a notice of change of address filed under section 111.42 of the Revised Code. A confidential address is not a public record under section 149.43 of the Revised Code, and shall be kept confidential. 512
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(C) "Governmental entity" means the state, a political subdivision of the state, or any department, agency, board, commission, or other instrumentality of the state or a political subdivision of the state. 519
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(D) "Guardian," "incompetent," "parent," and "ward" have 523

the same meanings as in section 2111.01 of the Revised Code. 524

(E) "Human trafficking" has the same meaning as in section 525
2929.01 of the Revised Code. 526

(F) "Process" means judicial process and all orders, 527
demands, notices, or other papers required or permitted by law 528
to be served on a program participant. 529

(G) "Program participant" means a person who is certified 530
by the secretary of state as a program participant under section 531
111.42 of the Revised Code. 532

(H) "Tier I sex offender/child-victim offender," "tier II 533
sex offender/child-victim offender," and "tier III sex 534
offender/child-victim offender" have the same meanings as in 535
section 2950.01 of the Revised Code. 536

Sec. 111.42. (A) Except for a person described in division 537
(F) of this section, an adult person, or a parent or guardian 538
acting on behalf of a minor, incompetent, or ward, when changing 539
residence, may apply to the secretary of state with the 540
assistance of an application assistant to have an address 541
designated by the secretary of state serve as the person's 542
address or the address of the minor, incompetent, or ward. The 543
application shall be made on a form prescribed by the secretary 544
of state and filed in the office of the secretary of state in 545
the manner prescribed by the secretary of state. The application 546
shall contain all of the following: 547

(1) A notarized statement by the applicant that the 548
applicant fears for the safety of the applicant, a member of the 549
applicant's household, or the minor, incompetent, or ward on 550
whose behalf the application is made because the applicant, 551
household member, minor, incompetent, or ward is a victim of 552

domestic violence, menacing by stalking, human trafficking, 553

trafficking in persons, rape, or sexual battery; 554

(2) A knowing and voluntary designation of the secretary 555

of state as the agent for the purposes of receiving service of 556

process and the receipt of mail; 557

(3) The mailing address and telephone number or numbers at 558

which the secretary of state may contact the applicant; 559

(4) The address or addresses of the applicant's residence, 560

school, institution of higher education, business, or place of 561

employment that the applicant requests not be disclosed for the 562

reason that disclosure will increase the risk that the 563

applicant, a member of the applicant's household, or the minor, 564

incompetent, or ward on whose behalf the application is made 565

will be threatened or physically harmed by another person; 566

(5) The signature of the applicant, the name and signature 567

of the application assistant who assisted the applicant, and the 568

date on which the applicant and the application assistant signed 569

the application; 570

(6) Except for a claim based on the performance or 571

nonperformance of a public duty that was manifestly outside the 572

scope of the officer's or employee's office or employment or in 573

which the officer or employee acted with malicious purpose, in 574

bad faith, or in a wanton or reckless manner, a voluntary 575

release and waiver of all future claims against the state for 576

any claim that may arise from participation in the address 577

confidentiality program. 578

(B) Upon receiving a properly completed application under 579

division (A) of this section, the secretary of state shall do 580

all of the following: 581

(1) Certify the applicant or the minor, incompetent, or ward on whose behalf the application is filed as a program participant; 582
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(2) Designate each eligible address listed in the application as a confidential address; 585
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(3) Issue the program participant a unique program participant identification number; 587
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(4) Provide information to the program participant concerning the manner in which the program participant may use the secretary of state as the program participant's agent for the purposes of receiving mail and receiving service of process; 589
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(5) Provide information to the program participant concerning the process to register to vote and to vote as a program participant, if the program participant is eligible to vote. 593
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(C) A program participant shall update the person's application information, within thirty days after any change has occurred, by submitting a notice of change to the office of the secretary of state on a form prescribed by the secretary of state. The secretary of state may, with proper notice, cancel a program participant from the program if the participant is found to be unreachable for a period of sixty days or more. 597
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(D) The certification of a program participant shall be valid for four years after the date of the filing of the application for the program participant unless the certification is withdrawn or invalidated before the end of that four-year period. 604
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(E) (1) A program participant who continues to be eligible to participate in the address confidentiality program may renew 609
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the program participant's certification by submitting a renewal 611
application to the secretary of state with the assistance of an 612
application assistant. The renewal application shall be on a 613
form prescribed by the secretary of state and shall contain all 614
of the information described in division (A) of this section. 615

(2) The secretary of state may prescribe by rule a grace 616
period during which a program participant whose certification 617
has expired may renew the program participant's certification 618
without being considered to have ceased being a program 619
participant during that period. 620

(3) When a program participant renews the program 621
participant's certification, the program participant shall 622
continue to use the program participant's original program 623
participant identification number. 624

(F) A tier I sex offender/child-victim offender, a tier II 625
sex offender/child-victim offender, or a tier III sex 626
offender/child-victim offender is not eligible to participate in 627
the address confidentiality program described in sections 111.41 628
to 111.99 of the Revised Code. 629

Sec. 111.43. (A) A program participant may request that a 630
governmental entity, other than a board of elections, use the 631
address designated by the secretary of state as the program 632
participant's address. Except as otherwise provided in division 633
(D) of this section and in section 111.44 of the Revised Code, 634
if the program participant requests that a governmental entity 635
use that address, the governmental entity shall accept that 636
address. 637

(B) If a program participant's employer, school, or 638
institution of higher education is not a governmental entity, 639

the program participant may request that the employer, school, 640
or institution of higher education use the address designated by 641
the secretary of state as the program participant's address. 642

(C) (1) The office of the secretary of state shall, on each 643
day that the secretary of state's office is open for business, 644
place all first class mail of a program participant that the 645
secretary of state receives into an envelope or package and mail 646
that envelope or package to the program participant at the 647
mailing address the program participant provided to the 648
secretary of state for that purpose. The secretary of state may 649
contract with the United States postal service to establish 650
special postal rates for the envelopes or packages used in 651
mailing a program participant's first class mail under this 652
section. 653

(2) (a) Upon receiving service of process on behalf of a 654
program participant, the office of the secretary of state shall 655
immediately forward the process by certified mail, return 656
receipt requested, to the program participant at the mailing 657
address the program participant provided to the secretary of 658
state for that purpose. Service of process upon the office of 659
the secretary of state on behalf of a program participant 660
constitutes service upon the program participant under rule 4.2 661
of the Rules of Civil Procedure. 662

(b) The secretary of state may prescribe by rule the 663
manner in which process may be served on the secretary of state 664
as the agent of a program participant. 665

(c) Upon request by a person who intends to serve process 666
on an individual, the secretary of state shall confirm whether 667
the individual is a program participant but shall not disclose 668
any other information concerning a program participant. 669

(D) Division (A) of this section does not apply to a 670
municipal-owned public utility. The confidential addresses of 671
participants of the address confidentiality program that are 672
maintained by a municipal-owned public utility are not a public 673
record and shall not be released by a municipal-owned public 674
utility or by any employee of a municipal-owned public utility. 675

Sec. 111.44. (A) A program participant who is eligible to 676
vote may apply to the board of elections of the county in which 677
the program participant resides to request that the program 678
participant's voter registration record be kept confidential. 679
The program participant shall submit an application to the 680
director of the board of elections, on a form prescribed by the 681
secretary of state, that includes all of the following: 682

(1) The information required under section 3503.14 of the 683
Revised Code to register to vote; 684

(2) The program participant's program participant 685
identification number; 686

(3) If the program participant is currently registered to 687
vote in another county or another state, the address at which 688
the program participant is registered to vote and a statement 689
that the program participant authorizes the director to instruct 690
the appropriate authority to cancel the program participant's 691
existing voter registration; 692

(4) A statement that the program participant understands 693
all of the following: 694

(a) That during the time the program participant chooses 695
to have a confidential voter registration record, the program 696
participant may vote only by absent voter's ballots; 697

(b) That the program participant may provide the program 698

participant's program participant identification number instead 699
of the program participant's residence address on an application 700
for absent voter's ballots or on an absent voter's ballot 701
identification envelope statement of voter; 702

(c) That casting any ballot in person will reveal the 703
program participant's precinct and residence address to precinct 704
election officials and employees of the board of elections and 705
may reveal the program participant's precinct or residence 706
address to members of the public; 707

(d) That if the program participant signs an election 708
petition, the program participant's residence address will be 709
made available to the public. 710

(B) Upon the receipt by the director of the board of 711
elections of a valid application under division (A) of this 712
section, all of the following shall apply: 713

(1) The director or the deputy director shall contact the 714
secretary of state to confirm that the program participant 715
identification number provided on the application matches the 716
number the secretary of state issued to the program participant. 717

(2) The application shall be treated as the program 718
participant's voter registration form. The form shall be stored 719
in a secure manner, such that only the members of the board of 720
elections, the director, and the deputy director have access to 721
the form and to the residence address contained in the form. 722

(3) The director or the deputy director shall record the 723
program participant's program participant identification number 724
in the statewide voter registration database and the official 725
registration list instead of the program participant's residence 726
address and precinct. 727

(4) If the program participant is currently registered to 728
vote in the county, the director or the deputy director shall do 729
all of the following: 730

(a) Remove the residence address and precinct information 731
from the program participant's voter registration record, the 732
statewide voter registration database, and the official 733
registration list; 734

(b) Remove the program participant's name and registration 735
information from any pollbook, poll list, or signature pollbook 736
in which it appears and from any publicly available registration 737
list in which it appears. 738

(5) If the program participant is currently registered to 739
vote in another county, the director or the deputy director 740
shall notify the board of elections of the county in which the 741
program participant is registered to cancel the program 742
participant's registration. The program participant's existing 743
registration shall be considered to have been transferred to the 744
county in which the program participant currently resides. 745
Notwithstanding any contrary provision of section 3503.01 of the 746
Revised Code, if the program participant submitted the 747
application less than thirty days before the day of an election, 748
the program participant shall be eligible to vote in that 749
election. 750

(6) If the program participant is currently registered to 751
vote in another state, the director or the deputy director shall 752
notify the appropriate authority in that state to cancel the 753
program participant's registration. 754

(7) The director or the deputy director shall promptly 755
send an acknowledgment notice to the program participant on a 756

form prescribed by the secretary of state. 757

(C) (1) (a) The residence address or precinct of a program 758
participant who has a confidential voter registration record, as 759
described in this section, shall not appear in the statewide 760
voter registration database or in the official registration 761
list. The program participant's program participant 762
identification number shall appear in place of that information. 763

(b) No information concerning the program participant, 764
including the program participant's name, shall be included in 765
any pollbook, poll list, or signature pollbook. 766

(c) No information concerning the program participant, 767
including the program participant's name, shall be included in 768
the version of the statewide voter registration database that is 769
available to the public or in any version of an official 770
registration list that is available to the public. 771

(2) Notwithstanding any contrary provision of the Revised 772
Code, a program participant who has a confidential voter 773
registration record may vote only by casting absent voter's 774
ballots. 775

(3) Not later than the forty-fifth day before the day of 776
an election, the secretary of state shall mail a notice to each 777
program participant who has a confidential voter registration 778
record. The notice shall inform the program participant of all 779
of the following: 780

(a) That if the program participant wishes to vote in the 781
election, the program participant should cast absent voter's 782
ballots by mail; 783

(b) The procedure for the program participant to cast 784
absent voter's ballots; 785

(c) That casting any ballot in person will reveal the 786
program participant's precinct and residence address to precinct 787
election officials and employees of the board of elections and 788
may reveal the program participant's precinct or residence 789
address to members of the public. 790

(D) (1) A program participant who has a confidential voter 791
registration record and who has had a change of name or change 792
of address may submit an application under division (A) of this 793
section that includes the program participant's updated 794
information. The director or the deputy director shall treat 795
that application as a notice of change of name or change of 796
address. 797

(2) If the program participant currently resides in that 798
county, the director or the deputy director shall replace the 799
program participant's existing registration form with the new 800
registration form. 801

(3) If the program participant currently resides in 802
another county in this state, the director or the deputy 803
director shall cancel the program participant's existing 804
registration form and shall transmit the program participant's 805
new registration form to the director of the board of elections 806
of the county in which the elector currently resides, and the 807
new registration form shall be processed in accordance with 808
division (B) of this section. 809

(E) A person who has a confidential voter registration 810
record and who ceases being a program participant or who wishes 811
to cease having a confidential voter registration record shall 812
submit an application, on a form prescribed by the secretary of 813
state, that includes all of the following: 814

- (1) The information required under section 3503.14 of the Revised Code to register to vote; 815
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- (2) The person's program participant identification number; 817
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- (3) A statement that the person has ceased being a program participant or that the person wishes to cease having a confidential voter registration record; 819
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- (4) A statement that the director should do one of the following: 822
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- (a) Treat the person's existing voter registration form in the same manner as other voter registration forms; 824
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- (b) Cancel the person's voter registration. 826
- (F)(1) Upon receiving a valid application under division (E) of this section from a person who wishes the board of elections to treat the person's existing voter registration form in the same manner as other voter registration forms, or upon receiving a notice from the secretary of state under division (B) of section 111.45 of the Revised Code concerning a person who has a confidential voter registration record, the director or the deputy director shall do all of the following: 827
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- (a) Store the person's voter registration form in the same manner as other voter registration forms; 835
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- (b) Remove the person's program participant identification number from the person's registration form and from the statewide voter registration database; 837
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- (c) Ensure that the statewide voter registration database and any poll list, pollbook, or registration list accurately reflect the person's current name and registration information. 840
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(2) Notwithstanding any contrary provision of section 3503.01 of the Revised Code, if the director receives an application or notice described in division (F)(1) of this section concerning an elector less than thirty days before the day of an election, the elector shall be eligible to vote in that election. 843
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(G) Upon receiving a valid application under division (E) of this section from a person who wishes to have the person's voter registration canceled, the director or the deputy director shall cancel the person's voter registration. 849
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Sec. 111.45. (A) The secretary of state shall cancel the certification of a program participant if any of the following are true: 853
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(1) The program participant's application contained one or more false statements. 856
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(2) The program participant has filed a written, notarized request with the secretary of state, on a form prescribed by the secretary of state, asking to cease being a program participant. 858
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(3) The program participant's certification has expired and the program participant has not renewed the certification in accordance with division (E) of section 111.42 of the Revised Code not later than the deadline specified by the secretary of state by rule to renew the certification. 861
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(B) Upon canceling a certification under division (A) of this section, the secretary of state shall notify the director of the board of elections of the county in which the former program participant resides. 866
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Sec. 111.46. (A) The secretary of state shall make available to the attorney general, for inclusion into the Ohio 870
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law enforcement gateway, the name, telephone number, and 872
confidential address of each program participant. Access to 873
information in the gateway regarding an address confidentiality 874
program participant may only be granted to chiefs of police, 875
village marshals, county sheriffs, county prosecuting attorneys, 876
and a designee of each of these individuals. 877

A city director of law or similar chief legal officer who 878
requires access to a program participant's confidential address 879
or telephone number for a legitimate governmental purpose may 880
petition the court of common pleas of Franklin county to order 881
the secretary of state to make that confidential address or 882
telephone number available to the petitioner. 883

(B) Upon the filing of a petition under this section, the 884
court shall fix a date for a hearing on it and shall require the 885
clerk of the court to serve a notice of the date, time, place, 886
and purpose of the hearing upon the petitioner. The clerk also 887
shall serve that notice upon the secretary of state so that the 888
secretary of state may send the notice to the program 889
participant in accordance with division (C) of this section. 890

(C) Upon receiving a notice under division (B) of this 891
section, the secretary of state immediately shall send a copy of 892
the notice to the program participant by certified mail, return 893
receipt requested. 894

(D) At a hearing under this section, the petitioner shall 895
appear, and the program participant or the program participant's 896
attorney may appear and be heard. After the hearing and 897
considering the testimony, the court shall issue the requested 898
order only if it appears to the court by clear and convincing 899
evidence that the disclosure of the program participant's 900
confidential address or telephone number to the petitioner is 901

necessary for a legitimate governmental purpose. 902

(E) Upon request by a city director of law or similar 903
chief legal officer, who intends to petition the court for 904
access to an individual's address or telephone number under this 905
section, the secretary of state shall confirm whether the 906
individual is a program participant but shall not disclose any 907
other information concerning a program participant. 908

Sec. 111.47. (A) Notwithstanding division (A) (3) of 909
section 2743.02 of the Revised Code and except if the 910
performance or nonperformance was manifestly outside the scope 911
of the officer's or employee's office or employment or the 912
officer or employee acted with malicious purpose, in bad faith, 913
or in a wanton or reckless manner, the state is immune from 914
liability in any civil action or proceeding involving the 915
performance or nonperformance of a public duty under the address 916
confidentiality program. 917

(B) The secretary of state shall adopt rules under Chapter 918
119. of the Revised Code to facilitate the administration of 919
sections 111.41 to 111.46 of the Revised Code. 920

Sec. 111.48. There is in the state treasury the address 921
confidentiality program fund. The fund shall consist of money 922
paid into the fund pursuant to division (B) (10) of section 923
2929.18 and division (D) of section 2929.28 of the Revised Code 924
and any money appropriated to the fund by the general assembly 925
or donated to the fund. The secretary of state shall use the 926
money in the fund for the purpose of administering the address 927
confidentiality program described in sections 111.41 to 111.47 928
of the Revised Code. 929

Sec. 111.99. (A) No person who submits an application 930

under section 111.42 of the Revised Code shall knowingly make a 931
false attestation in the application that the applicant fears 932
for the applicant's safety, the safety of a member of the 933
applicant's household, or the safety of the minor, incompetent, 934
or ward on whose behalf the application is made because the 935
applicant, household member, minor, incompetent, or ward is a 936
victim of domestic violence, menacing by stalking, human 937
trafficking, trafficking in persons, rape, or sexual battery. 938

(B) No person who has access to a confidential address or 939
telephone number because of the person's employment or official 940
position shall knowingly disclose that confidential address or 941
telephone number to any person, except as required by law. 942

(C) No person who obtains a confidential address or 943
telephone number from the Ohio law enforcement gateway shall 944
knowingly disclose that confidential address or telephone number 945
to any person, except as is necessary for a law enforcement 946
purpose when related to the performance of official duties, or 947
for another legitimate governmental purpose. 948

(D) Whoever violates this section is guilty of a 949
misdemeanor of the first degree. 950

Sec. 149.43. (A) As used in this section: 951

(1) "Public record" means records kept by any public 952
office, including, but not limited to, state, county, city, 953
village, township, and school district units, and records 954
pertaining to the delivery of educational services by an 955
alternative school in this state kept by the nonprofit or for- 956
profit entity operating the alternative school pursuant to 957
section 3313.533 of the Revised Code. "Public record" does not 958
mean any of the following: 959

(a) Medical records;	960
(b) Records pertaining to probation and parole proceedings	961
or to proceedings related to the imposition of community control	962
sanctions and post-release control sanctions;	963
(c) Records pertaining to actions under section 2151.85	964
and division (C) of section 2919.121 of the Revised Code and to	965
appeals of actions arising under those sections;	966
(d) Records pertaining to adoption proceedings, including	967
the contents of an adoption file maintained by the department of	968
health under sections 3705.12 to 3705.124 of the Revised Code;	969
(e) Information in a record contained in the putative	970
father registry established by section 3107.062 of the Revised	971
Code, regardless of whether the information is held by the	972
department of job and family services or, pursuant to section	973
3111.69 of the Revised Code, the office of child support in the	974
department or a child support enforcement agency;	975
(f) Records specified in division (A) of section 3107.52	976
of the Revised Code;	977
(g) Trial preparation records;	978
(h) Confidential law enforcement investigatory records;	979
(i) Records containing information that is confidential	980
under section 2710.03 or 4112.05 of the Revised Code;	981
(j) DNA records stored in the DNA database pursuant to	982
section 109.573 of the Revised Code;	983
(k) Inmate records released by the department of	984
rehabilitation and correction to the department of youth	985
services or a court of record pursuant to division (E) of	986

section 5120.21 of the Revised Code;	987
(l) Records maintained by the department of youth services	988
pertaining to children in its custody released by the department	989
of youth services to the department of rehabilitation and	990
correction pursuant to section 5139.05 of the Revised Code;	991
(m) Intellectual property records;	992
(n) Donor profile records;	993
(o) Records maintained by the department of job and family	994
services pursuant to section 3121.894 of the Revised Code;	995
(p) Peace officer, parole officer, probation officer,	996
bailiff, prosecuting attorney, assistant prosecuting attorney,	997
correctional employee, community-based correctional facility	998
employee, youth services employee, firefighter, EMT, or	999
investigator of the bureau of criminal identification and	1000
investigation, <u>or federal law enforcement officer</u> residential	1001
and familial information;	1002
(q) In the case of a county hospital operated pursuant to	1003
Chapter 339. of the Revised Code or a municipal hospital	1004
operated pursuant to Chapter 749. of the Revised Code,	1005
information that constitutes a trade secret, as defined in	1006
section 1333.61 of the Revised Code;	1007
(r) Information pertaining to the recreational activities	1008
of a person under the age of eighteen;	1009
(s) In the case of a child fatality review board acting	1010
under sections 307.621 to 307.629 of the Revised Code or a	1011
review conducted pursuant to guidelines established by the	1012
director of health under section 3701.70 of the Revised Code,	1013
records provided to the board or director, statements made by	1014

board members during meetings of the board or by persons 1015
participating in the director's review, and all work products of 1016
the board or director, and in the case of a child fatality 1017
review board, child fatality review data submitted by the board 1018
to the department of health or a national child death review 1019
database, other than the report prepared pursuant to division 1020
(A) of section 307.626 of the Revised Code; 1021

(t) Records provided to and statements made by the 1022
executive director of a public children services agency or a 1023
prosecuting attorney acting pursuant to section 5153.171 of the 1024
Revised Code other than the information released under that 1025
section; 1026

(u) Test materials, examinations, or evaluation tools used 1027
in an examination for licensure as a nursing home administrator 1028
that the board of executives of long-term services and supports 1029
administers under section 4751.04 of the Revised Code or 1030
contracts under that section with a private or government entity 1031
to administer; 1032

(v) Records the release of which is prohibited by state or 1033
federal law; 1034

(w) Proprietary information of or relating to any person 1035
that is submitted to or compiled by the Ohio venture capital 1036
authority created under section 150.01 of the Revised Code; 1037

(x) Financial statements and data any person submits for 1038
any purpose to the Ohio housing finance agency or the 1039
controlling board in connection with applying for, receiving, or 1040
accounting for financial assistance from the agency, and 1041
information that identifies any individual who benefits directly 1042
or indirectly from financial assistance from the agency; 1043

(y) Records listed in section 5101.29 of the Revised Code;	1044
(z) Discharges recorded with a county recorder under	1045
section 317.24 of the Revised Code, as specified in division (B)	1046
(2) of that section;	1047
(aa) Usage information including names and addresses of	1048
specific residential and commercial customers of a municipally	1049
owned or operated public utility;	1050
(bb) Records described in division (C) of section 187.04	1051
of the Revised Code that are not designated to be made available	1052
to the public as provided in that division;	1053
(cc) Information and records that are made confidential,	1054
privileged, and not subject to disclosure under divisions (B)	1055
and (C) of section 2949.221 of the Revised Code.	1056
<u>(dd) The confidential name, address, and other personally</u>	1057
<u>identifiable information of a program participant in the address</u>	1058
<u>confidentiality program established under sections 111.41 to</u>	1059
<u>111.47 of the Revised Code, including the contents of any</u>	1060
<u>application for absent voter's ballots, absent voter's ballot</u>	1061
<u>identification envelope statement of voter, or provisional</u>	1062
<u>ballot affirmation completed by a program participant who has a</u>	1063
<u>confidential voter registration record, and records or portions</u>	1064
<u>of records pertaining to that program that identify the number</u>	1065
<u>of program participants that reside within a precinct, ward,</u>	1066
<u>township, municipal corporation, county, or any other geographic</u>	1067
<u>area smaller than the state. As used in this division,</u>	1068
<u>"confidential address" and "program participant" have the</u>	1069
<u>meaning defined in section 111.41 of the Revised Code.</u>	1070
(2) "Confidential law enforcement investigatory record"	1071
means any record that pertains to a law enforcement matter of a	1072

criminal, quasi-criminal, civil, or administrative nature, but 1073
only to the extent that the release of the record would create a 1074
high probability of disclosure of any of the following: 1075

(a) The identity of a suspect who has not been charged 1076
with the offense to which the record pertains, or of an 1077
information source or witness to whom confidentiality has been 1078
reasonably promised; 1079

(b) Information provided by an information source or 1080
witness to whom confidentiality has been reasonably promised, 1081
which information would reasonably tend to disclose the source's 1082
or witness's identity; 1083

(c) Specific confidential investigatory techniques or 1084
procedures or specific investigatory work product; 1085

(d) Information that would endanger the life or physical 1086
safety of law enforcement personnel, a crime victim, a witness, 1087
or a confidential information source. 1088

(3) "Medical record" means any document or combination of 1089
documents, except births, deaths, and the fact of admission to 1090
or discharge from a hospital, that pertains to the medical 1091
history, diagnosis, prognosis, or medical condition of a patient 1092
and that is generated and maintained in the process of medical 1093
treatment. 1094

(4) "Trial preparation record" means any record that 1095
contains information that is specifically compiled in reasonable 1096
anticipation of, or in defense of, a civil or criminal action or 1097
proceeding, including the independent thought processes and 1098
personal trial preparation of an attorney. 1099

(5) "Intellectual property record" means a record, other 1100
than a financial or administrative record, that is produced or 1101

collected by or for faculty or staff of a state institution of 1102
higher learning in the conduct of or as a result of study or 1103
research on an educational, commercial, scientific, artistic, 1104
technical, or scholarly issue, regardless of whether the study 1105
or research was sponsored by the institution alone or in 1106
conjunction with a governmental body or private concern, and 1107
that has not been publicly released, published, or patented. 1108

(6) "Donor profile record" means all records about donors 1109
or potential donors to a public institution of higher education 1110
except the names and reported addresses of the actual donors and 1111
the date, amount, and conditions of the actual donation. 1112

(7) "Peace officer, parole officer, probation officer, 1113
bailiff, prosecuting attorney, assistant prosecuting attorney, 1114
correctional employee, community-based correctional facility 1115
employee, youth services employee, firefighter, EMT, ~~or~~ 1116
investigator of the bureau of criminal identification and 1117
investigation, or federal law enforcement officer residential 1118
and familial information" means any information that discloses 1119
any of the following about a peace officer, parole officer, 1120
probation officer, bailiff, prosecuting attorney, assistant 1121
prosecuting attorney, correctional employee, community-based 1122
correctional facility employee, youth services employee, 1123
firefighter, EMT, ~~or~~ investigator of the bureau of criminal 1124
identification and investigation, or federal law enforcement 1125
officer: 1126

(a) The address of the actual personal residence of a 1127
peace officer, parole officer, probation officer, bailiff, 1128
assistant prosecuting attorney, correctional employee, 1129
community-based correctional facility employee, youth services 1130
employee, firefighter, EMT, ~~or~~ an investigator of the bureau of 1131

criminal identification and investigation, or federal law 1132
enforcement officer, except for the state or political 1133
subdivision in which the peace officer, parole officer, 1134
probation officer, bailiff, assistant prosecuting attorney, 1135
correctional employee, community-based correctional facility 1136
employee, youth services employee, firefighter, EMT, ~~or~~ 1137
investigator of the bureau of criminal identification and 1138
investigation, or federal law enforcement officer resides; 1139

(b) Information compiled from referral to or participation 1140
in an employee assistance program; 1141

(c) The social security number, the residential telephone 1142
number, any bank account, debit card, charge card, or credit 1143
card number, or the emergency telephone number of, or any 1144
medical information pertaining to, a peace officer, parole 1145
officer, probation officer, bailiff, prosecuting attorney, 1146
assistant prosecuting attorney, correctional employee, 1147
community-based correctional facility employee, youth services 1148
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1149
criminal identification and investigation, or federal law 1150
enforcement officer; 1151

(d) The name of any beneficiary of employment benefits, 1152
including, but not limited to, life insurance benefits, provided 1153
to a peace officer, parole officer, probation officer, bailiff, 1154
prosecuting attorney, assistant prosecuting attorney, 1155
correctional employee, community-based correctional facility 1156
employee, youth services employee, firefighter, EMT, ~~or~~ 1157
investigator of the bureau of criminal identification and 1158
investigation, or federal law enforcement officer by the peace 1159
officer's, parole officer's, probation officer's, bailiff's, 1160
prosecuting attorney's, assistant prosecuting attorney's, 1161

correctional employee's, community-based correctional facility 1162
employee's, youth services employee's, firefighter's, EMT's, ~~or~~ 1163
investigator of the bureau of criminal identification and 1164
investigation's, or federal law enforcement officer's employer; 1165

(e) The identity and amount of any charitable or 1166
employment benefit deduction made by the peace officer's, parole 1167
officer's, probation officer's, bailiff's, prosecuting 1168
attorney's, assistant prosecuting attorney's, correctional 1169
employee's, community-based correctional facility employee's, 1170
youth services employee's, firefighter's, EMT's, ~~or~~ investigator 1171
of the bureau of criminal identification and investigation's, or 1172
federal law enforcement officer's employer from the peace 1173
officer's, parole officer's, probation officer's, bailiff's, 1174
prosecuting attorney's, assistant prosecuting attorney's, 1175
correctional employee's, community-based correctional facility 1176
employee's, youth services employee's, firefighter's, EMT's, ~~or~~ 1177
investigator of the bureau of criminal identification and 1178
investigation's, or federal law enforcement officer's 1179
compensation unless the amount of the deduction is required by 1180
state or federal law; 1181

(f) The name, the residential address, the name of the 1182
employer, the address of the employer, the social security 1183
number, the residential telephone number, any bank account, 1184
debit card, charge card, or credit card number, or the emergency 1185
telephone number of the spouse, a former spouse, or any child of 1186
a peace officer, parole officer, probation officer, bailiff, 1187
prosecuting attorney, assistant prosecuting attorney, 1188
correctional employee, community-based correctional facility 1189
employee, youth services employee, firefighter, EMT, ~~or~~ 1190
investigator of the bureau of criminal identification and 1191
investigation, or federal law enforcement officer; 1192

(g) A photograph of a peace officer who holds a position 1193
or has an assignment that may include undercover or plain 1194
clothes positions or assignments as determined by the peace 1195
officer's appointing authority. 1196

As used in divisions (A) (7) and (B) (9) of this section, 1197
"peace officer" has the same meaning as in section 109.71 of the 1198
Revised Code and also includes the superintendent and troopers 1199
of the state highway patrol; it does not include the sheriff of 1200
a county or a supervisory employee who, in the absence of the 1201
sheriff, is authorized to stand in for, exercise the authority 1202
of, and perform the duties of the sheriff. 1203

As used in divisions (A) (7) and (B) (9) of this section, 1204
"correctional employee" means any employee of the department of 1205
rehabilitation and correction who in the course of performing 1206
the employee's job duties has or has had contact with inmates 1207
and persons under supervision. 1208

As used in divisions (A) (7) and (B) (9) of this section, 1209
"youth services employee" means any employee of the department 1210
of youth services who in the course of performing the employee's 1211
job duties has or has had contact with children committed to the 1212
custody of the department of youth services. 1213

As used in divisions (A) (7) and (B) (9) of this section, 1214
"firefighter" means any regular, paid or volunteer, member of a 1215
lawfully constituted fire department of a municipal corporation, 1216
township, fire district, or village. 1217

As used in divisions (A) (7) and (B) (9) of this section, 1218
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 1219
emergency medical services for a public emergency medical 1220
service organization. "Emergency medical service organization," 1221

"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 1222
in section 4765.01 of the Revised Code. 1223

As used in divisions (A)(7) and (B)(9) of this section, 1224
"investigator of the bureau of criminal identification and 1225
investigation" has the meaning defined in section 2903.11 of the 1226
Revised Code. 1227

As used in divisions (A)(7) and (B)(9) of this section, 1228
"federal law enforcement officer" has the meaning defined in 1229
section 9.88 of the Revised Code. 1230

(8) "Information pertaining to the recreational activities 1231
of a person under the age of eighteen" means information that is 1232
kept in the ordinary course of business by a public office, that 1233
pertains to the recreational activities of a person under the 1234
age of eighteen years, and that discloses any of the following: 1235

(a) The address or telephone number of a person under the 1236
age of eighteen or the address or telephone number of that 1237
person's parent, guardian, custodian, or emergency contact 1238
person; 1239

(b) The social security number, birth date, or 1240
photographic image of a person under the age of eighteen; 1241

(c) Any medical record, history, or information pertaining 1242
to a person under the age of eighteen; 1243

(d) Any additional information sought or required about a 1244
person under the age of eighteen for the purpose of allowing 1245
that person to participate in any recreational activity 1246
conducted or sponsored by a public office or to use or obtain 1247
admission privileges to any recreational facility owned or 1248
operated by a public office. 1249

(9) "Community control sanction" has the same meaning as 1250
in section 2929.01 of the Revised Code. 1251

(10) "Post-release control sanction" has the same meaning 1252
as in section 2967.01 of the Revised Code. 1253

(11) "Redaction" means obscuring or deleting any 1254
information that is exempt from the duty to permit public 1255
inspection or copying from an item that otherwise meets the 1256
definition of a "record" in section 149.011 of the Revised Code. 1257

(12) "Designee" and "elected official" have the same 1258
meanings as in section 109.43 of the Revised Code. 1259

(B) (1) Upon request and subject to division (B) (8) of this 1260
section, all public records responsive to the request shall be 1261
promptly prepared and made available for inspection to any 1262
person at all reasonable times during regular business hours. 1263
Subject to division (B) (8) of this section, upon request, a 1264
public office or person responsible for public records shall 1265
make copies of the requested public record available at cost and 1266
within a reasonable period of time. If a public record contains 1267
information that is exempt from the duty to permit public 1268
inspection or to copy the public record, the public office or 1269
the person responsible for the public record shall make 1270
available all of the information within the public record that 1271
is not exempt. When making that public record available for 1272
public inspection or copying that public record, the public 1273
office or the person responsible for the public record shall 1274
notify the requester of any redaction or make the redaction 1275
plainly visible. A redaction shall be deemed a denial of a 1276
request to inspect or copy the redacted information, except if 1277
federal or state law authorizes or requires a public office to 1278
make the redaction. 1279

(2) To facilitate broader access to public records, a 1280
public office or the person responsible for public records shall 1281
organize and maintain public records in a manner that they can 1282
be made available for inspection or copying in accordance with 1283
division (B) of this section. A public office also shall have 1284
available a copy of its current records retention schedule at a 1285
location readily available to the public. If a requester makes 1286
an ambiguous or overly broad request or has difficulty in making 1287
a request for copies or inspection of public records under this 1288
section such that the public office or the person responsible 1289
for the requested public record cannot reasonably identify what 1290
public records are being requested, the public office or the 1291
person responsible for the requested public record may deny the 1292
request but shall provide the requester with an opportunity to 1293
revise the request by informing the requester of the manner in 1294
which records are maintained by the public office and accessed 1295
in the ordinary course of the public office's or person's 1296
duties. 1297

(3) If a request is ultimately denied, in part or in 1298
whole, the public office or the person responsible for the 1299
requested public record shall provide the requester with an 1300
explanation, including legal authority, setting forth why the 1301
request was denied. If the initial request was provided in 1302
writing, the explanation also shall be provided to the requester 1303
in writing. The explanation shall not preclude the public office 1304
or the person responsible for the requested public record from 1305
relying upon additional reasons or legal authority in defending 1306
an action commenced under division (C) of this section. 1307

(4) Unless specifically required or authorized by state or 1308
federal law or in accordance with division (B) of this section, 1309
no public office or person responsible for public records may 1310

limit or condition the availability of public records by 1311
requiring disclosure of the requester's identity or the intended 1312
use of the requested public record. Any requirement that the 1313
requester disclose the requestor's identity or the intended use 1314
of the requested public record constitutes a denial of the 1315
request. 1316

(5) A public office or person responsible for public 1317
records may ask a requester to make the request in writing, may 1318
ask for the requester's identity, and may inquire about the 1319
intended use of the information requested, but may do so only 1320
after disclosing to the requester that a written request is not 1321
mandatory and that the requester may decline to reveal the 1322
requester's identity or the intended use and when a written 1323
request or disclosure of the identity or intended use would 1324
benefit the requester by enhancing the ability of the public 1325
office or person responsible for public records to identify, 1326
locate, or deliver the public records sought by the requester. 1327

(6) If any person chooses to obtain a copy of a public 1328
record in accordance with division (B) of this section, the 1329
public office or person responsible for the public record may 1330
require that person to pay in advance the cost involved in 1331
providing the copy of the public record in accordance with the 1332
choice made by the person seeking the copy under this division. 1333
The public office or the person responsible for the public 1334
record shall permit that person to choose to have the public 1335
record duplicated upon paper, upon the same medium upon which 1336
the public office or person responsible for the public record 1337
keeps it, or upon any other medium upon which the public office 1338
or person responsible for the public record determines that it 1339
reasonably can be duplicated as an integral part of the normal 1340
operations of the public office or person responsible for the 1341

public record. When the person seeking the copy makes a choice 1342
under this division, the public office or person responsible for 1343
the public record shall provide a copy of it in accordance with 1344
the choice made by the person seeking the copy. Nothing in this 1345
section requires a public office or person responsible for the 1346
public record to allow the person seeking a copy of the public 1347
record to make the copies of the public record. 1348

(7) Upon a request made in accordance with division (B) of 1349
this section and subject to division (B)(6) of this section, a 1350
public office or person responsible for public records shall 1351
transmit a copy of a public record to any person by United 1352
States mail or by any other means of delivery or transmission 1353
within a reasonable period of time after receiving the request 1354
for the copy. The public office or person responsible for the 1355
public record may require the person making the request to pay 1356
in advance the cost of postage if the copy is transmitted by 1357
United States mail or the cost of delivery if the copy is 1358
transmitted other than by United States mail, and to pay in 1359
advance the costs incurred for other supplies used in the 1360
mailing, delivery, or transmission. 1361

Any public office may adopt a policy and procedures that 1362
it will follow in transmitting, within a reasonable period of 1363
time after receiving a request, copies of public records by 1364
United States mail or by any other means of delivery or 1365
transmission pursuant to this division. A public office that 1366
adopts a policy and procedures under this division shall comply 1367
with them in performing its duties under this division. 1368

In any policy and procedures adopted under this division, 1369
a public office may limit the number of records requested by a 1370
person that the office will transmit by United States mail to 1371

ten per month, unless the person certifies to the office in 1372
writing that the person does not intend to use or forward the 1373
requested records, or the information contained in them, for 1374
commercial purposes. For purposes of this division, "commercial" 1375
shall be narrowly construed and does not include reporting or 1376
gathering news, reporting or gathering information to assist 1377
citizen oversight or understanding of the operation or 1378
activities of government, or nonprofit educational research. 1379

(8) A public office or person responsible for public 1380
records is not required to permit a person who is incarcerated 1381
pursuant to a criminal conviction or a juvenile adjudication to 1382
inspect or to obtain a copy of any public record concerning a 1383
criminal investigation or prosecution or concerning what would 1384
be a criminal investigation or prosecution if the subject of the 1385
investigation or prosecution were an adult, unless the request 1386
to inspect or to obtain a copy of the record is for the purpose 1387
of acquiring information that is subject to release as a public 1388
record under this section and the judge who imposed the sentence 1389
or made the adjudication with respect to the person, or the 1390
judge's successor in office, finds that the information sought 1391
in the public record is necessary to support what appears to be 1392
a justiciable claim of the person. 1393

(9) (a) Upon written request made and signed by a 1394
journalist on or after December 16, 1999, a public office, or 1395
person responsible for public records, having custody of the 1396
records of the agency employing a specified peace officer, 1397
parole officer, probation officer, bailiff, prosecuting 1398
attorney, assistant prosecuting attorney, correctional employee, 1399
community-based correctional facility employee, youth services 1400
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1401
criminal identification and investigation, or federal law 1402

enforcement officer shall disclose to the journalist the address 1403
of the actual personal residence of the peace officer, parole 1404
officer, probation officer, bailiff, prosecuting attorney, 1405
assistant prosecuting attorney, correctional employee, 1406
community-based correctional facility employee, youth services 1407
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1408
criminal identification and investigation, or federal law 1409
enforcement officer and, if the peace officer's, parole 1410
officer's, probation officer's, bailiff's, prosecuting 1411
attorney's, assistant prosecuting attorney's, correctional 1412
employee's, community-based correctional facility employee's, 1413
youth services employee's, firefighter's, EMT's, ~~or~~ investigator 1414
of the bureau of criminal identification and investigation's, or 1415
federal law enforcement officer's spouse, former spouse, or 1416
child is employed by a public office, the name and address of 1417
the employer of the peace officer's, parole officer's, probation 1418
officer's, bailiff's, prosecuting attorney's, assistant 1419
prosecuting attorney's, correctional employee's, community-based 1420
correctional facility employee's, youth services employee's, 1421
firefighter's, EMT's, ~~or~~ investigator of the bureau of criminal 1422
identification and investigation's, or federal law enforcement 1423
officer's spouse, former spouse, or child. The request shall 1424
include the journalist's name and title and the name and address 1425
of the journalist's employer and shall state that disclosure of 1426
the information sought would be in the public interest. 1427

(b) Division (B) (9) (a) of this section also applies to 1428
journalist requests for customer information maintained by a 1429
municipally owned or operated public utility, other than social 1430
security numbers and any private financial information such as 1431
credit reports, payment methods, credit card numbers, and bank 1432
account information. 1433

(c) As used in division (B)(9) of this section, 1434
"journalist" means a person engaged in, connected with, or 1435
employed by any news medium, including a newspaper, magazine, 1436
press association, news agency, or wire service, a radio or 1437
television station, or a similar medium, for the purpose of 1438
gathering, processing, transmitting, compiling, editing, or 1439
disseminating information for the general public. 1440

(C)(1) If a person allegedly is aggrieved by the failure 1441
of a public office or the person responsible for public records 1442
to promptly prepare a public record and to make it available to 1443
the person for inspection in accordance with division (B) of 1444
this section or by any other failure of a public office or the 1445
person responsible for public records to comply with an 1446
obligation in accordance with division (B) of this section, the 1447
person allegedly aggrieved may commence a mandamus action to 1448
obtain a judgment that orders the public office or the person 1449
responsible for the public record to comply with division (B) of 1450
this section, that awards court costs and reasonable attorney's 1451
fees to the person that instituted the mandamus action, and, if 1452
applicable, that includes an order fixing statutory damages 1453
under division (C)(1) of this section. The mandamus action may 1454
be commenced in the court of common pleas of the county in which 1455
division (B) of this section allegedly was not complied with, in 1456
the supreme court pursuant to its original jurisdiction under 1457
Section 2 of Article IV, Ohio Constitution, or in the court of 1458
appeals for the appellate district in which division (B) of this 1459
section allegedly was not complied with pursuant to its original 1460
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1461

If a requestor transmits a written request by hand 1462
delivery or certified mail to inspect or receive copies of any 1463
public record in a manner that fairly describes the public 1464

record or class of public records to the public office or person 1465
responsible for the requested public records, except as 1466
otherwise provided in this section, the requestor shall be 1467
entitled to recover the amount of statutory damages set forth in 1468
this division if a court determines that the public office or 1469
the person responsible for public records failed to comply with 1470
an obligation in accordance with division (B) of this section. 1471

The amount of statutory damages shall be fixed at one 1472
hundred dollars for each business day during which the public 1473
office or person responsible for the requested public records 1474
failed to comply with an obligation in accordance with division 1475
(B) of this section, beginning with the day on which the 1476
requester files a mandamus action to recover statutory damages, 1477
up to a maximum of one thousand dollars. The award of statutory 1478
damages shall not be construed as a penalty, but as compensation 1479
for injury arising from lost use of the requested information. 1480
The existence of this injury shall be conclusively presumed. The 1481
award of statutory damages shall be in addition to all other 1482
remedies authorized by this section. 1483

The court may reduce an award of statutory damages or not 1484
award statutory damages if the court determines both of the 1485
following: 1486

(a) That, based on the ordinary application of statutory 1487
law and case law as it existed at the time of the conduct or 1488
threatened conduct of the public office or person responsible 1489
for the requested public records that allegedly constitutes a 1490
failure to comply with an obligation in accordance with division 1491
(B) of this section and that was the basis of the mandamus 1492
action, a well-informed public office or person responsible for 1493
the requested public records reasonably would believe that the 1494

conduct or threatened conduct of the public office or person 1495
responsible for the requested public records did not constitute 1496
a failure to comply with an obligation in accordance with 1497
division (B) of this section; 1498

(b) That a well-informed public office or person 1499
responsible for the requested public records reasonably would 1500
believe that the conduct or threatened conduct of the public 1501
office or person responsible for the requested public records 1502
would serve the public policy that underlies the authority that 1503
is asserted as permitting that conduct or threatened conduct. 1504

(2) (a) If the court issues a writ of mandamus that orders 1505
the public office or the person responsible for the public 1506
record to comply with division (B) of this section and 1507
determines that the circumstances described in division (C) (1) 1508
of this section exist, the court shall determine and award to 1509
the relator all court costs. 1510

(b) If the court renders a judgment that orders the public 1511
office or the person responsible for the public record to comply 1512
with division (B) of this section, the court may award 1513
reasonable attorney's fees subject to reduction as described in 1514
division (C) (2) (c) of this section. The court shall award 1515
reasonable attorney's fees, subject to reduction as described in 1516
division (C) (2) (c) of this section when either of the following 1517
applies: 1518

(i) The public office or the person responsible for the 1519
public records failed to respond affirmatively or negatively to 1520
the public records request in accordance with the time allowed 1521
under division (B) of this section. 1522

(ii) The public office or the person responsible for the 1523

public records promised to permit the relator to inspect or 1524
receive copies of the public records requested within a 1525
specified period of time but failed to fulfill that promise 1526
within that specified period of time. 1527

(c) Court costs and reasonable attorney's fees awarded 1528
under this section shall be construed as remedial and not 1529
punitive. Reasonable attorney's fees shall include reasonable 1530
fees incurred to produce proof of the reasonableness and amount 1531
of the fees and to otherwise litigate entitlement to the fees. 1532
The court may reduce an award of attorney's fees to the relator 1533
or not award attorney's fees to the relator if the court 1534
determines both of the following: 1535

(i) That, based on the ordinary application of statutory 1536
law and case law as it existed at the time of the conduct or 1537
threatened conduct of the public office or person responsible 1538
for the requested public records that allegedly constitutes a 1539
failure to comply with an obligation in accordance with division 1540
(B) of this section and that was the basis of the mandamus 1541
action, a well-informed public office or person responsible for 1542
the requested public records reasonably would believe that the 1543
conduct or threatened conduct of the public office or person 1544
responsible for the requested public records did not constitute 1545
a failure to comply with an obligation in accordance with 1546
division (B) of this section; 1547

(ii) That a well-informed public office or person 1548
responsible for the requested public records reasonably would 1549
believe that the conduct or threatened conduct of the public 1550
office or person responsible for the requested public records as 1551
described in division (C) (2) (c) (i) of this section would serve 1552
the public policy that underlies the authority that is asserted 1553

as permitting that conduct or threatened conduct. 1554

(D) Chapter 1347. of the Revised Code does not limit the 1555
provisions of this section. 1556

(E) (1) To ensure that all employees of public offices are 1557
appropriately educated about a public office's obligations under 1558
division (B) of this section, all elected officials or their 1559
appropriate designees shall attend training approved by the 1560
attorney general as provided in section 109.43 of the Revised 1561
Code. In addition, all public offices shall adopt a public 1562
records policy in compliance with this section for responding to 1563
public records requests. In adopting a public records policy 1564
under this division, a public office may obtain guidance from 1565
the model public records policy developed and provided to the 1566
public office by the attorney general under section 109.43 of 1567
the Revised Code. Except as otherwise provided in this section, 1568
the policy may not limit the number of public records that the 1569
public office will make available to a single person, may not 1570
limit the number of public records that it will make available 1571
during a fixed period of time, and may not establish a fixed 1572
period of time before it will respond to a request for 1573
inspection or copying of public records, unless that period is 1574
less than eight hours. 1575

(2) The public office shall distribute the public records 1576
policy adopted by the public office under division (E) (1) of 1577
this section to the employee of the public office who is the 1578
records custodian or records manager or otherwise has custody of 1579
the records of that office. The public office shall require that 1580
employee to acknowledge receipt of the copy of the public 1581
records policy. The public office shall create a poster that 1582
describes its public records policy and shall post the poster in 1583

a conspicuous place in the public office and in all locations 1584
where the public office has branch offices. The public office 1585
may post its public records policy on the internet web site of 1586
the public office if the public office maintains an internet web 1587
site. A public office that has established a manual or handbook 1588
of its general policies and procedures for all employees of the 1589
public office shall include the public records policy of the 1590
public office in the manual or handbook. 1591

(F) (1) The bureau of motor vehicles may adopt rules 1592
pursuant to Chapter 119. of the Revised Code to reasonably limit 1593
the number of bulk commercial special extraction requests made 1594
by a person for the same records or for updated records during a 1595
calendar year. The rules may include provisions for charges to 1596
be made for bulk commercial special extraction requests for the 1597
actual cost of the bureau, plus special extraction costs, plus 1598
ten per cent. The bureau may charge for expenses for redacting 1599
information, the release of which is prohibited by law. 1600

(2) As used in division (F) (1) of this section: 1601

(a) "Actual cost" means the cost of depleted supplies, 1602
records storage media costs, actual mailing and alternative 1603
delivery costs, or other transmitting costs, and any direct 1604
equipment operating and maintenance costs, including actual 1605
costs paid to private contractors for copying services. 1606

(b) "Bulk commercial special extraction request" means a 1607
request for copies of a record for information in a format other 1608
than the format already available, or information that cannot be 1609
extracted without examination of all items in a records series, 1610
class of records, or database by a person who intends to use or 1611
forward the copies for surveys, marketing, solicitation, or 1612
resale for commercial purposes. "Bulk commercial special 1613

extraction request" does not include a request by a person who 1614
gives assurance to the bureau that the person making the request 1615
does not intend to use or forward the requested copies for 1616
surveys, marketing, solicitation, or resale for commercial 1617
purposes. 1618

(c) "Commercial" means profit-seeking production, buying, 1619
or selling of any good, service, or other product. 1620

(d) "Special extraction costs" means the cost of the time 1621
spent by the lowest paid employee competent to perform the task, 1622
the actual amount paid to outside private contractors employed 1623
by the bureau, or the actual cost incurred to create computer 1624
programs to make the special extraction. "Special extraction 1625
costs" include any charges paid to a public agency for computer 1626
or records services. 1627

(3) For purposes of divisions (F)(1) and (2) of this 1628
section, "surveys, marketing, solicitation, or resale for 1629
commercial purposes" shall be narrowly construed and does not 1630
include reporting or gathering news, reporting or gathering 1631
information to assist citizen oversight or understanding of the 1632
operation or activities of government, or nonprofit educational 1633
research. 1634

Sec. 149.45. (A) As used in this section: 1635

(1) "Personal information" means any of the following: 1636

(a) An individual's social security number; 1637

(b) An individual's federal tax identification number; 1638

(c) An individual's driver's license number or state 1639
identification number; 1640

(d) An individual's checking account number, savings 1641

account number, or credit card number. 1642

(2) "Public record" and "peace officer, parole officer, 1643
probation officer, bailiff, prosecuting attorney, assistant 1644
prosecuting attorney, correctional employee, youth services 1645
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1646
criminal identification and investigation, or federal law 1647
enforcement officer residential and familial information" have 1648
the same meanings as in section 149.43 of the Revised Code. 1649

(3) "Truncate" means to redact all but the last four 1650
digits of an individual's social security number. 1651

(B) (1) No public office or person responsible for a public 1652
office's public records shall make available to the general 1653
public on the internet any document that contains an 1654
individual's social security number without otherwise redacting, 1655
encrypting, or truncating the social security number. 1656

(2) A public office or person responsible for a public 1657
office's public records that prior to ~~the effective date of this~~ 1658
~~section~~ October 17, 2011, made available to the general public 1659
on the internet any document that contains an individual's 1660
social security number shall redact, encrypt, or truncate the 1661
social security number from that document. 1662

(3) Divisions (B) (1) and (2) of this section do not apply 1663
to documents that are only accessible through the internet with 1664
a password. 1665

(C) (1) An individual may request that a public office or a 1666
person responsible for a public office's public records redact 1667
personal information of that individual from any record made 1668
available to the general public on the internet. An individual 1669
who makes a request for redaction pursuant to this division 1670

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

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

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

(D)(1) 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 may request that a public office other than a county auditor or a person responsible for the public records of a public office other than a county auditor redact the address of the person making the request from any record made available to the general

public on the internet that includes peace officer, parole 1701
officer, probation officer, bailiff, prosecuting attorney, 1702
assistant prosecuting attorney, correctional employee, youth 1703
services employee, firefighter, EMT, ~~or~~-investigator of the 1704
bureau of criminal identification and investigation, or federal 1705
law enforcement officer residential and familial information of 1706
the person making the request. A person who makes a request for 1707
a redaction pursuant to this division shall make the request in 1708
writing and on a form developed by the attorney general. 1709

(2) Upon receiving a written request for a redaction 1710
pursuant to division (D)(1) of this section, a public office 1711
other than a county auditor or a person responsible for the 1712
public records of a public office other than a county auditor 1713
shall act within five business days in accordance with the 1714
request to redact the address of the peace officer, parole 1715
officer, probation officer, bailiff, prosecuting attorney, 1716
assistant prosecuting attorney, correctional employee, youth 1717
services employee, firefighter, EMT, ~~or~~-investigator of the 1718
bureau of criminal identification and investigation, or federal 1719
law enforcement officer making the request from any record made 1720
available to the general public on the internet that includes 1721
peace officer, parole officer, probation officer, bailiff, 1722
prosecuting attorney, assistant prosecuting attorney, 1723
correctional employee, youth services employee, firefighter, 1724
EMT, ~~or~~-investigator of the bureau of criminal identification 1725
and investigation, or federal law enforcement officer 1726
residential and familial information of the person making the 1727
request, if practicable. If a redaction is not practicable, the 1728
public office or person responsible for the public office's 1729
public records shall verbally or in writing within five business 1730
days after receiving the written request explain to the peace 1731

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, 1763
youth services employee, firefighter, EMT, ~~or~~ investigator of 1764
the bureau of criminal identification and investigation, or 1765
federal law enforcement officer to be redacted. 1766

(E) (1) If a public office or a person responsible for a 1767
public office's public records becomes aware that an electronic 1768
record of that public office that is made available to the 1769
general public on the internet contains an individual's social 1770
security number that was mistakenly not redacted, encrypted, or 1771
truncated as required by division (B) (1) or (2) of this section, 1772
the public office or person responsible for the public office's 1773
public records shall redact, encrypt, or truncate the 1774
individual's social security number within a reasonable period 1775
of time. 1776

(2) A public office or a person responsible for a public 1777
office's public records is not liable in damages in a civil 1778
action for any harm an individual allegedly sustains as a result 1779
of the inclusion of that individual's personal information on 1780
any record made available to the general public on the internet 1781
or any harm a peace officer, parole officer, probation officer, 1782
bailiff, prosecuting attorney, assistant prosecuting attorney, 1783
correctional employee, youth services employee, firefighter, 1784
EMT, ~~or~~ investigator of the bureau of criminal identification 1785
and investigation, or federal law enforcement officer sustains 1786
as a result of the inclusion of the address of the peace 1787
officer, parole officer, probation officer, bailiff, prosecuting 1788
attorney, assistant prosecuting attorney, correctional employee, 1789
youth services employee, firefighter, EMT, ~~or~~ investigator of 1790
the bureau of criminal identification and investigation, or 1791
federal law enforcement officer on any record made available to 1792
the general public on the internet in violation of this section 1793

unless the public office or person responsible for the public 1794
office's public records acted with malicious purpose, in bad 1795
faith, or in a wanton or reckless manner or division (A) (6) (a) 1796
or (c) of section 2744.03 of the Revised Code applies. 1797

Sec. 319.28. (A) Except as otherwise provided in division 1798
(B) of this section, on or before the first Monday of August, 1799
annually, the county auditor shall compile and make up a general 1800
tax list of real and public utility property in the county, 1801
either in tabular form and alphabetical order, or, with the 1802
consent of the county treasurer, by listing all parcels in a 1803
permanent parcel number sequence to which a separate 1804
alphabetical index is keyed, containing the names of the several 1805
persons, companies, firms, partnerships, associations, and 1806
corporations in whose names real property has been listed in 1807
each township, municipal corporation, special district, or 1808
separate school district, or part of either in the auditor's 1809
county, placing separately, in appropriate columns opposite each 1810
name, the description of each tract, lot, or parcel of real 1811
estate, the value of each tract, lot, or parcel, the value of 1812
the improvements thereon, and of the names of the several public 1813
utilities whose property, subject to taxation on the general tax 1814
list and duplicate, has been apportioned by the department of 1815
taxation to the county, and the amount so apportioned to each 1816
township, municipal corporation, special district, or separate 1817
school district or part of either in the auditor's county, as 1818
shown by the certificates of apportionment of public utility 1819
property. If the name of the owner of any tract, lot, or parcel 1820
of real estate is unknown to the auditor, "unknown" shall be 1821
entered in the column of names opposite said tract, lot, or 1822
parcel. Such lists shall be prepared in duplicate. On or before 1823
the first Monday of September in each year, the auditor shall 1824

correct such lists in accordance with the additions and 1825
deductions ordered by the tax commissioner and by the county 1826
board of revision, and shall certify and on the first day of 1827
October deliver one copy thereof to the county treasurer. The 1828
copies prepared by the auditor shall constitute the auditor's 1829
general tax list and treasurer's general duplicate of real and 1830
public utility property for the current year. 1831

Once a permanent parcel numbering system has been 1832
established in any county as provided by the preceding 1833
paragraph, such system shall remain in effect until otherwise 1834
agreed upon by the county auditor and county treasurer. 1835

(B) (1) A ~~peace officer, parole officer, prosecuting~~ 1836
~~attorney, assistant prosecuting attorney, correctional employee,~~ 1837
~~youth services employee, firefighter, EMT, or investigator of~~ 1838
~~the bureau of criminal identification and investigation person~~ 1839
whose residential and familial information is exempt from the 1840
definition of a public record under division (A) (1) (p) of 1841
section 149.43 of the Revised Code may submit a written request 1842
by affidavit to the county auditor requesting the county auditor 1843
to remove the name of the ~~peace officer, parole officer,~~ 1844
~~prosecuting attorney, assistant prosecuting attorney,~~ 1845
~~correctional employee, youth services employee, firefighter,~~ 1846
~~EMT, or investigator of the bureau of criminal identification~~ 1847
~~and investigation person~~ from any record made available to the 1848
general public on the internet or a publicly accessible database 1849
and the general tax list of real and public utility property and 1850
the general duplicate of real and public utility property and 1851
insert the initials of the ~~peace officer, parole officer,~~ 1852
~~prosecuting attorney, assistant prosecuting attorney,~~ 1853
~~correctional employee, youth services employee, firefighter,~~ 1854
~~EMT, or investigator of the bureau of criminal identification~~ 1855

~~and investigation person~~ on any record made available to the 1856
general public on the internet or a publicly accessible database 1857
and the general tax list of real and public utility property and 1858
the general duplicate of real and public utility property as the 1859
name of the ~~peace officer, parole officer, prosecuting attorney,~~ 1860
~~assistant prosecuting attorney, correctional employee, youth-~~ 1861
~~services employee, firefighter, EMT, or investigator of the~~ 1862
~~bureau of criminal identification and investigation person~~ that 1863
appears on the deed. 1864

(2) Upon receiving a written request by affidavit 1865
described in division (B) (1) of this section, the county auditor 1866
shall act within five business days in accordance with the 1867
request to remove the name of the ~~peace officer, parole officer,~~ 1868
~~prosecuting attorney, assistant prosecuting attorney,~~ 1869
~~correctional employee, youth services employee, firefighter,~~ 1870
~~EMT, or investigator of the bureau of criminal identification-~~ 1871
~~and investigation person~~ from any record made available to the 1872
general public on the internet or a publicly accessible database 1873
and the general tax list of real and public utility property and 1874
the general duplicate of real and public utility property and 1875
insert the initials of the ~~peace officer, parole officer,~~ 1876
~~prosecuting attorney, assistant prosecuting attorney,~~ 1877
~~correctional employee, youth services employee, firefighter,~~ 1878
~~EMT, or investigator of the bureau of criminal identification-~~ 1879
~~and investigation person~~ on any record made available to the 1880
general public on the internet or a publicly accessible database 1881
and the general tax list of real and public utility property and 1882
the general duplicate of real and public utility property, if 1883
practicable. If the removal and insertion is not practicable, 1884
the county auditor shall verbally or in writing within five 1885
business days after receiving the written request explain to the 1886

~~peace officer, parole officer, prosecuting attorney, assistant- 1887~~
~~prosecuting attorney, correctional employee, youth services- 1888~~
~~employee, firefighter, EMT, or investigator of the bureau of- 1889~~
~~criminal identification and investigation person why the removal 1890~~
and insertion is impracticable. 1891

Sec. 1901.25. (A) (1) A municipal court may provide by rule 1892
the manner in which jurors shall be chosen, and may provide that 1893
jurors to be used in the court may be chosen and summoned by the 1894
jury commissioners of the county as provided in Chapter 2313. of 1895
the Revised Code. Selection shall be made from residents within 1896
the territory and those appearing to reside outside the 1897
territory shall be returned to the annual jury list. ~~Jurors-~~ 1898

(2) If the rules of the court provide for jurors to be 1899
chosen in a manner other than by the jury commissioners of the 1900
county, the rules shall require any person who appears to the 1901
court to be a program participant in the address confidentiality 1902
program described in sections 111.41 to 111.99 of the Revised 1903
Code to be excluded from the list of possible jurors. 1904

(B) Jurors shall be impaneled in the same manner, shall 1905
have the same qualifications, and shall be challenged for the 1906
same causes as jurors in the court of common pleas. ~~Each-~~ 1907

(C) Each municipal court shall establish the fees of 1908
jurors in that court. The fees of jurors in any criminal case 1909
involving the violation of state law shall be paid out of the 1910
county treasury. The fees of jurors in any criminal case 1911
involving a violation of a municipal ordinance shall be paid out 1912
of the treasury of the municipal corporation in which the 1913
violation occurred. 1914

Sec. 2313.06. (A) The commissioners of jurors shall 1915

compile a new and complete jury source list annually in 1916
accordance with both of the following: 1917

~~(1) On (a) Except as otherwise provided in division (A) (1)~~ 1918
~~(b) of this section, on a date ordered by the court of common~~ 1919
pleas, the board of elections for each county shall compile and 1920
file with the commissioners of jurors of the county a certified, 1921
current list containing the names, addresses, and dates of birth 1922
of all the electors of the county shown on the registration 1923
lists for the most recent general election. The board of 1924
elections shall remove from the list of all electors those 1925
electors who have failed to vote at least once during the 1926
preceding four consecutive years. The voter list so compiled 1927
shall be the current voter list. 1928

~~(b) The current voter list shall not include any elector~~ 1929
~~who has a confidential voter registration record, as described~~ 1930
~~in section 111.44 of the Revised Code.~~ 1931

~~(2) On (a) Except as otherwise provided in division (A) (2)~~ 1932
~~(b) of this section, on a date ordered by the court of common~~ 1933
pleas of any particular county, the registrar of motor vehicles 1934
shall compile and file with the commissioners of jurors of each 1935
county a certified, current list containing the names, 1936
addresses, dates of birth, and citizenship of all residents of 1937
the particular county who have been issued, on or after January 1938
1, 1984, a commercial driver's license pursuant to Chapter 4506. 1939
or a driver's license or identification card pursuant to Chapter 1940
4507. of the Revised Code that is valid and current on the date 1941
of the compilation of the list, who are or will be eighteen 1942
years of age or older as of the day of the general election of 1943
the year in which the list is filed, and who, regardless of 1944
whether they actually are registered to vote, would be electors 1945

if they were registered to vote. 1946

(b) The list compiled under division (A)(2)(a) of this 1947
section shall not include any person who has provided to the 1948
registrar of motor vehicles an address designated by the 1949
secretary of state to use as the person's address because the 1950
person is a program participant in the address confidentiality 1951
program described in sections 111.41 to 111.99 of the Revised 1952
Code. 1953

(B) In compiling the annual jury source list, the 1954
commissioners, unless otherwise ordered by the court of common 1955
pleas, shall include all names from the current voter list and 1956
may include all names for the certified, current list of all 1957
names provided to the commissioners from the registrar of motor 1958
vehicles; provided that, upon merging the lists, any duplication 1959
shall be eliminated. The commissioners shall exclude from the 1960
annual jury source list the names of any jurors permanently 1961
excused under section 2313.14 of the Revised Code and the names 1962
of any jurors discharged under section 2313.21 of the Revised 1963
Code. 1964

(C) The annual jury source list so compiled shall be 1965
certified by the commissioners and filed in their office before 1966
the beginning of each jury year. The names shall be entered in a 1967
suitable book or record, to be known as the "annual jury source 1968
list," and shall be arranged alphabetically. With each name 1969
shall be recorded the place of residence, date of birth, and 1970
citizenship of the person as nearly as they can be ascertained. 1971
A duplicate of the list shall be certified by the commissioners 1972
and filed in the office of the clerk of the court of common 1973
pleas. 1974

~~(D)~~ (1) Except as otherwise provided in division (D) 1975

(2) of this section, the commissioners may, by order of the 1976
court, supplement the annual jury source list with the names of 1977
persons who, after the list has been filed, are discovered to be 1978
qualified to serve as jurors. The commissioners shall certify 1979
any supplemental jury source list and file it in their office 1980
and in the office of the clerk of the court of common pleas. Any 1981
supplemental jury source list shall be added to the annual jury 1982
source list, and the supplemented annual jury source list shall 1983
be used for the rest of the jury year. 1984

(2) A supplemental jury source list shall not include any 1985
person who appears to the commissioners to be a program 1986
participant in the address confidentiality program described in 1987
sections 111.41 to 111.99 of the Revised Code. 1988

Sec. 2929.18. (A) Except as otherwise provided in this 1989
division and in addition to imposing court costs pursuant to 1990
section 2947.23 of the Revised Code, the court imposing a 1991
sentence upon an offender for a felony may sentence the offender 1992
to any financial sanction or combination of financial sanctions 1993
authorized under this section or, in the circumstances specified 1994
in section 2929.32 of the Revised Code, may impose upon the 1995
offender a fine in accordance with that section. Financial 1996
sanctions that may be imposed pursuant to this section include, 1997
but are not limited to, the following: 1998

(1) Restitution by the offender to the victim of the 1999
offender's crime or any survivor of the victim, in an amount 2000
based on the victim's economic loss. If the court imposes 2001
restitution, the court shall order that the restitution be made 2002
to the victim in open court, to the adult probation department 2003
that serves the county on behalf of the victim, to the clerk of 2004
courts, or to another agency designated by the court. If the 2005

court imposes restitution, at sentencing, the court shall 2006
determine the amount of restitution to be made by the offender. 2007
If the court imposes restitution, the court may base the amount 2008
of restitution it orders on an amount recommended by the victim, 2009
the offender, a presentence investigation report, estimates or 2010
receipts indicating the cost of repairing or replacing property, 2011
and other information, provided that the amount the court orders 2012
as restitution shall not exceed the amount of the economic loss 2013
suffered by the victim as a direct and proximate result of the 2014
commission of the offense. If the court decides to impose 2015
restitution, the court shall hold a hearing on restitution if 2016
the offender, victim, or survivor disputes the amount. All 2017
restitution payments shall be credited against any recovery of 2018
economic loss in a civil action brought by the victim or any 2019
survivor of the victim against the offender. 2020

If the court imposes restitution, the court may order that 2021
the offender pay a surcharge of not more than five per cent of 2022
the amount of the restitution otherwise ordered to the entity 2023
responsible for collecting and processing restitution payments. 2024

The victim or survivor may request that the prosecutor in 2025
the case file a motion, or the offender may file a motion, for 2026
modification of the payment terms of any restitution ordered. If 2027
the court grants the motion, it may modify the payment terms as 2028
it determines appropriate. 2029

(2) Except as provided in division (B)(1), (3), or (4) of 2030
this section, a fine payable by the offender to the state, to a 2031
political subdivision, or as described in division (B)(2) of 2032
this section to one or more law enforcement agencies, with the 2033
amount of the fine based on a standard percentage of the 2034
offender's daily income over a period of time determined by the 2035

court and based upon the seriousness of the offense. A fine 2036
ordered under this division shall not exceed the maximum 2037
conventional fine amount authorized for the level of the offense 2038
under division (A) (3) of this section. 2039

(3) Except as provided in division (B) (1), (3), or (4) of 2040
this section, a fine payable by the offender to the state, to a 2041
political subdivision when appropriate for a felony, or as 2042
described in division (B) (2) of this section to one or more law 2043
enforcement agencies, in the following amount: 2044

(a) For a felony of the first degree, not more than twenty 2045
thousand dollars; 2046

(b) For a felony of the second degree, not more than 2047
fifteen thousand dollars; 2048

(c) For a felony of the third degree, not more than ten 2049
thousand dollars; 2050

(d) For a felony of the fourth degree, not more than five 2051
thousand dollars; 2052

(e) For a felony of the fifth degree, not more than two 2053
thousand five hundred dollars. 2054

(4) A state fine or costs as defined in section 2949.111 2055
of the Revised Code. 2056

(5) (a) Reimbursement by the offender of any or all of the 2057
costs of sanctions incurred by the government, including the 2058
following: 2059

(i) All or part of the costs of implementing any community 2060
control sanction, including a supervision fee under section 2061
2951.021 of the Revised Code; 2062

(ii) All or part of the costs of confinement under a 2063
sanction imposed pursuant to section 2929.14, 2929.142, or 2064
2929.16 of the Revised Code, provided that the amount of 2065
reimbursement ordered under this division shall not exceed the 2066
total amount of reimbursement the offender is able to pay as 2067
determined at a hearing and shall not exceed the actual cost of 2068
the confinement; 2069

(iii) All or part of the cost of purchasing and using an 2070
immobilizing or disabling device, including a certified ignition 2071
interlock device, or a remote alcohol monitoring device that a 2072
court orders an offender to use under section 4510.13 of the 2073
Revised Code. 2074

(b) If the offender is sentenced to a sanction of 2075
confinement pursuant to section 2929.14 or 2929.16 of the 2076
Revised Code that is to be served in a facility operated by a 2077
board of county commissioners, a legislative authority of a 2078
municipal corporation, or another local governmental entity, if, 2079
pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 2080
753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 2081
section 2929.37 of the Revised Code, the board, legislative 2082
authority, or other local governmental entity requires prisoners 2083
to reimburse the county, municipal corporation, or other entity 2084
for its expenses incurred by reason of the prisoner's 2085
confinement, and if the court does not impose a financial 2086
sanction under division (A) (5) (a) (ii) of this section, 2087
confinement costs may be assessed pursuant to section 2929.37 of 2088
the Revised Code. In addition, the offender may be required to 2089
pay the fees specified in section 2929.38 of the Revised Code in 2090
accordance with that section. 2091

(c) Reimbursement by the offender for costs pursuant to 2092

section 2929.71 of the Revised Code. 2093

(B) (1) For a first, second, or third degree felony 2094
violation of any provision of Chapter 2925., 3719., or 4729. of 2095
the Revised Code, the sentencing court shall impose upon the 2096
offender a mandatory fine of at least one-half of, but not more 2097
than, the maximum statutory fine amount authorized for the level 2098
of the offense pursuant to division (A) (3) of this section. If 2099
an offender alleges in an affidavit filed with the court prior 2100
to sentencing that the offender is indigent and unable to pay 2101
the mandatory fine and if the court determines the offender is 2102
an indigent person and is unable to pay the mandatory fine 2103
described in this division, the court shall not impose the 2104
mandatory fine upon the offender. 2105

(2) Any mandatory fine imposed upon an offender under 2106
division (B) (1) of this section and any fine imposed upon an 2107
offender under division (A) (2) or (3) of this section for any 2108
fourth or fifth degree felony violation of any provision of 2109
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 2110
to law enforcement agencies pursuant to division (F) of section 2111
2925.03 of the Revised Code. 2112

(3) For a fourth degree felony OVI offense and for a third 2113
degree felony OVI offense, the sentencing court shall impose 2114
upon the offender a mandatory fine in the amount specified in 2115
division (G) (1) (d) or (e) of section 4511.19 of the Revised 2116
Code, whichever is applicable. The mandatory fine so imposed 2117
shall be disbursed as provided in the division pursuant to which 2118
it is imposed. 2119

(4) Notwithstanding any fine otherwise authorized or 2120
required to be imposed under division (A) (2) or (3) or (B) (1) of 2121
this section or section 2929.31 of the Revised Code for a 2122

violation of section 2925.03 of the Revised Code, in addition to 2123
any penalty or sanction imposed for that offense under section 2124
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 2125
in addition to the forfeiture of property in connection with the 2126
offense as prescribed in Chapter 2981. of the Revised Code, the 2127
court that sentences an offender for a violation of section 2128
2925.03 of the Revised Code may impose upon the offender a fine 2129
in addition to any fine imposed under division (A) (2) or (3) of 2130
this section and in addition to any mandatory fine imposed under 2131
division (B) (1) of this section. The fine imposed under division 2132
(B) (4) of this section shall be used as provided in division (H) 2133
of section 2925.03 of the Revised Code. A fine imposed under 2134
division (B) (4) of this section shall not exceed whichever of 2135
the following is applicable: 2136

(a) The total value of any personal or real property in 2137
which the offender has an interest and that was used in the 2138
course of, intended for use in the course of, derived from, or 2139
realized through conduct in violation of section 2925.03 of the 2140
Revised Code, including any property that constitutes proceeds 2141
derived from that offense; 2142

(b) If the offender has no interest in any property of the 2143
type described in division (B) (4) (a) of this section or if it is 2144
not possible to ascertain whether the offender has an interest 2145
in any property of that type in which the offender may have an 2146
interest, the amount of the mandatory fine for the offense 2147
imposed under division (B) (1) of this section or, if no 2148
mandatory fine is imposed under division (B) (1) of this section, 2149
the amount of the fine authorized for the level of the offense 2150
imposed under division (A) (3) of this section. 2151

(5) Prior to imposing a fine under division (B) (4) of this 2152

section, the court shall determine whether the offender has an 2153
interest in any property of the type described in division (B) 2154
(4) (a) of this section. Except as provided in division (B) (6) or 2155
(7) of this section, a fine that is authorized and imposed under 2156
division (B) (4) of this section does not limit or affect the 2157
imposition of the penalties and sanctions for a violation of 2158
section 2925.03 of the Revised Code prescribed under those 2159
sections or sections 2929.11 to 2929.18 of the Revised Code and 2160
does not limit or affect a forfeiture of property in connection 2161
with the offense as prescribed in Chapter 2981. of the Revised 2162
Code. 2163

(6) If the sum total of a mandatory fine amount imposed 2164
for a first, second, or third degree felony violation of section 2165
2925.03 of the Revised Code under division (B) (1) of this 2166
section plus the amount of any fine imposed under division (B) 2167
(4) of this section does not exceed the maximum statutory fine 2168
amount authorized for the level of the offense under division 2169
(A) (3) of this section or section 2929.31 of the Revised Code, 2170
the court may impose a fine for the offense in addition to the 2171
mandatory fine and the fine imposed under division (B) (4) of 2172
this section. The sum total of the amounts of the mandatory 2173
fine, the fine imposed under division (B) (4) of this section, 2174
and the additional fine imposed under division (B) (6) of this 2175
section shall not exceed the maximum statutory fine amount 2176
authorized for the level of the offense under division (A) (3) of 2177
this section or section 2929.31 of the Revised Code. The clerk 2178
of the court shall pay any fine that is imposed under division 2179
(B) (6) of this section to the county, township, municipal 2180
corporation, park district as created pursuant to section 511.18 2181
or 1545.04 of the Revised Code, or state law enforcement 2182
agencies in this state that primarily were responsible for or 2183

involved in making the arrest of, and in prosecuting, the 2184
offender pursuant to division (F) of section 2925.03 of the 2185
Revised Code. 2186

(7) If the sum total of the amount of a mandatory fine 2187
imposed for a first, second, or third degree felony violation of 2188
section 2925.03 of the Revised Code plus the amount of any fine 2189
imposed under division (B) (4) of this section exceeds the 2190
maximum statutory fine amount authorized for the level of the 2191
offense under division (A) (3) of this section or section 2929.31 2192
of the Revised Code, the court shall not impose a fine under 2193
division (B) (6) of this section. 2194

(8) (a) If an offender who is convicted of or pleads guilty 2195
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2196
2923.32, division (A) (1) or (2) of section 2907.323, or division 2197
(B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised 2198
Code also is convicted of or pleads guilty to a specification of 2199
the type described in section 2941.1422 of the Revised Code that 2200
charges that the offender knowingly committed the offense in 2201
furtherance of human trafficking, the sentencing court shall 2202
sentence the offender to a financial sanction of restitution by 2203
the offender to the victim or any survivor of the victim, with 2204
the restitution including the costs of housing, counseling, and 2205
medical and legal assistance incurred by the victim as a direct 2206
result of the offense and the greater of the following: 2207

(i) The gross income or value to the offender of the 2208
victim's labor or services; 2209

(ii) The value of the victim's labor as guaranteed under 2210
the minimum wage and overtime provisions of the "Federal Fair 2211
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 2212
state labor laws. 2213

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

(9) In addition to any other fine that is or may be
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 2242
the Revised Code, if the offender also is convicted of a 2243
specification of the type described in section 2941.1422 of the 2244
Revised Code that charges that the offender knowingly committed 2245
the offense in furtherance of human trafficking. 2246

(C) (1) Except as provided in section 2951.021 of the 2247
Revised Code, the offender shall pay reimbursements imposed upon 2248
the offender pursuant to division (A) (5) (a) of this section to 2249
pay the costs incurred by a county pursuant to any sanction 2250
imposed under this section or section 2929.16 or 2929.17 of the 2251
Revised Code or in operating a facility used to confine 2252
offenders pursuant to a sanction imposed under section 2929.16 2253
of the Revised Code to the county treasurer. The county 2254
treasurer shall deposit the reimbursements in the sanction cost 2255
reimbursement fund that each board of county commissioners shall 2256
create in its county treasury. The county shall use the amounts 2257
deposited in the fund to pay the costs incurred by the county 2258
pursuant to any sanction imposed under this section or section 2259
2929.16 or 2929.17 of the Revised Code or in operating a 2260
facility used to confine offenders pursuant to a sanction 2261
imposed under section 2929.16 of the Revised Code. 2262

(2) Except as provided in section 2951.021 of the Revised 2263
Code, the offender shall pay reimbursements imposed upon the 2264
offender pursuant to division (A) (5) (a) of this section to pay 2265
the costs incurred by a municipal corporation pursuant to any 2266
sanction imposed under this section or section 2929.16 or 2267
2929.17 of the Revised Code or in operating a facility used to 2268
confine offenders pursuant to a sanction imposed under section 2269
2929.16 of the Revised Code to the treasurer of the municipal 2270
corporation. The treasurer shall deposit the reimbursements in a 2271
special fund that shall be established in the treasury of each 2272

municipal corporation. The municipal corporation shall use the 2273
amounts deposited in the fund to pay the costs incurred by the 2274
municipal corporation pursuant to any sanction imposed under 2275
this section or section 2929.16 or 2929.17 of the Revised Code 2276
or in operating a facility used to confine offenders pursuant to 2277
a sanction imposed under section 2929.16 of the Revised Code. 2278

(3) Except as provided in section 2951.021 of the Revised 2279
Code, the offender shall pay reimbursements imposed pursuant to 2280
division (A) (5) (a) of this section for the costs incurred by a 2281
private provider pursuant to a sanction imposed under this 2282
section or section 2929.16 or 2929.17 of the Revised Code to the 2283
provider. 2284

(D) Except as otherwise provided in this division, a 2285
financial sanction imposed pursuant to division (A) or (B) of 2286
this section is a judgment in favor of the state or a political 2287
subdivision in which the court that imposed the financial 2288
sanction is located, and the offender subject to the financial 2289
sanction is the judgment debtor. A financial sanction of 2290
reimbursement imposed pursuant to division (A) (5) (a) (ii) of this 2291
section upon an offender who is incarcerated in a state facility 2292
or a municipal jail is a judgment in favor of the state or the 2293
municipal corporation, and the offender subject to the financial 2294
sanction is the judgment debtor. A financial sanction of 2295
reimbursement imposed upon an offender pursuant to this section 2296
for costs incurred by a private provider of sanctions is a 2297
judgment in favor of the private provider, and the offender 2298
subject to the financial sanction is the judgment debtor. A 2299
financial sanction of restitution imposed pursuant to division 2300
(A) (1) or (B) (8) of this section is an order in favor of the 2301
victim of the offender's criminal act that can be collected 2302
through a certificate of judgment as described in division (D) 2303

(1) of this section, through execution as described in division 2304
(D) (2) of this section, or through an order as described in 2305
division (D) (3) of this section, and the offender shall be 2306
considered for purposes of the collection as the judgment 2307
debtor. Imposition of a financial sanction and execution on the 2308
judgment does not preclude any other power of the court to 2309
impose or enforce sanctions on the offender. Once the financial 2310
sanction is imposed as a judgment or order under this division, 2311
the victim, private provider, state, or political subdivision 2312
may do any of the following: 2313

(1) Obtain from the clerk of the court in which the 2314
judgment was entered a certificate of judgment that shall be in 2315
the same manner and form as a certificate of judgment issued in 2316
a civil action; 2317

(2) Obtain execution of the judgment or order through any 2318
available procedure, including: 2319

(a) An execution against the property of the judgment 2320
debtor under Chapter 2329. of the Revised Code; 2321

(b) An execution against the person of the judgment debtor 2322
under Chapter 2331. of the Revised Code; 2323

(c) A proceeding in aid of execution under Chapter 2333. 2324
of the Revised Code, including: 2325

(i) A proceeding for the examination of the judgment 2326
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 2327
2333.27 of the Revised Code; 2328

(ii) A proceeding for attachment of the person of the 2329
judgment debtor under section 2333.28 of the Revised Code; 2330

(iii) A creditor's suit under section 2333.01 of the 2331

Revised Code.	2332
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	2333 2334
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	2335 2336
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	2337 2338
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	2339 2340 2341 2342
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code, a court shall comply with sections 307.86 to 307.92 of the Revised Code.	2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355
(G) If a court that imposes a financial sanction under division (A) or (B) of this section finds that an offender satisfactorily has completed all other sanctions imposed upon the offender and that all restitution that has been ordered has been paid as ordered, the court may suspend any financial	2356 2357 2358 2359 2360

sanctions imposed pursuant to this section or section 2929.32 of 2361
the Revised Code that have not been paid. 2362

(H) No financial sanction imposed under this section or 2363
section 2929.32 of the Revised Code shall preclude a victim from 2364
bringing a civil action against the offender. 2365

Sec. 2929.28. (A) In addition to imposing court costs 2366
pursuant to section 2947.23 of the Revised Code, the court 2367
imposing a sentence upon an offender for a misdemeanor, 2368
including a minor misdemeanor, may sentence the offender to any 2369
financial sanction or combination of financial sanctions 2370
authorized under this section. If the court in its discretion 2371
imposes one or more financial sanctions, the financial sanctions 2372
that may be imposed pursuant to this section include, but are 2373
not limited to, the following: 2374

(1) Unless the misdemeanor offense is a minor misdemeanor 2375
or could be disposed of by the traffic violations bureau serving 2376
the court under Traffic Rule 13, restitution by the offender to 2377
the victim of the offender's crime or any survivor of the 2378
victim, in an amount based on the victim's economic loss. The 2379
court may not impose restitution as a sanction pursuant to this 2380
division if the offense is a minor misdemeanor or could be 2381
disposed of by the traffic violations bureau serving the court 2382
under Traffic Rule 13. If the court requires restitution, the 2383
court shall order that the restitution be made to the victim in 2384
open court or to the adult probation department that serves the 2385
jurisdiction or the clerk of the court on behalf of the victim. 2386

If the court imposes restitution, the court shall 2387
determine the amount of restitution to be paid by the offender. 2388
If the court imposes restitution, the court may base the amount 2389
of restitution it orders on an amount recommended by the victim, 2390

the offender, a presentence investigation report, estimates or 2391
receipts indicating the cost of repairing or replacing property, 2392
and other information, provided that the amount the court orders 2393
as restitution shall not exceed the amount of the economic loss 2394
suffered by the victim as a direct and proximate result of the 2395
commission of the offense. If the court decides to impose 2396
restitution, the court shall hold an evidentiary hearing on 2397
restitution if the offender, victim, or survivor disputes the 2398
amount of restitution. If the court holds an evidentiary 2399
hearing, at the hearing the victim or survivor has the burden to 2400
prove by a preponderance of the evidence the amount of 2401
restitution sought from the offender. 2402

All restitution payments shall be credited against any 2403
recovery of economic loss in a civil action brought by the 2404
victim or any survivor of the victim against the offender. No 2405
person may introduce evidence of an award of restitution under 2406
this section in a civil action for purposes of imposing 2407
liability against an insurer under section 3937.18 of the 2408
Revised Code. 2409

If the court imposes restitution, the court may order that 2410
the offender pay a surcharge, of not more than five per cent of 2411
the amount of the restitution otherwise ordered, to the entity 2412
responsible for collecting and processing restitution payments. 2413

The victim or survivor may request that the prosecutor in 2414
the case file a motion, or the offender may file a motion, for 2415
modification of the payment terms of any restitution ordered. If 2416
the court grants the motion, it may modify the payment terms as 2417
it determines appropriate. 2418

(2) A fine of the type described in divisions (A) (2) (a) 2419
and (b) of this section payable to the appropriate entity as 2420

required by law:	2421
(a) A fine in the following amount:	2422
(i) For a misdemeanor of the first degree, not more than one thousand dollars;	2423 2424
(ii) For a misdemeanor of the second degree, not more than seven hundred fifty dollars;	2425 2426
(iii) For a misdemeanor of the third degree, not more than five hundred dollars;	2427 2428
(iv) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars;	2429 2430
(v) For a minor misdemeanor, not more than one hundred fifty dollars.	2431 2432
(b) A state fine or cost as defined in section 2949.111 of the Revised Code.	2433 2434
(3) (a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:	2435 2436 2437
(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;	2438 2439 2440
(ii) All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined;	2441 2442 2443 2444 2445
(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition	2446 2447

interlock device, or a remote alcohol monitoring device that a 2448
court orders an offender to use under section 4510.13 of the 2449
Revised Code. 2450

(b) The amount of reimbursement ordered under division (A) 2451
(3) (a) of this section shall not exceed the total amount of 2452
reimbursement the offender is able to pay and shall not exceed 2453
the actual cost of the sanctions. The court may collect any 2454
amount of reimbursement the offender is required to pay under 2455
that division. If the court does not order reimbursement under 2456
that division, confinement costs may be assessed pursuant to a 2457
repayment policy adopted under section 2929.37 of the Revised 2458
Code. In addition, the offender may be required to pay the fees 2459
specified in section 2929.38 of the Revised Code in accordance 2460
with that section. 2461

(B) If the court determines a hearing is necessary, the 2462
court may hold a hearing to determine whether the offender is 2463
able to pay the financial sanction imposed pursuant to this 2464
section or court costs or is likely in the future to be able to 2465
pay the sanction or costs. 2466

If the court determines that the offender is indigent and 2467
unable to pay the financial sanction or court costs, the court 2468
shall consider imposing and may impose a term of community 2469
service under division (A) of section 2929.27 of the Revised 2470
Code in lieu of imposing a financial sanction or court costs. If 2471
the court does not determine that the offender is indigent, the 2472
court may impose a term of community service under division (A) 2473
of section 2929.27 of the Revised Code in lieu of or in addition 2474
to imposing a financial sanction under this section and in 2475
addition to imposing court costs. The court may order community 2476
service for a minor misdemeanor pursuant to division (D) of 2477

section 2929.27 of the Revised Code in lieu of or in addition to 2478
imposing a financial sanction under this section and in addition 2479
to imposing court costs. If a person fails to pay a financial 2480
sanction or court costs, the court may order community service 2481
in lieu of the financial sanction or court costs. 2482

(C) (1) The offender shall pay reimbursements imposed upon 2483
the offender pursuant to division (A) (3) of this section to pay 2484
the costs incurred by a county pursuant to any sanction imposed 2485
under this section or section 2929.26 or 2929.27 of the Revised 2486
Code or in operating a facility used to confine offenders 2487
pursuant to a sanction imposed under section 2929.26 of the 2488
Revised Code to the county treasurer. The county treasurer shall 2489
deposit the reimbursements in the county's general fund. The 2490
county shall use the amounts deposited in the fund to pay the 2491
costs incurred by the county pursuant to any sanction imposed 2492
under this section or section 2929.26 or 2929.27 of the Revised 2493
Code or in operating a facility used to confine offenders 2494
pursuant to a sanction imposed under section 2929.26 of the 2495
Revised Code. 2496

(2) The offender shall pay reimbursements imposed upon the 2497
offender pursuant to division (A) (3) of this section to pay the 2498
costs incurred by a municipal corporation pursuant to any 2499
sanction imposed under this section or section 2929.26 or 2500
2929.27 of the Revised Code or in operating a facility used to 2501
confine offenders pursuant to a sanction imposed under section 2502
2929.26 of the Revised Code to the treasurer of the municipal 2503
corporation. The treasurer shall deposit the reimbursements in 2504
the municipal corporation's general fund. The municipal 2505
corporation shall use the amounts deposited in the fund to pay 2506
the costs incurred by the municipal corporation pursuant to any 2507
sanction imposed under this section or section 2929.26 or 2508

2929.27 of the Revised Code or in operating a facility used to 2509
confine offenders pursuant to a sanction imposed under section 2510
2929.26 of the Revised Code. 2511

(3) The offender shall pay reimbursements imposed pursuant 2512
to division (A) (3) of this section for the costs incurred by a 2513
private provider pursuant to a sanction imposed under this 2514
section or section 2929.26 or 2929.27 of the Revised Code to the 2515
provider. 2516

(D) In addition to any other fine that is or may be 2517
imposed under this section, the court imposing sentence upon an 2518
offender for misdemeanor domestic violence or menacing by 2519
stalking may impose a fine of not less than seventy nor more 2520
than five hundred dollars, which shall be transmitted to the 2521
treasurer of state to be credited to the address confidentiality 2522
program fund created by section 111.48 of the Revised Code. 2523

(E) Except as otherwise provided in this division, a 2524
financial sanction imposed under division (A) of this section is 2525
a judgment in favor of the state or the political subdivision 2526
that operates the court that imposed the financial sanction, and 2527
the offender subject to the financial sanction is the judgment 2528
debtor. A financial sanction of reimbursement imposed pursuant 2529
to division (A) (3) (a) (i) of this section upon an offender is a 2530
judgment in favor of the entity administering the community 2531
control sanction, and the offender subject to the financial 2532
sanction is the judgment debtor. A financial sanction of 2533
reimbursement imposed pursuant to division (A) (3) (a) (ii) of this 2534
section upon an offender confined in a jail or other residential 2535
facility is a judgment in favor of the entity operating the jail 2536
or other residential facility, and the offender subject to the 2537
financial sanction is the judgment debtor. A financial sanction 2538

of restitution imposed pursuant to division (A)(1) of this 2539
section is an order in favor of the victim of the offender's 2540
criminal act that can be collected through a certificate of 2541
judgment as described in division ~~(D)~~(E) (1) of this section, 2542
through execution as described in division ~~(D)~~(E) (2) of this 2543
section, or through an order as described in division ~~(D)~~(E) (3) 2544
of this section, and the offender shall be considered for 2545
purposes of the collection as the judgment debtor. 2546

Once the financial sanction is imposed as a judgment or 2547
order under this division, the victim, private provider, state, 2548
or political subdivision may do any of the following: 2549

(1) Obtain from the clerk of the court in which the 2550
judgment was entered a certificate of judgment that shall be in 2551
the same manner and form as a certificate of judgment issued in 2552
a civil action; 2553

(2) Obtain execution of the judgment or order through any 2554
available procedure, including any of the procedures identified 2555
in divisions ~~(D)~~(E) (1) and (2) of section 2929.18 of the Revised 2556
Code. 2557

(3) Obtain an order for the assignment of wages of the 2558
judgment debtor under section 1321.33 of the Revised Code. 2559

~~(E)~~(F) The civil remedies authorized under division ~~(D)~~— 2560
(E) of this section for the collection of the financial sanction 2561
supplement, but do not preclude, enforcement of the criminal 2562
sentence. 2563

~~(F)~~(G) Each court imposing a financial sanction upon an 2564
offender under this section may designate the clerk of the court 2565
or another person to collect the financial sanction. The clerk, 2566
or another person authorized by law or the court to collect the 2567

financial sanction may do the following: 2568

(1) Enter into contracts with one or more public agencies 2569
or private vendors for the collection of amounts due under the 2570
sanction. Before entering into a contract for the collection of 2571
amounts due from an offender pursuant to any financial sanction 2572
imposed pursuant to this section, a court shall comply with 2573
sections 307.86 to 307.92 of the Revised Code. 2574

(2) Permit payment of all or any portion of the sanction 2575
in installments, by financial transaction device if the court is 2576
a county court or a municipal court operated by a county, by 2577
credit or debit card or by another electronic transfer if the 2578
court is a municipal court not operated by a county, or by any 2579
other reasonable method, in any time, and on any terms that 2580
court considers just, except that the maximum time permitted for 2581
payment shall not exceed five years. If the court is a county 2582
court or a municipal court operated by a county, the acceptance 2583
of payments by any financial transaction device shall be 2584
governed by the policy adopted by the board of county 2585
commissioners of the county pursuant to section 301.28 of the 2586
Revised Code. If the court is a municipal court not operated by 2587
a county, the clerk may pay any fee associated with processing 2588
an electronic transfer out of public money or may charge the fee 2589
to the offender. 2590

(3) To defray administrative costs, charge a reasonable 2591
fee to an offender who elects a payment plan rather than a lump 2592
sum payment of any financial sanction. 2593

~~(G)~~ (H) No financial sanction imposed under this section 2594
shall preclude a victim from bringing a civil action against the 2595
offender. 2596

Sec. 3113.31. (A) As used in this section:	2597
(1) "Domestic violence" means the occurrence of one or more of the following acts against a family or household member:	2598 2599
(a) Attempting to cause or recklessly causing bodily injury;	2600 2601
(b) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;	2602 2603 2604
(c) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;	2605 2606 2607
(d) Committing a sexually oriented offense.	2608
(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division and the court of common pleas in counties that do not have a domestic relations division, or the juvenile division of the court of common pleas of the county in which the person to be protected by a protection order issued or a consent agreement approved under this section resides if the respondent is less than eighteen years of age.	2609 2610 2611 2612 2613 2614 2615 2616
(3) "Family or household member" means any of the following:	2617 2618
(a) Any of the following who is residing with or has resided with the respondent:	2619 2620
(i) A spouse, a person living as a spouse, or a former spouse of the respondent;	2621 2622
(ii) A parent, a foster parent, or a child of the	2623

respondent, or another person related by consanguinity or 2624
affinity to the respondent; 2625

(iii) A parent or a child of a spouse, person living as a 2626
spouse, or former spouse of the respondent, or another person 2627
related by consanguinity or affinity to a spouse, person living 2628
as a spouse, or former spouse of the respondent. 2629

(b) The natural parent of any child of whom the respondent 2630
is the other natural parent or is the putative other natural 2631
parent. 2632

(4) "Person living as a spouse" means a person who is 2633
living or has lived with the respondent in a common law marital 2634
relationship, who otherwise is cohabiting with the respondent, 2635
or who otherwise has cohabited with the respondent within five 2636
years prior to the date of the alleged occurrence of the act in 2637
question. 2638

(5) "Victim advocate" means a person who provides support 2639
and assistance for a person who files a petition under this 2640
section. 2641

(6) "Sexually oriented offense" has the same meaning as in 2642
section 2950.01 of the Revised Code. 2643

(7) "Companion animal" has the same meaning as in section 2644
959.131 of the Revised Code. 2645

(B) The court has jurisdiction over all proceedings under 2646
this section. The petitioner's right to relief under this 2647
section is not affected by the petitioner's leaving the 2648
residence or household to avoid further domestic violence. 2649

(C) A person may seek relief under this section on the 2650
person's own behalf, or any parent or adult household member may 2651

seek relief under this section on behalf of any other family or 2652
household member, by filing a petition with the court. The 2653
petition shall contain or state: 2654

(1) An allegation that the respondent engaged in domestic 2655
violence against a family or household member of the respondent, 2656
including a description of the nature and extent of the domestic 2657
violence; 2658

(2) The relationship of the respondent to the petitioner, 2659
and to the victim if other than the petitioner; 2660

(3) A request for relief under this section. 2661

(D) (1) If a person who files a petition pursuant to this 2662
section requests an ex parte order, the court shall hold an ex 2663
parte hearing on the same day that the petition is filed. The 2664
court, for good cause shown at the ex parte hearing, may enter 2665
any temporary orders, with or without bond, including, but not 2666
limited to, an order described in division (E) (1) (a), (b), or 2667
(c) of this section, that the court finds necessary to protect 2668
the family or household member from domestic violence. Immediate 2669
and present danger of domestic violence to the family or 2670
household member constitutes good cause for purposes of this 2671
section. Immediate and present danger includes, but is not 2672
limited to, situations in which the respondent has threatened 2673
the family or household member with bodily harm, in which the 2674
respondent has threatened the family or household member with a 2675
sexually oriented offense, or in which the respondent previously 2676
has been convicted of, pleaded guilty to, or been adjudicated a 2677
delinquent child for an offense that constitutes domestic 2678
violence against the family or household member. 2679

(2) (a) If the court, after an ex parte hearing, issues an 2680

order described in division (E) (1) (b) or (c) of this section, 2681
the court shall schedule a full hearing for a date that is 2682
within seven court days after the ex parte hearing. If any other 2683
type of protection order that is authorized under division (E) 2684
of this section is issued by the court after an ex parte 2685
hearing, the court shall schedule a full hearing for a date that 2686
is within ten court days after the ex parte hearing. The court 2687
shall give the respondent notice of, and an opportunity to be 2688
heard at, the full hearing. The court shall hold the full 2689
hearing on the date scheduled under this division unless the 2690
court grants a continuance of the hearing in accordance with 2691
this division. Under any of the following circumstances or for 2692
any of the following reasons, the court may grant a continuance 2693
of the full hearing to a reasonable time determined by the 2694
court: 2695

(i) Prior to the date scheduled for the full hearing under 2696
this division, the respondent has not been served with the 2697
petition filed pursuant to this section and notice of the full 2698
hearing. 2699

(ii) The parties consent to the continuance. 2700

(iii) The continuance is needed to allow a party to obtain 2701
counsel. 2702

(iv) The continuance is needed for other good cause. 2703

(b) An ex parte order issued under this section does not 2704
expire because of a failure to serve notice of the full hearing 2705
upon the respondent before the date set for the full hearing 2706
under division (D) (2) (a) of this section or because the court 2707
grants a continuance under that division. 2708

(3) If a person who files a petition pursuant to this 2709

section does not request an ex parte order, or if a person 2710
requests an ex parte order but the court does not issue an ex 2711
parte order after an ex parte hearing, the court shall proceed 2712
as in a normal civil action and grant a full hearing on the 2713
matter. 2714

(E) (1) After an ex parte or full hearing, the court may 2715
grant any protection order, with or without bond, or approve any 2716
consent agreement to bring about a cessation of domestic 2717
violence against the family or household members. The order or 2718
agreement may: 2719

(a) Direct the respondent to refrain from abusing or from 2720
committing sexually oriented offenses against the family or 2721
household members; 2722

(b) Grant possession of the residence or household to the 2723
petitioner or other family or household member, to the exclusion 2724
of the respondent, by evicting the respondent, when the 2725
residence or household is owned or leased solely by the 2726
petitioner or other family or household member, or by ordering 2727
the respondent to vacate the premises, when the residence or 2728
household is jointly owned or leased by the respondent, and the 2729
petitioner or other family or household member; 2730

(c) When the respondent has a duty to support the 2731
petitioner or other family or household member living in the 2732
residence or household and the respondent is the sole owner or 2733
lessee of the residence or household, grant possession of the 2734
residence or household to the petitioner or other family or 2735
household member, to the exclusion of the respondent, by 2736
ordering the respondent to vacate the premises, or, in the case 2737
of a consent agreement, allow the respondent to provide 2738
suitable, alternative housing; 2739

(d) Temporarily allocate parental rights and 2740
responsibilities for the care of, or establish temporary 2741
parenting time rights with regard to, minor children, if no 2742
other court has determined, or is determining, the allocation of 2743
parental rights and responsibilities for the minor children or 2744
parenting time rights; 2745

(e) Require the respondent to maintain support, if the 2746
respondent customarily provides for or contributes to the 2747
support of the family or household member, or if the respondent 2748
has a duty to support the petitioner or family or household 2749
member; 2750

(f) Require the respondent, petitioner, victim of domestic 2751
violence, or any combination of those persons, to seek 2752
counseling; 2753

(g) Require the respondent to refrain from entering the 2754
residence, school, business, or place of employment of the 2755
petitioner or family or household member; 2756

(h) Grant other relief that the court considers equitable 2757
and fair, including, but not limited to, ordering the respondent 2758
to permit the use of a motor vehicle by the petitioner or other 2759
family or household member and the apportionment of household 2760
and family personal property; 2761

(i) Require that the respondent not remove, damage, hide, 2762
harm, or dispose of any companion animal owned or possessed by 2763
the petitioner; 2764

(j) Authorize the petitioner to remove a companion animal 2765
owned by the petitioner from the possession of the respondent; 2766

(k) Require a wireless service transfer in accordance with 2767
sections 3113.45 to 3113.459 of the Revised Code. 2768

(2) If a protection order has been issued pursuant to this section in a prior action involving the respondent and the petitioner or one or more of the family or household members or victims, the court may include in a protection order that it issues a prohibition against the respondent returning to the residence or household. If it includes a prohibition against the respondent returning to the residence or household in the order, it also shall include in the order provisions of the type described in division (E) (7) of this section. This division does not preclude the court from including in a protection order or consent agreement, in circumstances other than those described in this division, a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment of the petitioner or a family or household member, and, if the court includes any requirement of that type in an order or agreement, the court also shall include in the order provisions of the type described in division (E) (7) of this section.

(3) (a) Any protection order issued or consent agreement approved under this section shall be valid until a date certain, but not later than five years from the date of its issuance or approval, or not later than the date a respondent who is less than eighteen years of age attains nineteen years of age, unless modified or terminated as provided in division (E) (8) of this section.

(b) Subject to the limitation on the duration of an order or agreement set forth in division (E) (3) (a) of this section, any order under division (E) (1) (d) of this section shall terminate on the date that a court in an action for divorce, dissolution of marriage, or legal separation brought by the petitioner or respondent issues an order allocating parental

rights and responsibilities for the care of children or on the 2800
date that a juvenile court in an action brought by the 2801
petitioner or respondent issues an order awarding legal custody 2802
of minor children. Subject to the limitation on the duration of 2803
an order or agreement set forth in division (E)(3)(a) of this 2804
section, any order under division (E)(1)(e) of this section 2805
shall terminate on the date that a court in an action for 2806
divorce, dissolution of marriage, or legal separation brought by 2807
the petitioner or respondent issues a support order or on the 2808
date that a juvenile court in an action brought by the 2809
petitioner or respondent issues a support order. 2810

(c) Any protection order issued or consent agreement 2811
approved pursuant to this section may be renewed in the same 2812
manner as the original order or agreement was issued or 2813
approved. 2814

(4) A court may not issue a protection order that requires 2815
a petitioner to do or to refrain from doing an act that the 2816
court may require a respondent to do or to refrain from doing 2817
under division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of 2818
this section unless all of the following apply: 2819

(a) The respondent files a separate petition for a 2820
protection order in accordance with this section. 2821

(b) The petitioner is served notice of the respondent's 2822
petition at least forty-eight hours before the court holds a 2823
hearing with respect to the respondent's petition, or the 2824
petitioner waives the right to receive this notice. 2825

(c) If the petitioner has requested an ex parte order 2826
pursuant to division (D) of this section, the court does not 2827
delay any hearing required by that division beyond the time 2828

specified in that division in order to consolidate the hearing 2829
with a hearing on the petition filed by the respondent. 2830

(d) After a full hearing at which the respondent presents 2831
evidence in support of the request for a protection order and 2832
the petitioner is afforded an opportunity to defend against that 2833
evidence, the court determines that the petitioner has committed 2834
an act of domestic violence or has violated a temporary 2835
protection order issued pursuant to section 2919.26 of the 2836
Revised Code, that both the petitioner and the respondent acted 2837
primarily as aggressors, and that neither the petitioner nor the 2838
respondent acted primarily in self-defense. 2839

(5) No protection order issued or consent agreement 2840
approved under this section shall in any manner affect title to 2841
any real property. 2842

(6) (a) If a petitioner, or the child of a petitioner, who 2843
obtains a protection order or consent agreement pursuant to 2844
division (E) (1) of this section or a temporary protection order 2845
pursuant to section 2919.26 of the Revised Code and is the 2846
subject of a parenting time order issued pursuant to section 2847
3109.051 or 3109.12 of the Revised Code or a visitation or 2848
companionship order issued pursuant to section 3109.051, 2849
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 2850
this section granting parenting time rights to the respondent, 2851
the court may require the public children services agency of the 2852
county in which the court is located to provide supervision of 2853
the respondent's exercise of parenting time or visitation or 2854
companionship rights with respect to the child for a period not 2855
to exceed nine months, if the court makes the following findings 2856
of fact: 2857

(i) The child is in danger from the respondent; 2858

(ii) No other person or agency is available to provide the supervision. 2859
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(b) A court that requires an agency to provide supervision pursuant to division (E) (6) (a) of this section shall order the respondent to reimburse the agency for the cost of providing the supervision, if it determines that the respondent has sufficient income or resources to pay that cost. 2861
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(7) (a) If a protection order issued or consent agreement approved under this section includes a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment of the petitioner or a family or household member, the order or agreement shall state clearly that the order or agreement cannot be waived or nullified by an invitation to the respondent from the petitioner or other family or household member to enter the residence, school, business, or place of employment or by the respondent's entry into one of those places otherwise upon the consent of the petitioner or other family or household member. 2866
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(b) Division (E) (7) (a) of this section does not limit any discretion of a court to determine that a respondent charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance substantially equivalent to that section, or with contempt of court, which charge is based on an alleged violation of a protection order issued or consent agreement approved under this section, did not commit the violation or was not in contempt of court. 2878
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(8) (a) The court may modify or terminate as provided in division (E) (8) of this section a protection order or consent agreement that was issued after a full hearing under this 2886
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section. The court that issued the protection order or approved 2889
the consent agreement shall hear a motion for modification or 2890
termination of the protection order or consent agreement 2891
pursuant to division (E) (8) of this section. 2892

(b) Either the petitioner or the respondent of the 2893
original protection order or consent agreement may bring a 2894
motion for modification or termination of a protection order or 2895
consent agreement that was issued or approved after a full 2896
hearing. The court shall require notice of the motion to be made 2897
as provided by the Rules of Civil Procedure. If the petitioner 2898
for the original protection order or consent agreement has 2899
requested that the petitioner's address be kept confidential, 2900
the court shall not disclose the address to the respondent of 2901
the original protection order or consent agreement or any other 2902
person, except as otherwise required by law. The moving party 2903
has the burden of proof to show, by a preponderance of the 2904
evidence, that modification or termination of the protection 2905
order or consent agreement is appropriate because either the 2906
protection order or consent agreement is no longer needed or 2907
because the terms of the original protection order or consent 2908
agreement are no longer appropriate. 2909

(c) In considering whether to modify or terminate a 2910
protection order or consent agreement issued or approved under 2911
this section, the court shall consider all relevant factors, 2912
including, but not limited to, the following: 2913

(i) Whether the petitioner consents to modification or 2914
termination of the protection order or consent agreement; 2915

(ii) Whether the petitioner fears the respondent; 2916

(iii) The current nature of the relationship between the 2917

petitioner and the respondent;	2918
(iv) The circumstances of the petitioner and respondent,	2919
including the relative proximity of the petitioner's and	2920
respondent's workplaces and residences and whether the	2921
petitioner and respondent have minor children together;	2922
(v) Whether the respondent has complied with the terms and	2923
conditions of the original protection order or consent	2924
agreement;	2925
(vi) Whether the respondent has a continuing involvement	2926
with illegal drugs or alcohol;	2927
(vii) Whether the respondent has been convicted of,	2928
pleaded guilty to, or been adjudicated a delinquent child for an	2929
offense of violence since the issuance of the protection order	2930
or approval of the consent agreement;	2931
(viii) Whether any other protection orders, consent	2932
agreements, restraining orders, or no contact orders have been	2933
issued against the respondent pursuant to this section, section	2934
2919.26 of the Revised Code, any other provision of state law,	2935
or the law of any other state;	2936
(ix) Whether the respondent has participated in any	2937
domestic violence treatment, intervention program, or other	2938
counseling addressing domestic violence and whether the	2939
respondent has completed the treatment, program, or counseling;	2940
(x) The time that has elapsed since the protection order	2941
was issued or since the consent agreement was approved;	2942
(xi) The age and health of the respondent;	2943
(xii) When the last incident of abuse, threat of harm, or	2944
commission of a sexually oriented offense occurred or other	2945

relevant information concerning the safety and protection of the 2946
petitioner or other protected parties. 2947

(d) If a protection order or consent agreement is modified 2948
or terminated as provided in division (E) (8) of this section, 2949
the court shall issue copies of the modified or terminated order 2950
or agreement as provided in division (F) of this section. A 2951
petitioner may also provide notice of the modification or 2952
termination to the judicial and law enforcement officials in any 2953
county other than the county in which the order or agreement is 2954
modified or terminated as provided in division (N) of this 2955
section. 2956

(e) If the respondent moves for modification or 2957
termination of a protection order or consent agreement pursuant 2958
to this section and the court denies the motion, the court may 2959
assess costs against the respondent for the filing of the 2960
motion. 2961

(9) Any protection order issued or any consent agreement 2962
approved pursuant to this section shall include a provision that 2963
the court will automatically seal all of the records of the 2964
proceeding in which the order is issued or agreement approved on 2965
the date the respondent attains the age of nineteen years unless 2966
the petitioner provides the court with evidence that the 2967
respondent has not complied with all of the terms of the 2968
protection order or consent agreement. The protection order or 2969
consent agreement shall specify the date when the respondent 2970
attains the age of nineteen years. 2971

(F) (1) A copy of any protection order, or consent 2972
agreement, that is issued, approved, modified, or terminated 2973
under this section shall be issued by the court to the 2974
petitioner, to the respondent, and to all law enforcement 2975

agencies that have jurisdiction to enforce the order or 2976
agreement. The court shall direct that a copy of an order be 2977
delivered to the respondent on the same day that the order is 2978
entered. 2979

(2) Upon the issuance of a protection order or the 2980
approval of a consent agreement under this section, the court 2981
shall provide the parties to the order or agreement with the 2982
following notice orally or by form: 2983

"NOTICE 2984

As a result of this order or consent agreement, it may be 2985
unlawful for you to possess or purchase a firearm, including a 2986
rifle, pistol, or revolver, or ammunition pursuant to federal 2987
law under 18 U.S.C. 922(g)(8). If you have any questions whether 2988
this law makes it illegal for you to possess or purchase a 2989
firearm or ammunition, you should consult an attorney." 2990

(3) All law enforcement agencies shall establish and 2991
maintain an index for the protection orders and the approved 2992
consent agreements delivered to the agencies pursuant to 2993
division (F)(1) of this section. With respect to each order and 2994
consent agreement delivered, each agency shall note on the index 2995
the date and time that it received the order or consent 2996
agreement. 2997

(4) Regardless of whether the petitioner has registered 2998
the order or agreement in the county in which the officer's 2999
agency has jurisdiction pursuant to division (N) of this 3000
section, any officer of a law enforcement agency shall enforce a 3001
protection order issued or consent agreement approved by any 3002
court in this state in accordance with the provisions of the 3003
order or agreement, including removing the respondent from the 3004

premises, if appropriate. 3005

(G) Any proceeding under this section shall be conducted 3006
in accordance with the Rules of Civil Procedure, except that an 3007
order under this section may be obtained with or without bond. 3008
An order issued under this section, other than an ex parte 3009
order, that grants a protection order or approves a consent 3010
agreement, that refuses to grant a protection order or approve a 3011
consent agreement that modifies or terminates a protection order 3012
or consent agreement, or that refuses to modify or terminate a 3013
protection order or consent agreement, is a final, appealable 3014
order. The remedies and procedures provided in this section are 3015
in addition to, and not in lieu of, any other available civil or 3016
criminal remedies. 3017

(H) The filing of proceedings under this section does not 3018
excuse a person from filing any report or giving any notice 3019
required by section 2151.421 of the Revised Code or by any other 3020
law. When a petition under this section alleges domestic 3021
violence against minor children, the court shall report the 3022
fact, or cause reports to be made, to a county, township, or 3023
municipal peace officer under section 2151.421 of the Revised 3024
Code. 3025

(I) Any law enforcement agency that investigates a 3026
domestic dispute shall provide information to the family or 3027
household members involved regarding the relief available under 3028
this section and section 2919.26 of the Revised Code. 3029

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 3030
section and regardless of whether a protection order is issued 3031
or a consent agreement is approved by a court of another county 3032
or a court of another state, no court or unit of state or local 3033
government shall charge the petitioner any fee, cost, deposit, 3034

or money in connection with the filing of a petition pursuant to 3035
this section or in connection with the filing, issuance, 3036
registration, modification, enforcement, dismissal, withdrawal, 3037
or service of a protection order, consent agreement, or witness 3038
subpoena or for obtaining a certified copy of a protection order 3039
or consent agreement. 3040

(2) Regardless of whether a protection order is issued or 3041
a consent agreement is approved pursuant to this section, the 3042
court may assess costs against the respondent in connection with 3043
the filing, issuance, registration, modification, enforcement, 3044
dismissal, withdrawal, or service of a protection order, consent 3045
agreement, or witness subpoena or for obtaining a certified copy 3046
of a protection order or consent agreement. 3047

(K) (1) The court shall comply with Chapters 3119., 3121., 3048
3123., and 3125. of the Revised Code when it makes or modifies 3049
an order for child support under this section. 3050

(2) If any person required to pay child support under an 3051
order made under this section on or after April 15, 1985, or 3052
modified under this section on or after December 31, 1986, is 3053
found in contempt of court for failure to make support payments 3054
under the order, the court that makes the finding, in addition 3055
to any other penalty or remedy imposed, shall assess all court 3056
costs arising out of the contempt proceeding against the person 3057
and require the person to pay any reasonable attorney's fees of 3058
any adverse party, as determined by the court, that arose in 3059
relation to the act of contempt. 3060

(L) (1) A person who violates a protection order issued or 3061
a consent agreement approved under this section is subject to 3062
the following sanctions: 3063

(a) Criminal prosecution or a delinquent child proceeding 3064
for a violation of section 2919.27 of the Revised Code, if the 3065
violation of the protection order or consent agreement 3066
constitutes a violation of that section; 3067

(b) Punishment for contempt of court. 3068

(2) The punishment of a person for contempt of court for 3069
violation of a protection order issued or a consent agreement 3070
approved under this section does not bar criminal prosecution of 3071
the person or a delinquent child proceeding concerning the 3072
person for a violation of section 2919.27 of the Revised Code. 3073
However, a person punished for contempt of court is entitled to 3074
credit for the punishment imposed upon conviction of or 3075
adjudication as a delinquent child for a violation of that 3076
section, and a person convicted of or adjudicated a delinquent 3077
child for a violation of that section shall not subsequently be 3078
punished for contempt of court arising out of the same activity. 3079

(M) In all stages of a proceeding under this section, a 3080
petitioner may be accompanied by a victim advocate. 3081

(N) (1) A petitioner who obtains a protection order or 3082
consent agreement under this section or a temporary protection 3083
order under section 2919.26 of the Revised Code may provide 3084
notice of the issuance or approval of the order or agreement to 3085
the judicial and law enforcement officials in any county other 3086
than the county in which the order is issued or the agreement is 3087
approved by registering that order or agreement in the other 3088
county pursuant to division (N) (2) of this section and filing a 3089
copy of the registered order or registered agreement with a law 3090
enforcement agency in the other county in accordance with that 3091
division. A person who obtains a protection order issued by a 3092
court of another state may provide notice of the issuance of the 3093

order to the judicial and law enforcement officials in any 3094
county of this state by registering the order in that county 3095
pursuant to section 2919.272 of the Revised Code and filing a 3096
copy of the registered order with a law enforcement agency in 3097
that county. 3098

(2) A petitioner may register a temporary protection 3099
order, protection order, or consent agreement in a county other 3100
than the county in which the court that issued the order or 3101
approved the agreement is located in the following manner: 3102

(a) The petitioner shall obtain a certified copy of the 3103
order or agreement from the clerk of the court that issued the 3104
order or approved the agreement and present that certified copy 3105
to the clerk of the court of common pleas or the clerk of a 3106
municipal court or county court in the county in which the order 3107
or agreement is to be registered. 3108

(b) Upon accepting the certified copy of the order or 3109
agreement for registration, the clerk of the court of common 3110
pleas, municipal court, or county court shall place an 3111
endorsement of registration on the order or agreement and give 3112
the petitioner a copy of the order or agreement that bears that 3113
proof of registration. 3114

(3) The clerk of each court of common pleas, the clerk of 3115
each municipal court, and the clerk of each county court shall 3116
maintain a registry of certified copies of temporary protection 3117
orders, protection orders, or consent agreements that have been 3118
issued or approved by courts in other counties and that have 3119
been registered with the clerk. 3120

(0) Nothing in this section prohibits the domestic 3121
relations division of a court of common pleas in counties that 3122

have a domestic relations division or a court of common pleas in 3123
counties that do not have a domestic relations division from 3124
designating a minor child as a protected party on a protection 3125
order or consent agreement. 3126

Sec. 3113.45. As used in sections 3113.451 to 3113.459 of 3127
the Revised Code, "wireless service," "wireless service 3128
provider," and "reseller" have the same meanings as in section 3129
128.01 of the Revised Code. 3130

Sec. 3113.451. After an ex parte or full hearing under 3131
section 3113.31 of the Revised Code, a court may issue an order 3132
directing a wireless service provider or reseller to transfer 3133
the rights to, and billing responsibility for, the wireless 3134
service number or numbers in use by the petitioner or any minor 3135
children in the care of the petitioner when the petitioner is 3136
not the account holder. 3137

Sec. 3113.452. An order issued in compliance with section 3138
3113.451 of the Revised Code shall include the following: 3139

(A) The name and billing telephone number of the account 3140
holder; 3141

(B) The name and contact information of the petitioner to 3142
whom the wireless service number or numbers shall be 3143
transferred; 3144

(C) Each wireless service number to be transferred to the 3145
petitioner. 3146

Sec. 3113.453. A court shall ensure that any contact 3147
information of a petitioner described in section 3113.452 of the 3148
Revised Code is kept confidential from the account holder. 3149

Sec. 3113.454. An order issued in compliance with section 3150

3113.451 of the Revised Code shall be served on the wireless 3151
service provider's or reseller's agent for service of process 3152
listed with the secretary of state. 3153

Sec. 3113.455. The wireless service provider or reseller 3154
shall notify the petitioner within seventy-two hours of receipt 3155
of the order and the order shall be automatically suspended upon 3156
making the notification if the wireless service provider or 3157
reseller cannot operationally or technically effectuate the 3158
order due to certain circumstances, including the following: 3159

(A) The account holder has already terminated the account. 3160

(B) Differences in network technology prevent the 3161
functionality of a device on the network. 3162

(C) There are geographic or other limitations on network 3163
or service availability. 3164

(D) Any other operational or technical issue that would 3165
prevent or impair the use of the wireless service number if the 3166
transfer occurs. 3167

Sec. 3113.456. Upon transfer of the wireless service 3168
number to the petitioner, the petitioner shall assume all 3169
financial responsibility for any costs associated with the 3170
wireless service number and any costs for the device associated 3171
with the wireless service number. 3172

Sec. 3113.457. Nothing in sections 3113.45 to 3113.459 of 3173
the Revised Code shall preclude a wireless service provider or 3174
reseller from applying to the petitioner any routine and 3175
customary requirements for account establishment as part of the 3176
transfer, including identification, financial information, and 3177
customer preferences. 3178

Sec. 3113.458. Nothing in sections 3113.45 to 3113.459 of the Revised Code shall affect the ability of the court to apportion the assets or debts of the parties as provided for in the Revised Code, or the ability to determine temporary use, possession, and control of personal property pursuant to division (E) (1) (h) of section 3113.31 of the Revised Code.

Sec. 3113.459. No cause of action shall arise against the wireless service provider or reseller, its officers, employees, or agents, for any action taken in accordance with sections 3113.45 to 3113.459 of the Revised Code or with the terms of a court order issued in compliance with section 3113.451 of the Revised Code.

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

(B) A board of elections may use a legible digitized signature list of voter signatures, copied from the signatures on the registration forms in a form and manner prescribed by the secretary of state, provided that the board includes the required voter registration information in the statewide voter registration database established under section 3503.15 of the Revised Code, and provided that the precinct election officials have computer printouts at the polls prepared in the manner required under section 3503.23 of the Revised Code.

Sec. 3503.16. (A) ~~Whenever~~ Except as otherwise provided in 3209
division (D) of section 111.44 of the Revised Code, whenever a 3210
registered elector changes the place of residence of that 3211
registered elector from one precinct to another within a county 3212
or from one county to another, or has a change of name, that 3213
registered elector shall report the change by delivering a 3214
change of residence or change of name form, whichever is 3215
appropriate, as prescribed by the secretary of state under 3216
section 3503.14 of the Revised Code to the state or local office 3217
of a designated agency, a public high school or vocational 3218
school, a public library, the office of the county treasurer, 3219
the office of the secretary of state, any office of the 3220
registrar or deputy registrar of motor vehicles, or any office 3221
of a board of elections in person or by a third person. Any 3222
voter registration, change of address, or change of name 3223
application, returned by mail, may be sent only to the secretary 3224
of state or the board of elections. 3225

A registered elector also may update the registration of 3226
that registered elector by filing a change of residence or 3227
change of name form on the day of a special, primary, or general 3228
election at the polling place in the precinct in which that 3229
registered elector resides or at the board of elections or at 3230
another site designated by the board. 3231

(B) (1) (a) Any registered elector who moves within a 3232
precinct on or prior to the day of a general, primary, or 3233
special election and has not filed a notice of change of 3234
residence with the board of elections may vote in that election 3235
by going to that registered elector's assigned polling place, 3236
completing and signing a notice of change of residence, showing 3237
identification in the form of a current and valid photo 3238
identification, a military identification, or a copy of a 3239

current utility bill, bank statement, government check, 3240
paycheck, or other government document, other than a notice of 3241
voter registration mailed by a board of elections under section 3242
3503.19 of the Revised Code, that shows the name and current 3243
address of the elector, and casting a ballot. 3244

(b) Any registered elector who changes the name of that 3245
registered elector and remains within a precinct on or prior to 3246
the day of a general, primary, or special election and has not 3247
filed a notice of change of name with the board of elections may 3248
vote in that election by going to that registered elector's 3249
assigned polling place, completing and signing a notice of a 3250
change of name, and casting a provisional ballot under section 3251
3505.181 of the Revised Code. If the registered elector provides 3252
to the precinct election officials proof of a legal name change, 3253
such as a marriage license or court order that includes the 3254
elector's current and prior names, the elector may complete and 3255
sign a notice of change of name and cast a regular ballot. 3256

(2) Any registered elector who moves from one precinct to 3257
another within a county or moves from one precinct to another 3258
and changes the name of that registered elector on or prior to 3259
the day of a general, primary, or special election and has not 3260
filed a notice of change of residence or change of name, 3261
whichever is appropriate, with the board of elections may vote 3262
in that election if that registered elector complies with 3263
division (G) of this section or does all of the following: 3264

(a) Appears at anytime during regular business hours on or 3265
after the twenty-eighth day prior to the election in which that 3266
registered elector wishes to vote or, if the election is held on 3267
the day of a presidential primary election, the twenty-fifth day 3268
prior to the election, through noon of the Saturday prior to the 3269

election at the office of the board of elections, appears at any 3270
time during regular business hours on the Monday prior to the 3271
election at the office of the board of elections, or appears on 3272
the day of the election at either of the following locations: 3273

(i) The polling place for the precinct in which that 3274
registered elector resides; 3275

(ii) The office of the board of elections or, if pursuant 3276
to division (C) of section 3501.10 of the Revised Code the board 3277
has designated another location in the county at which 3278
registered electors may vote, at that other location instead of 3279
the office of the board of elections. 3280

(b) Completes and signs, under penalty of election 3281
falsification, the written affirmation on the provisional ballot 3282
envelope, which shall serve as a notice of change of residence 3283
or change of name, whichever is appropriate; 3284

(c) Votes a provisional ballot under section 3505.181 of 3285
the Revised Code at the polling place, at the office of the 3286
board of elections, or, if pursuant to division (C) of section 3287
3501.10 of the Revised Code the board has designated another 3288
location in the county at which registered electors may vote, at 3289
that other location instead of the office of the board of 3290
elections, whichever is appropriate, using the address to which 3291
that registered elector has moved or the name of that registered 3292
elector as changed, whichever is appropriate; 3293

(d) Completes and signs, under penalty of election 3294
falsification, a statement attesting that that registered 3295
elector moved or had a change of name, whichever is appropriate, 3296
on or prior to the day of the election, has voted a provisional 3297
ballot at the polling place for the precinct in which that 3298

registered elector resides, at the office of the board of 3299
elections, or, if pursuant to division (C) of section 3501.10 of 3300
the Revised Code the board has designated another location in 3301
the county at which registered electors may vote, at that other 3302
location instead of the office of the board of elections, 3303
whichever is appropriate, and will not vote or attempt to vote 3304
at any other location for that particular election. 3305

(C) Any registered elector who moves from one county to 3306
another county within the state on or prior to the day of a 3307
general, primary, or special election and has not registered to 3308
vote in the county to which that registered elector moved may 3309
vote in that election if that registered elector complies with 3310
division (G) of this section or does all of the following: 3311

(1) Appears at any time during regular business hours on 3312
or after the twenty-eighth day prior to the election in which 3313
that registered elector wishes to vote or, if the election is 3314
held on the day of a presidential primary election, the twenty- 3315
fifth day prior to the election, through noon of the Saturday 3316
prior to the election at the office of the board of elections 3317
or, if pursuant to division (C) of section 3501.10 of the 3318
Revised Code the board has designated another location in the 3319
county at which registered electors may vote, at that other 3320
location instead of the office of the board of elections, 3321
appears during regular business hours on the Monday prior to the 3322
election at the office of the board of elections or, if pursuant 3323
to division (C) of section 3501.10 of the Revised Code the board 3324
has designated another location in the county at which 3325
registered electors may vote, at that other location instead of 3326
the office of the board of elections, or appears on the day of 3327
the election at the office of the board of elections or, if 3328
pursuant to division (C) of section 3501.10 of the Revised Code 3329

the board has designated another location in the county at which 3330
registered electors may vote, at that other location instead of 3331
the office of the board of elections; 3332

(2) Completes and signs, under penalty of election 3333
falsification, the written affirmation on the provisional ballot 3334
envelope, which shall serve as a notice of change of residence; 3335

(3) Votes a provisional ballot under section 3505.181 of 3336
the Revised Code at the office of the board of elections or, if 3337
pursuant to division (C) of section 3501.10 of the Revised Code 3338
the board has designated another location in the county at which 3339
registered electors may vote, at that other location instead of 3340
the office of the board of elections, using the address to which 3341
that registered elector has moved; 3342

(4) Completes and signs, under penalty of election 3343
falsification, a statement attesting that that registered 3344
elector has moved from one county to another county within the 3345
state on or prior to the day of the election, has voted at the 3346
office of the board of elections or, if pursuant to division (C) 3347
of section 3501.10 of the Revised Code the board has designated 3348
another location in the county at which registered electors may 3349
vote, at that other location instead of the office of the board 3350
of elections, and will not vote or attempt to vote at any other 3351
location for that particular election. 3352

(D) A person who votes by absent voter's ballots pursuant 3353
to division (G) of this section shall not make written 3354
application for the ballots pursuant to Chapter 3509. of the 3355
Revised Code. Ballots cast pursuant to division (G) of this 3356
section shall be set aside in a special envelope and counted 3357
during the official canvass of votes in the manner provided for 3358
in sections 3505.32 and 3509.06 of the Revised Code insofar as 3359

that manner is applicable. The board shall examine the pollbooks 3360
to verify that no ballot was cast at the polls or by absent 3361
voter's ballots under Chapter 3509. or 3511. of the Revised Code 3362
by an elector who has voted by absent voter's ballots pursuant 3363
to division (G) of this section. Any ballot determined to be 3364
insufficient for any of the reasons stated above or stated in 3365
section 3509.07 of the Revised Code shall not be counted. 3366

Subject to division (C) of section 3501.10 of the Revised 3367
Code, a board of elections may lease or otherwise acquire a site 3368
different from the office of the board at which registered 3369
electors may vote pursuant to division (B) or (C) of this 3370
section. 3371

(E) Upon receiving a notice of change of residence or 3372
change of name, the board of elections shall immediately send 3373
the registrant an acknowledgment notice. If the change of 3374
residence or change of name notice is valid, the board shall 3375
update the voter's registration as appropriate. If that form is 3376
incomplete, the board shall inform the registrant in the 3377
acknowledgment notice specified in this division of the 3378
information necessary to complete or update that registrant's 3379
registration. 3380

(F) Change of residence and change of name forms shall be 3381
available at each polling place, and when these forms are 3382
completed, noting changes of residence or name, as appropriate, 3383
they shall be filed with election officials at the polling 3384
place. Election officials shall return completed forms, together 3385
with the pollbooks and tally sheets, to the board of elections. 3386

The board of elections shall provide change of residence 3387
and change of name forms to the probate court and court of 3388
common pleas. The court shall provide the forms to any person 3389

eighteen years of age or older who has a change of name by order 3390
of the court or who applies for a marriage license. The court 3391
shall forward all completed forms to the board of elections 3392
within five days after receiving them. 3393

(G) A registered elector who otherwise would qualify to 3394
vote under division (B) or (C) of this section but is unable to 3395
appear at the office of the board of elections or, if pursuant 3396
to division (C) of section 3501.10 of the Revised Code the board 3397
has designated another location in the county at which 3398
registered electors may vote, at that other location, on account 3399
of personal illness, physical disability, or infirmity, may vote 3400
on the day of the election if that registered elector does all 3401
of the following: 3402

(1) Makes a written application that includes all of the 3403
information required under section 3509.03 of the Revised Code 3404
to the appropriate board for an absent voter's ballot on or 3405
after the twenty-seventh day prior to the election in which the 3406
registered elector wishes to vote through noon of the Saturday 3407
prior to that election and requests that the absent voter's 3408
ballot be sent to the address to which the registered elector 3409
has moved if the registered elector has moved, or to the address 3410
of that registered elector who has not moved but has had a 3411
change of name; 3412

(2) Declares that the registered elector has moved or had 3413
a change of name, whichever is appropriate, and otherwise is 3414
qualified to vote under the circumstances described in division 3415
(B) or (C) of this section, whichever is appropriate, but that 3416
the registered elector is unable to appear at the board of 3417
elections because of personal illness, physical disability, or 3418
infirmity; 3419

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

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

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

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

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

(3) The filing with the board of elections of a certified copy of the death certificate of a registered elector by the deceased elector's spouse, parent, or child, by the administrator of the deceased elector's estate, or by the executor of the deceased elector's will;

(4) The conviction of the registered elector of a felony

under the laws of this state, any other state, or the United States as provided in section 2961.01 of the Revised Code; 3449
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(5) The adjudication of incompetency of the registered elector for the purpose of voting as provided in section 5122.301 of the Revised Code; 3451
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(6) The change of residence of the registered elector to a location outside the county of registration in accordance with division (B) of this section; 3454
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(7) The failure of the registered elector, after having been mailed a confirmation notice, to do either of the following: 3457
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(a) Respond to such a notice and vote at least once during a period of four consecutive years, which period shall include two general federal elections; 3460
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(b) Update the elector's registration and vote at least once during a period of four consecutive years, which period shall include two general federal elections. 3463
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(8) The receipt by the board of elections of a cancellation notice or request pursuant to section 111.44 of the Revised Code. 3466
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(B) (1) The secretary of state shall prescribe procedures to identify and cancel the registration in a prior county of residence of any registrant who changes the registrant's voting residence to a location outside the registrant's current county of registration. Any procedures prescribed in this division shall be uniform and nondiscriminatory, and shall comply with the Voting Rights Act of 1965. The secretary of state may prescribe procedures under this division that include the use of the national change of address service provided by the United 3469
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States postal system through its licensees. Any program so 3478
prescribed shall be completed not later than ninety days prior 3479
to the date of any primary or general election for federal 3480
office. 3481

(2) The registration of any elector identified as having 3482
changed the elector's voting residence to a location outside the 3483
elector's current county of registration shall not be canceled 3484
unless the registrant is sent a confirmation notice on a form 3485
prescribed by the secretary of state and the registrant fails to 3486
respond to the confirmation notice or otherwise update the 3487
registration and fails to vote in any election during the period 3488
of two federal elections subsequent to the mailing of the 3489
confirmation notice. 3490

(C) The registration of a registered elector shall not be 3491
canceled except as provided in this section, section 111.44 of 3492
the Revised Code, division (Q) of section 3501.05 of the Revised 3493
Code, division (C) (2) of section 3503.19 of the Revised Code, or 3494
division (C) of section 3503.24 of the Revised Code. 3495

(D) Boards of elections shall send their voter 3496
registration information to the secretary of state as required 3497
under section 3503.15 of the Revised Code. The secretary of 3498
state may prescribe by rule adopted pursuant to section 111.15 3499
of the Revised Code the format in which the boards of elections 3500
must send that information to the secretary of state. In the 3501
first quarter of each year, the secretary of state shall send 3502
the information to the national change of address service 3503
described in division (B) of this section and request that 3504
service to provide the secretary of state with a list of any 3505
voters sent by the secretary of state who have moved within the 3506
last twelve months. The secretary of state shall transmit to 3507

each appropriate board of elections whatever lists the secretary 3508
of state receives from that service. The board shall send a 3509
notice to each person on the list transmitted by the secretary 3510
of state requesting confirmation of the person's change of 3511
address, together with a postage prepaid, preaddressed return 3512
envelope containing a form on which the voter may verify or 3513
correct the change of address information. 3514

(E) The registration of a registered elector described in 3515
division (A) (7) or (B) (2) of this section shall be canceled not 3516
later than one hundred twenty days after the date of the second 3517
general federal election in which the elector fails to vote or 3518
not later than one hundred twenty days after the expiration of 3519
the four-year period in which the elector fails to vote or 3520
respond to a confirmation notice, whichever is later. 3521

(F) (1) When a registration is canceled pursuant to 3522
division (A) (2) or (3) of this section, the applicable board of 3523
elections shall send a written notice, on a form prescribed by 3524
the secretary of state, to the address at which the elector was 3525
registered, informing the recipient that the elector's 3526
registration has been canceled, of the reason for the 3527
cancellation, and that if the cancellation was made in error, 3528
the elector may contact the board of elections to correct the 3529
error. 3530

(2) If the elector's registration is canceled pursuant to 3531
division (A) (2) or (3) of this section in error, it shall be 3532
restored and treated as though it were never canceled. 3533

Sec. 3503.23. (A) Fourteen days before an election, the 3534
board of elections shall cause to be prepared from the statewide 3535
voter registration database established under section 3503.15 of 3536
the Revised Code a complete and official registration list for 3537

each precinct, containing the names, addresses, and political party whose ballot the elector voted in the most recent primary election within the current year and the immediately preceding two calendar years, of all qualified registered voters in the precinct, except as otherwise provided in section 111.44 of the Revised Code. All the names, insofar as practicable, shall be arranged in alphabetical order. The lists may be prepared either in sheet form on one side of the paper or in electronic form, at the discretion of the board. Each precinct list shall be headed "Register of Voters," and under the heading shall be indicated the district or ward and precinct.

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

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

(1) By the time the polls open, conspicuously post and display at the polling place one copy of the registration list of voters in that precinct in an area of the polling place that is easily accessible;

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

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

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

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

If the board is not able to determine whether an application or challenge should be granted or denied solely on the basis of the records maintained by the board, the director shall promptly set a time and date for a hearing before the board. Except as otherwise provided in division (D) of this section, the hearing shall be held, and the application or challenge shall be decided, no later than ten days after the

board receives the application or challenge. The director shall 3598
send written notice to any elector whose right to vote is 3599
challenged and to any person whose name is alleged to have been 3600
omitted from a registration list. The notice shall inform the 3601
person of the time and date of the hearing, and of the person's 3602
right to appear and testify, call witnesses, and be represented 3603
by counsel. The notice shall be sent by first class mail no 3604
later than three days before the day of any scheduled hearing. 3605
~~The Except as otherwise provided in division (E) of this~~ 3606
section, the director shall also provide the person who filed 3607
the application or challenge with such written notice of the 3608
date and time of the hearing. 3609

At the request of either party or any member of the board, 3610
the board shall issue subpoenas to witnesses to appear and 3611
testify before the board at a hearing held under this section. 3612
All witnesses shall testify under oath. The board shall reach a 3613
decision on all applications and challenges immediately after 3614
hearing. 3615

(C) If the board decides that any such person is not 3616
entitled to have the person's name on the registration list, the 3617
person's name shall be removed from the list and the person's 3618
registration forms canceled. If the board decides that the name 3619
of any such person should appear on the registration list, it 3620
shall be added to the list, and the person's registration forms 3621
placed in the proper registration files. All such corrections 3622
and additions shall be made on a copy of the precinct lists, 3623
which shall constitute the poll lists, to be furnished to the 3624
respective precincts with other election supplies on the day 3625
preceding the election, to be used by the election officials in 3626
receiving the signatures of voters and in checking against the 3627
registration forms. 3628

(D) (1) If an application or challenge for which a hearing 3629
is required to be conducted under division (B) of this section 3630
is filed after the thirtieth day before the day of an election, 3631
the board of elections, in its discretion, may postpone that 3632
hearing and any notifications of that hearing until after the 3633
day of the election. Any hearing postponed under this division 3634
shall be conducted not later than ten days after the day of the 3635
election. 3636

(2) The board of elections shall cause the name of any 3637
registered elector whose registration is challenged and whose 3638
challenge hearing is postponed under division (D) (1) of this 3639
section to be marked in the official registration list and in 3640
the poll list or signature pollbook for that elector's precinct 3641
to indicate that the elector's registration is subject to 3642
challenge. 3643

(3) Any elector who is the subject of an application or 3644
challenge hearing that is postponed under division (D) (1) of 3645
this section shall be permitted to vote a provisional ballot 3646
under section 3505.181 of the Revised Code. The validity of a 3647
provisional ballot cast pursuant to this section shall be 3648
determined in accordance with section 3505.183 of the Revised 3649
Code, except that no such provisional ballot shall be counted 3650
unless the hearing conducted under division (B) of this section 3651
after the day of the election results in the elector's inclusion 3652
in the official registration list. 3653

(E) If an elector who is the subject of an application or 3654
challenge hearing has a confidential voter registration record, 3655
as described in section 111.44 of the Revised Code, all of the 3656
following apply: 3657

(1) If the elector's right to vote has been challenged, 3658

the person who filed the challenge shall not receive notice of 3659
the date and time of any hearing held concerning the challenge, 3660
shall not be permitted to attend the hearing, and shall not 3661
receive notice of the disposition of the challenge. 3662

(2) If the elector is the subject of an application for 3663
the correction of the precinct registration list and the elector 3664
is not the person who filed the application, the person who 3665
filed the application shall not receive notice of the date and 3666
time of any hearing held concerning the application, shall not 3667
be permitted to attend the hearing, and shall not receive notice 3668
of the disposition of the application. 3669

(3) Notwithstanding section 121.22 of the Revised Code, 3670
any hearing held concerning the application or challenge shall 3671
not be open to the public. 3672

(4) Any records created as a result of the application or 3673
challenge that include the elector's residence address or 3674
precinct shall not be open to public inspection. 3675

Sec. 3503.26. (A) All registration forms and lists, when 3676
not in official use by the registrars or precinct election 3677
officials, shall be in the possession of the board of elections. 3678
Names and addresses of electors may be copied from the 3679
registration lists only in the office of the board when it is 3680
open for business; but no such copying shall be permitted during 3681
the period of time commencing twenty-one days before an election 3682
and ending on the eleventh day after an election if such copying 3683
will, in the opinion of the board, interfere with the necessary 3684
work of the board. ~~The~~ Except as provided in section 111.44 of 3685
the Revised Code, the board shall keep in convenient form and 3686
available for public inspection a correct set of the 3687
registration lists of all precincts in the county. 3688

(B) Notwithstanding division (A) of this section, and 3689
except as provided in section 111.44 of the Revised Code, the 3690
board of elections shall maintain and make available for public 3691
inspection and copying at a reasonable cost all records 3692
concerning the implementation of programs and activities 3693
conducted for the purpose of ensuring the accuracy and currency 3694
of voter registration lists, including the names and addresses 3695
of all registered electors sent confirmation notices and whether 3696
or not the elector responded to the confirmation notice. The 3697
board shall maintain all records described in this division for 3698
a period of two years. 3699

Sec. 3504.02. (A) Any citizen who desires to vote in a 3700
presidential election under this chapter shall, not later than 3701
four p.m. of the thirtieth day prior to the date of the 3702
presidential election, complete a certificate of intent to vote 3703
for presidential and vice-presidential electors. The certificate 3704
of intent shall be completed in duplicate on a form prescribed 3705
by the secretary of state that may be obtained and filed 3706
personally in the office of the board of elections of the county 3707
in which such person last resided before removal from this 3708
state, or mailed to such board of elections. 3709

(B) Immediately following the spaces on the certificate 3710
for inserting information as requested by the secretary of 3711
state, the following statement shall be printed: "I declare 3712
under penalty of election falsification that the statements 3713
herein contained are true to the best of my knowledge and 3714
belief; that I am legally qualified to vote; that I am not 3715
registered to vote in any other state; and that I have not voted 3716
in an election in any other state since removing myself from the 3717
state of Ohio. 3718

.....	3719
Signature of applicant	3720
.....	3721
Date	3722
WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A	3723
FELONY OF THE FIFTH DEGREE."	3724
<u>(C) If the applicant has a confidential voter registration</u>	3725
<u>record, as described in section 111.44 of the Revised Code, the</u>	3726
<u>applicant may include the applicant's program participant</u>	3727
<u>identification number instead of the applicant's residence</u>	3728
<u>address or precinct in the certificate of intent.</u>	3729
Sec. 3504.04. On <u>(A) Except as provided in division (B) of</u>	3730
<u>this section, on or before election day, the director of the</u>	3731
board of elections shall deliver to the polling place a list of	3732
persons who have filed certificates of intent to vote as former	3733
resident voters and who appear, from their voting address,	3734
entitled to vote at such polling place. Those persons whose	3735
names appear on the list of former resident voters, and who have	3736
otherwise complied with sections 3504.01 to 3504.06 of the	3737
Revised Code, shall then be entitled to vote for presidential	3738
and vice-presidential electors only at their polling place on	3739
election day or by absent voter's ballots. Such voter who votes	3740
at that voter's polling place on election day shall sign that	3741
voter's name in the poll book or poll list followed by, "Former	3742
Resident's Presidential Ballot." Qualified former residents	3743
shall be entitled to cast absent voter's ballots for	3744
presidential and vice-presidential electors.	3745
<u>(B) The list of persons described in division (A) of this</u>	3746
<u>section shall not include any person who has a confidential</u>	3747

voter registration record, as described in section 111.44 of the 3748
Revised Code. Such a person may vote for presidential and vice- 3749
presidential electors only by casting absent voter's ballots. 3750

Sec. 3509.03. (A) Except as provided in division (B) of 3751
section 3509.08 of the Revised Code, any qualified elector 3752
desiring to vote absent voter's ballots at an election shall 3753
make written application for those ballots to the director of 3754
elections of the county in which the elector's voting residence 3755
is located. ~~The~~ 3756

(B) Except as otherwise provided in division (C) of this 3757
section, the application need not be in any particular form but 3758
shall contain all of the following: 3759

~~(A)~~ (1) The elector's name; 3760
~~(B)~~ (2) The elector's signature; 3761
~~(C)~~ (3) The address at which the elector is registered to 3762
vote; 3763

~~(D)~~ (4) The elector's date of birth; 3764

~~(E)~~ (5) One of the following: 3765

~~(1)~~ (a) The elector's driver's license number; 3766

~~(2)~~ (b) The last four digits of the elector's social 3767
security number; 3768

~~(3)~~ (c) A copy of the elector's current and valid photo 3769
identification, a copy of a military identification, or a copy 3770
of a current utility bill, bank statement, government check, 3771
paycheck, or other government document, other than a notice of 3772
voter registration mailed by a board of elections under section 3773
3503.19 of the Revised Code, that shows the name and address of 3774

the elector. 3775

~~(F)~~ (6) A statement identifying the election for which 3776
absent voter's ballots are requested; 3777

~~(G)~~ (7) A statement that the person requesting the ballots 3778
is a qualified elector; 3779

~~(H)~~ (8) If the request is for primary election ballots, 3780
the elector's party affiliation; 3781

~~(I)~~ (9) If the elector desires ballots to be mailed to the 3782
elector, the address to which those ballots shall be mailed. 3783

(C) If the elector has a confidential voter registration 3784
record, as described in section 111.44 of the Revised Code, the 3785
elector may provide the elector's program participant 3786
identification number instead of the address at which the 3787
elector is registered to vote. 3788

(D) Each application for absent voter's ballots shall be 3789
delivered to the director not earlier than the first day of 3790
January of the year of the elections for which the absent 3791
voter's ballots are requested or not earlier than ninety days 3792
before the day of the election at which the ballots are to be 3793
voted, whichever is earlier, and not later than twelve noon of 3794
the third day before the day of the election at which the 3795
ballots are to be voted, or not later than six p.m. on the last 3796
Friday before the day of the election at which the ballots are 3797
to be voted if the application is delivered in person to the 3798
office of the board. 3799

(E) A board of elections that mails an absent voter's 3800
ballot application to an elector under this section shall not 3801
prepay the return postage for that application. 3802

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

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

(B) Upon receipt by the director of elections of an application for absent voter's ballots that contains all of the required information, as provided by section 3509.03 and division (G) of section 3503.16 of the Revised Code, the director, if the director finds that the applicant is a qualified elector, shall deliver to the applicant in person or mail directly to the applicant by special delivery mail, air mail, or regular mail, postage prepaid, proper absent voter's ballots. The director shall deliver or mail with the ballots an unsealed identification envelope upon the face of which shall be printed a form substantially as follows:

"Identification Envelope Statement of Voter

I,(Name of voter), declare under

penalty of election falsification that the within ballot or 3833
ballots contained no voting marks of any kind when I received 3834
them, and I caused the ballot or ballots to be marked, enclosed 3835
in the identification envelope, and sealed in that envelope. 3836

My voting residence in Ohio is 3837

..... 3838

(Street and Number, if any, or Rural Route and Number) 3839

of (City, Village, or Township) 3840

Ohio, which is in Ward Precinct 3841

in that city, village, or township. 3842

If I have a confidential voter registration record, I am 3843

providing my program participant identification number instead 3844

of my residence address: 3845

The primary election ballots, if any, within this envelope 3846

are primary election ballots of the Party. 3847

Ballots contained within this envelope are to be voted at 3848

the (general, special, or primary) election to be 3849

held on the day 3850

of, 3851

My date of birth is (Month and 3852

Day), (Year). 3853

(Voter must provide one of the following:) 3854

My driver's license number is (Driver's 3855

license number). 3856

The last four digits of my Social Security Number 3857

are (Last four digits of Social Security 3858

Number). 3859

..... In lieu of providing a driver's license number or 3860
the last four digits of my Social Security Number, I am 3861
enclosing a copy of one of the following in the return envelope 3862
in which this identification envelope will be mailed: a current 3863
and valid photo identification, a military identification, or a 3864
current utility bill, bank statement, government check, 3865
paycheck, or other government document, other than a notice of 3866
voter registration mailed by a board of elections, that shows my 3867
name and address. 3868

I hereby declare, under penalty of election falsification, 3869
that the statements above are true, as I verily believe. 3870

..... (Signature of Voter) 3871

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 3872
THE FIFTH DEGREE." 3873

The director shall mail with the ballots and the unsealed 3874
identification envelope an unsealed return envelope upon the 3875
face of which shall be printed the official title and post- 3876
office address of the director. In the upper left corner on the 3877
face of the return envelope, several blank lines shall be 3878
printed upon which the voter may write the voter's name and 3879
return address. The return envelope shall be of such size that 3880
the identification envelope can be conveniently placed within it 3881
for returning the identification envelope to the director. 3882

A board of elections that mails or otherwise delivers 3883
absent voter's ballots to an elector under this section shall 3884
not prepay the return postage for those ballots. 3885

Except as otherwise provided in this section and in 3886
sections 3505.24 and 3509.08 of the Revised Code, an election 3887
official shall not fill out any portion of an identification 3888

envelope statement of voter or an absent voter's ballot on 3889
behalf of an elector. A board of elections may preprint only an 3890
elector's name and address on an identification envelope 3891
statement of voter before mailing absent voter's ballots to the 3892
elector, except that if the elector has a confidential voter 3893
registration record, as described in section 111.44 of the 3894
Revised Code, the board of elections shall not preprint the 3895
elector's address on the identification envelope statement of 3896
voter. 3897

Sec. 3509.05. (A) When an elector receives an absent 3898
voter's ballot pursuant to the elector's application or request, 3899
the elector shall, before placing any marks on the ballot, note 3900
whether there are any voting marks on it. If there are any 3901
voting marks, the ballot shall be returned immediately to the 3902
board of elections; otherwise, the elector shall cause the 3903
ballot to be marked, folded in a manner that the stub on it and 3904
the indorsements and facsimile signatures of the members of the 3905
board of elections on the back of it are visible, and placed and 3906
sealed within the identification envelope received from the 3907
director of elections for that purpose. Then, the elector shall 3908
cause the statement of voter on the outside of the 3909
identification envelope to be completed and signed, under 3910
penalty of election falsification. 3911

If the elector does not provide the elector's driver's 3912
license number or the last four digits of the elector's social 3913
security number on the statement of voter on the identification 3914
envelope, the elector also shall include in the return envelope 3915
with the identification envelope a copy of the elector's current 3916
valid photo identification, a copy of a military identification, 3917
or a copy of a current utility bill, bank statement, government 3918
check, paycheck, or other government document, other than a 3919

notice of voter registration mailed by a board of elections 3920
under section 3503.19 of the Revised Code, that shows the name 3921
and address of the elector. 3922

The elector shall mail the identification envelope to the 3923
director from whom it was received in the return envelope, 3924
postage prepaid, or the elector may personally deliver it to the 3925
director, or the spouse of the elector, the father, mother, 3926
father-in-law, mother-in-law, grandfather, grandmother, brother, 3927
or sister of the whole or half blood, or the son, daughter, 3928
adopting parent, adopted child, stepparent, stepchild, uncle, 3929
aunt, nephew, or niece of the elector may deliver it to the 3930
director. The return envelope shall be transmitted to the 3931
director in no other manner, except as provided in section 3932
3509.08 of the Revised Code. 3933

When absent voter's ballots are delivered to an elector at 3934
the office of the board, the elector may retire to a voting 3935
compartment provided by the board and there mark the ballots. 3936
Thereupon, the elector shall fold them, place them in the 3937
identification envelope provided, seal the envelope, fill in and 3938
sign the statement on the envelope under penalty of election 3939
falsification, and deliver the envelope to the director of the 3940
board. 3941

Except as otherwise provided in division (B) of this 3942
section, all other envelopes containing marked absent voter's 3943
ballots shall be delivered to the director not later than the 3944
close of the polls on the day of an election. Absent voter's 3945
ballots delivered to the director later than the times specified 3946
shall not be counted, but shall be kept by the board in the 3947
sealed identification envelopes in which they are delivered to 3948
the director, until the time provided by section 3505.31 of the 3949

Revised Code for the destruction of all other ballots used at 3950
the election for which ballots were provided, at which time they 3951
shall be destroyed. 3952

(B) (1) Except as otherwise provided in division (B) (2) of 3953
this section, any return envelope that is postmarked prior to 3954
the day of the election shall be delivered to the director prior 3955
to the eleventh day after the election. Ballots delivered in 3956
envelopes postmarked prior to the day of the election that are 3957
received after the close of the polls on election day through 3958
the tenth day thereafter shall be counted on the eleventh day at 3959
the board of elections in the manner provided in divisions (C) 3960
and (D) of section 3509.06 of the Revised Code or in the manner 3961
provided in division (E) of that section, as applicable. Any 3962
such ballots that are received by the director later than the 3963
tenth day following the election shall not be counted, but shall 3964
be kept by the board in the sealed identification envelopes as 3965
provided in division (A) of this section. 3966

(2) Division (B) (1) of this section shall not apply to any 3967
mail that is postmarked using a postage evidencing system, 3968
including a postage meter, as defined in 39 C.F.R. 501.1. 3969

Sec. 3509.06. (A) The board of elections shall determine 3970
whether absent voter's ballots shall be counted in each 3971
precinct, at the office of the board, or at some other location 3972
designated by the board, and shall proceed accordingly under 3973
division (B) ~~or, (C), or (E)~~ of this section, as applicable. 3974

(B) ~~When~~ (1) Except as otherwise provided in division (B) 3975
(2) of this section, when the board of elections determines that 3976
absent voter's ballots shall be counted in each precinct, the 3977
director shall deliver to the voting location manager of each 3978
precinct on election day identification envelopes purporting to 3979

contain absent voter's ballots of electors whose voting 3980
residence appears from the statement of voter on the outside of 3981
each of those envelopes, to be located in that manager's 3982
precinct, and which were received by the director not later than 3983
the close of the polls on election day. The director shall 3984
deliver to the voting location manager a list containing the 3985
name and voting residence of each person whose voting residence 3986
is in such precinct to whom absent voter's ballots were mailed. 3987

(2) The director shall not deliver to the voting location 3988
manager identification envelopes cast by electors who provided a 3989
program participant identification number instead of a residence 3990
address on the identification envelope and shall not inform the 3991
voting location manager of the names and voting residences of 3992
persons who have confidential voter registration records. Those 3993
identification envelopes shall be examined and processed as 3994
described in division (E) of this section. 3995

(C) When the board of elections determines that absent 3996
voter's ballots shall be counted at the office of the board of 3997
elections or at another location designated by the board, 3998
special election officials shall be appointed by the board for 3999
that purpose having the same authority as is exercised by 4000
precinct election officials. The votes so cast shall be added to 4001
the vote totals by the board, and the absent voter's ballots 4002
shall be preserved separately by the board, in the same manner 4003
and for the same length of time as provided by section 3505.31 4004
of the Revised Code. 4005

(D) Each of the identification envelopes purporting to 4006
contain absent voter's ballots delivered to the voting location 4007
manager of the precinct or the special election official 4008
appointed by the board of elections shall be handled as follows: 4009

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

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

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

(3) (a) An identification envelope statement of voter shall
be considered incomplete if it does not include all of the
following:

(i) The voter's name;

(ii) The voter's residence address or, if the voter has a
confidential voter registration record, as described in section
111.44 of the Revised Code, the voter's program participant
identification number;

(iii) The voter's date of birth. The requirements of this
division are satisfied if the voter provided a date of birth and
any of the following is true:

(I) The month and day of the voter's date of birth on the identification envelope statement of voter are not different from the month and day of the voter's date of birth contained in the statewide voter registration database.

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

(III) The board of elections has found, by a vote of at least three of its members, that the voter has met the requirements of divisions (D) (3) (a) (i), (ii), (iv), and (v) of this section.

(iv) The voter's signature; and

(v) One of the following forms of identification:

(I) The voter's driver's license number;

(II) The last four digits of the voter's social security number; or

(III) A copy of 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 the voter's name and address.

(b) If the election officials 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, the election officials 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 be counted, the voter must provide the

necessary information to the board of elections in writing and 4067
on a form prescribed by the secretary of state not later than 4068
the seventh day after the day of the election. The voter may 4069
deliver the form to the office of the board in person or by 4070
mail. If the voter provides the necessary information to the 4071
board of elections not later than the seventh day after the day 4072
of the election and the ballot is not successfully challenged on 4073
another basis, the voter's ballot shall be counted in accordance 4074
with this section. 4075

(4) If no such challenge is made, or if such a challenge 4076
is made and not sustained, the voting location manager shall 4077
open the envelope without defacing the statement of voter and 4078
without mutilating the ballots in it, and shall remove the 4079
ballots contained in it and proceed to count them. 4080

(5) ~~The (a)~~ Except as otherwise provided in division (D) 4081
(5) (b) of this section, the name of each person voting who is 4082
entitled to vote only an absent voter's presidential ballot 4083
shall be entered in a pollbook or poll list or signature 4084
pollbook followed by the words "Absentee Presidential Ballot." 4085
The name of each person voting an absent voter's ballot, other 4086
than such persons entitled to vote only a presidential ballot, 4087
shall be entered in the pollbook or poll list or signature 4088
pollbook and the person's registration card marked to indicate 4089
that the person has voted. 4090

(b) If the person voting has a confidential voter 4091
registration record, the person's registration card shall be 4092
marked to indicate that the person has voted, but the person's 4093
name shall not be entered in the pollbook or poll list or 4094
signature pollbook. 4095

(6) The date of such election shall also be entered on the 4096

elector's registration form. If any such challenge is made and 4097
sustained, the identification envelope of such elector shall not 4098
be opened, shall be endorsed "Not Counted" with the reasons the 4099
ballots were not counted, and shall be delivered to the board. 4100

(E) (1) When the board of elections receives absent voter's 4101
ballots from an elector who has provided a program participant 4102
identification number instead of a residence address on the 4103
identification envelope statement of voter, the director and the 4104
deputy director personally shall examine and process the 4105
identification envelope statement of voter in the manner 4106
prescribed in division (D) of this section. 4107

(2) If the director and the deputy director find that the 4108
identification envelope statement of voter is incomplete or that 4109
the information contained in that statement does not conform to 4110
the information contained in the statewide voter registration 4111
database concerning the voter or to the information contained in 4112
the voter's confidential voter registration record, the director 4113
and the deputy director shall mail a written notice to the voter 4114
informing the voter of the nature of the defect. The notice 4115
shall inform the voter that in order for the voter's ballot to 4116
be counted the voter must provide the necessary information to 4117
the board of elections in writing and on a form prescribed by 4118
the secretary of state not later than the seventh day after the 4119
day of the election. The voter may deliver the form to the 4120
office of the board in person or by mail. If the voter provides 4121
the necessary information to the board of elections not later 4122
than the seventh day after the day of the election and the 4123
ballot is not successfully challenged on another basis, the 4124
voter's ballot shall be counted in accordance with this section. 4125

(3) The director or the deputy director may challenge the 4126

ballot on the ground that the signature on the envelope is not 4127
the same as the signature on the registration form, that the 4128
identification envelope statement of voter is incomplete, or 4129
upon any other of the grounds upon which the right of persons to 4130
vote may be lawfully challenged. If such a challenge is made, 4131
the board of elections shall decide whether to sustain the 4132
challenge. 4133

(4) If neither the director nor the deputy director 4134
challenges the ballot, or if such a challenge is made and not 4135
sustained, the director and the deputy director shall open the 4136
envelope without defacing the statement of voter and without 4137
mutilating the ballots in it, shall remove the ballots contained 4138
in it, and shall transmit the ballots to the election officials 4139
to be counted with other absent voter's ballots from that 4140
precinct. 4141

(F) Special election officials, employees or members of 4142
the board of elections, or observers shall not disclose the 4143
count or any portion of the count of absent voter's ballots 4144
prior to the time of the closing of the polling places. No 4145
person shall recklessly disclose the count or any portion of the 4146
count of absent voter's ballots in such a manner as to 4147
jeopardize the secrecy of any individual ballot. 4148

~~(F) Observers~~ (G) (1) Except as otherwise provided in 4149
division (G) (2) of this section, observers may be appointed 4150
under section 3505.21 of the Revised Code to witness the 4151
examination and opening of identification envelopes and the 4152
counting of absent voters' ballots under this section. 4153

(2) Observers shall not be permitted to witness the 4154
examination and opening of identification envelopes returned by, 4155
and the counting of absent voter's ballots cast by, electors who 4156

have confidential voter registration records in a manner that 4157
would permit the observers to learn the identities or residence 4158
addresses of those electors. 4159

Sec. 3509.07. If election officials find that any of the 4160
following are true concerning an absent voter's ballot or absent 4161
voter's presidential ballot and, if applicable, the person did 4162
not provide any required additional information to the board of 4163
elections not later than the seventh day after the day of the 4164
election, as permitted under division (D) (3) (b) or (E) (2) of 4165
section 3509.06 of the Revised Code, the ballot shall not be 4166
accepted or counted: 4167

(A) The statement accompanying the ballot is incomplete as 4168
described in division (D) (3) (a) of section 3509.06 of the 4169
Revised Code or is insufficient; 4170

(B) The signatures do not correspond with the person's 4171
registration signature; 4172

(C) The applicant is not a qualified elector in the 4173
precinct; 4174

(D) The ballot envelope contains more than one ballot of 4175
any one kind, or any voted ballot that the elector is not 4176
entitled to vote; 4177

(E) Stub A is detached from the absent voter's ballot or 4178
absent voter's presidential ballot; or 4179

(F) The elector has not included with the elector's ballot 4180
any identification required under section 3509.05 or 3511.09 of 4181
the Revised Code. 4182

The vote of any absent voter may be challenged for cause 4183
in the same manner as other votes are challenged, and the 4184

election officials shall determine the legality of that ballot. 4185
Every ballot not counted shall be endorsed on its back "Not 4186
Counted" with the reasons the ballot was not counted, and shall 4187
be enclosed and returned to or retained by the board of 4188
elections along with the contested ballots. 4189

Sec. 3509.09. (A) The poll list or signature pollbook for 4190
each precinct shall identify each registered elector in that 4191
precinct who has requested an absent voter's ballot for that 4192
election, other than an elector who has a confidential voter 4193
registration record, as described in section 111.44 of the 4194
Revised Code. 4195

(B) (1) If a registered elector appears to vote in that 4196
precinct and that elector has requested an absent voter's ballot 4197
for that election but the director has not received a sealed 4198
identification envelope purporting to contain that elector's 4199
voted absent voter's ballots for that election, the elector 4200
shall be permitted to cast a provisional ballot under section 4201
3505.181 of the Revised Code in that precinct on the day of that 4202
election. 4203

(2) If a registered elector appears to vote in that 4204
precinct and that elector has requested an absent voter's ballot 4205
for that election and the director has received a sealed 4206
identification envelope purporting to contain that elector's 4207
voted absent voter's ballots for that election, the elector 4208
shall be permitted to cast a provisional ballot under section 4209
3505.181 of the Revised Code in that precinct on the day of that 4210
election. 4211

(C) (1) In counting absent voter's ballots under section 4212
3509.06 of the Revised Code, the board of elections shall 4213
compare the signature of each elector from whom the director has 4214

received a sealed identification envelope purporting to contain 4215
that elector's voted absent voter's ballots for that election to 4216
the signature on that elector's registration form. Except as 4217
otherwise provided in division (C) (3) of this section, if the 4218
board of elections determines that the absent voter's ballot in 4219
the sealed identification envelope is valid, it shall be 4220
counted. If the board of elections determines that the signature 4221
on the sealed identification envelope purporting to contain the 4222
elector's voted absent voter's ballot does not match the 4223
signature on the elector's registration form, the ballot shall 4224
be set aside and the board shall examine, during the time prior 4225
to the beginning of the official canvass, the poll list or 4226
signature pollbook from the precinct in which the elector is 4227
registered to vote to determine if the elector also cast a 4228
provisional ballot under section 3505.181 of the Revised Code in 4229
that precinct on the day of the election. 4230

(2) The board of elections shall count the provisional 4231
ballot, instead of the absent voter's ballot, if both of the 4232
following apply: 4233

(a) The board of elections determines that the signature 4234
of the elector on the outside of the identification envelope in 4235
which the absent voter's ballots are enclosed does not match the 4236
signature of the elector on the elector's registration form; 4237

(b) The elector cast a provisional ballot in the precinct 4238
on the day of the election. 4239

(3) If the board of elections does not receive the sealed 4240
identification envelope purporting to contain the elector's 4241
voted absent voter's ballot by the applicable deadline 4242
established under section 3509.05 of the Revised Code, the 4243
provisional ballot cast under section 3505.181 of the Revised 4244

Code in that precinct on the day of the election shall be 4245
counted as valid, if that provisional ballot is otherwise 4246
determined to be valid pursuant to section 3505.183 of the 4247
Revised Code. 4248

(D) If the board of elections counts a provisional ballot 4249
under division (C) (2) or (3) of this section, the returned 4250
identification envelope of that elector shall not be opened, and 4251
the ballot within that envelope shall not be counted. The 4252
identification envelope shall be endorsed "Not Counted" with the 4253
reason the ballot was not counted. 4254

Sec. 3511.02. (A) Notwithstanding any section of the 4255
Revised Code to the contrary, whenever any person applies for 4256
registration as a voter on a form adopted in accordance with 4257
federal regulations relating to the "Uniformed and Overseas 4258
Citizens Absentee Voting Act," 100 Stat. 924, 42 U.S.C.A. 1973ff 4259
(1986), this application shall be sufficient for voter 4260
registration and as a request for an absent voter's ballot. 4261
Uniformed services or overseas absent voter's ballots may be 4262
obtained by any person meeting the requirements of section 4263
3511.011 of the Revised Code by applying electronically to the 4264
secretary of state or to the board of elections of the county in 4265
which the person's voting residence is located in accordance 4266
with section 3511.021 of the Revised Code or by applying to the 4267
director of the board of elections of the county in which the 4268
person's voting residence is located, in one of the following 4269
ways: 4270

~~(A)~~ (1) That person may make written application for those 4271
ballots. The person may personally deliver the application to 4272
the director or may mail it, send it by facsimile machine, send 4273
it by electronic mail, send it through internet delivery if such 4274

delivery is offered by the board of elections or the secretary 4275
of state, or otherwise send it to the director. ~~The Except as~~ 4276
~~otherwise provided in division (B) of this section, the~~ 4277
application need not be in any particular form but shall contain 4278
all of the following information: 4279

~~(1)~~ ~~(a)~~ The elector's name; 4280

~~(2)~~ ~~(b)~~ The elector's signature; 4281

~~(3)~~ ~~(c)~~ The address at which the elector is registered to 4282
vote; 4283

~~(4)~~ ~~(d)~~ The elector's date of birth; 4284

~~(5)~~ ~~(e)~~ One of the following: 4285

~~(a)~~ ~~(i)~~ The elector's driver's license number; 4286

~~(b)~~ ~~(ii)~~ The last four digits of the elector's social 4287
security number; 4288

~~(c)~~ ~~(iii)~~ A copy of the elector's current and valid photo 4289
identification, a copy of a military identification, or a copy 4290
of a current utility bill, bank statement, government check, 4291
paycheck, or other government document, other than a notice of 4292
voter registration mailed by a board of elections under section 4293
3503.19 of the Revised Code, that shows the name and address of 4294
the elector. 4295

~~(6)~~ ~~(f)~~ A statement identifying the election for which 4296
absent voter's ballots are requested; 4297

~~(7)~~ ~~(g)~~ A statement that the person requesting the ballots 4298
is a qualified elector; 4299

~~(8)~~ ~~(h)~~ A statement that the elector is an absent 4300
uniformed services voter or overseas voter as defined in 42 4301

U.S.C. 1973ff-6; 4302

~~(9)~~ (i) A statement of the elector's length of residence 4303
in the state immediately preceding the commencement of service, 4304
immediately preceding the date of leaving to be with or near the 4305
service member, or immediately preceding leaving the United 4306
States, or a statement that the elector's parent or legal 4307
guardian resided in this state long enough to establish 4308
residency for voting purposes immediately preceding leaving the 4309
United States, whichever is applicable; 4310

~~(10)~~ (j) If the request is for primary election ballots, 4311
the elector's party affiliation; 4312

~~(11)~~ (k) If the elector desires ballots to be mailed to 4313
the elector, the address to which those ballots shall be mailed; 4314

~~(12)~~ (l) If the elector desires ballots to be sent to the 4315
elector by facsimile machine, the telephone number to which they 4316
shall be so sent; 4317

~~(13)~~ (m) If the elector desires ballots to be sent to the 4318
elector by electronic mail or, if offered by the board of 4319
elections or the secretary of state, through internet delivery, 4320
the elector's electronic mail address or other internet contact 4321
information. 4322

~~(B)~~ (2) A voter or any relative of a voter listed in 4323
division ~~(C)~~ (A) (3) of this section may use a single federal 4324
post card application to apply for uniformed services or 4325
overseas absent voter's ballots for use at the primary and 4326
general elections in a given year and any special election to be 4327
held on the day in that year specified by division (E) of 4328
section 3501.01 of the Revised Code for the holding of a primary 4329
election, designated by the general assembly for the purpose of 4330

submitting constitutional amendments proposed by the general 4331
assembly to the voters of the state. A single federal postcard 4332
application shall be processed by the board of elections 4333
pursuant to section 3511.04 of the Revised Code the same as if 4334
the voter had applied separately for uniformed services or 4335
overseas absent voter's ballots for each election. 4336

~~(C)~~ (3) Application to have uniformed services or overseas 4337
absent voter's ballots mailed or sent by facsimile machine to 4338
such a person may be made by the spouse, father, mother, father- 4339
in-law, mother-in-law, grandfather, grandmother, brother or 4340
sister of the whole blood or half blood, son, daughter, adopting 4341
parent, adopted child, stepparent, stepchild, daughter-in-law, 4342
son-in-law, uncle, aunt, nephew, or niece of such a person. The 4343
application shall be in writing upon a blank form furnished only 4344
by the director or on a single federal post card as provided in 4345
division ~~(B)~~ (A) (2) of this section. The form of the application 4346
shall be prescribed by the secretary of state. The director 4347
shall furnish that blank form to any of the relatives specified 4348
in this division desiring to make the application, only upon the 4349
request of such a relative made in person at the office of the 4350
board or upon the written request of such a relative mailed to 4351
the office of the board. ~~The~~ Except as otherwise provided in 4352
division (B) of this section, the application, subscribed and 4353
sworn to by the applicant, shall contain all of the following: 4354

~~(1)~~ (a) The full name of the elector for whom ballots are 4355
requested; 4356

~~(2)~~ (b) A statement that the elector is an absent 4357
uniformed services voter or overseas voter as defined in 42 4358
U.S.C. 1973ff-6; 4359

~~(3)~~ (c) The address at which the elector is registered to 4360

vote; 4361

~~(4)~~ (d) A statement identifying the elector's length of residence in the state immediately preceding the commencement of service, immediately preceding the date of leaving to be with or near a service member, or immediately preceding leaving the United States, or a statement that the elector's parent or legal guardian resided in this state long enough to establish residency for voting purposes immediately preceding leaving the United States, as the case may be; 4362
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4364
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~~(5)~~ (e) The elector's date of birth; 4370

~~(6)~~ (f) One of the following: 4371

~~(a)~~ (i) The elector's driver's license number; 4372

~~(b)~~ (ii) The last four digits of the elector's social security number; 4373
4374

~~(c)~~ (iii) 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. 4375
4376
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4379
4380
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~~(7)~~ (g) A statement identifying the election for which absent voter's ballots are requested; 4382
4383

~~(8)~~ (h) A statement that the person requesting the ballots is a qualified elector; 4384
4385

~~(9)~~ (i) If the request is for primary election ballots, the elector's party affiliation; 4386
4387

~~(10)~~ (j) A statement that the applicant bears a 4388
relationship to the elector as specified in division ~~(C)~~ (A) (3) 4389
of this section; 4390

~~(11)~~ (k) The address to which ballots shall be mailed, the 4391
telephone number to which ballots shall be sent by facsimile 4392
machine, the electronic mail address to which ballots shall be 4393
sent by electronic mail, or, if internet delivery is offered by 4394
the board of elections or the secretary of state, the internet 4395
contact information to which ballots shall be sent through 4396
internet delivery; 4397

~~(12)~~ (l) The signature and address of the person making 4398
the application. 4399

(B) If the elector has a confidential voter registration 4400
record, as described in section 111.44 of the Revised Code, the 4401
application may include the elector's program participant 4402
identification number instead of the address at which the 4403
elector is registered to vote. 4404

(C) Each application for uniformed services or overseas 4405
absent voter's ballots shall be delivered to the director not 4406
earlier than the first day of January of the year of the 4407
elections for which the uniformed services or overseas absent 4408
voter's ballots are requested or not earlier than ninety days 4409
before the day of the election at which the ballots are to be 4410
voted, whichever is earlier, and not later than twelve noon of 4411
the third day preceding the day of the election, or not later 4412
than six p.m. on the last Friday before the day of the election 4413
at which those ballots are to be voted if the application is 4414
delivered in person to the office of the board. 4415

(D) If the voter for whom the application is made is 4416

entitled to vote for presidential and vice-presidential electors 4417
only, the applicant shall submit to the director in addition to 4418
the requirements of ~~divisions~~ division (A), ~~(B)~~, and ~~(C)~~ of this 4419
section, a statement to the effect that the voter is qualified 4420
to vote for presidential and vice-presidential electors and for 4421
no other offices. 4422

(E) A board of elections that mails a federal post card 4423
application or other absent voter's ballot application to an 4424
elector under this section shall not prepay the return postage 4425
for that application. 4426

(F) Except as otherwise provided in this section and in 4427
sections 3505.24 and 3509.08 of the Revised Code, an election 4428
official shall not fill out any portion of a federal post card 4429
application or other application for absent voter's ballots on 4430
behalf of an applicant. The secretary of state or a board of 4431
elections may preprint only an applicant's name and address on a 4432
federal post card application or other application for absent 4433
voter's ballots before mailing that application to the 4434
applicant, except that if the applicant has a confidential voter 4435
registration record, the secretary of state or the board of 4436
elections shall not preprint the applicant's address on the 4437
application. 4438

Sec. 3511.05. (A) The director of the board of elections 4439
shall place uniformed services or overseas absent voter's 4440
ballots sent by mail in an unsealed identification envelope, 4441
gummed ready for sealing. The director shall include with 4442
uniformed services or overseas absent voter's ballots sent 4443
electronically, including by facsimile machine, an instruction 4444
sheet for preparing a gummed envelope in which the ballots shall 4445
be returned. The envelope for returning ballots sent by either 4446

means shall have printed or written on its face a form 4447
substantially as follows: 4448

"Identification Envelope Statement of Voter 4449

I,(Name of voter), declare under 4450
penalty of election falsification that the within ballot or 4451
ballots contained no voting marks of any kind when I received 4452
them, and I caused the ballot or ballots to be marked, enclosed 4453
in the identification envelope, and sealed in that envelope. 4454

My voting residence in Ohio is 4455
..... 4456

(Street and Number, if any, or Rural Route and Number) 4457
of (City, Village, or Township) 4458
Ohio, which is in Ward Precinct 4459
in that city, village, or township. 4460

If I have a confidential voter registration record, I am 4461
providing my program participant identification number instead 4462
of my residence address: 4463

The primary election ballots, if any, within this envelope 4464
are primary election ballots of the Party. 4465

Ballots contained within this envelope are to be voted at 4466
the (general, special, or primary) election to be 4467
held on the day 4468
of, 4469

My date of birth is (Month and 4470
Day), (Year). 4471

(Voter must provide one of the following:) 4472

My driver's license number is (Driver's 4473

license number). 4474

The last four digits of my Social Security Number 4475
are (Last four digits of Social Security 4476
Number). 4477

..... In lieu of providing a driver's license number or 4478
the last four digits of my Social Security Number, I am 4479
enclosing a copy of one of the following in the return envelope 4480
in which this identification envelope will be mailed: a current 4481
and valid photo identification, a military identification, or a 4482
current utility bill, bank statement, government check, 4483
paycheck, or other government document, other than a notice of 4484
voter registration mailed by a board of elections, that shows my 4485
name and address. 4486

I hereby declare, under penalty of election falsification, 4487
that the statements above are true, as I verily believe. 4488

..... 4489
(Signature of Voter) 4490

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 4491
THE FIFTH DEGREE." 4492

(B) The director shall also mail with the ballots and the 4493
unsealed identification envelope sent by mail an unsealed return 4494
envelope, gummed, ready for sealing, for use by the voter in 4495
returning the voter's marked ballots to the director. The 4496
director shall send with the ballots and the instruction sheet 4497
for preparing a gummed envelope sent electronically, including 4498
by facsimile machine, an instruction sheet for preparing a 4499
second gummed envelope as described in this division, for use by 4500
the voter in returning that voter's marked ballots to the 4501
director. The return envelope shall have two parallel lines, 4502

each one quarter of an inch in width, printed across its face 4503
paralleling the top, with an intervening space of one quarter of 4504
an inch between such lines. The top line shall be one and one- 4505
quarter inches from the top of the envelope. Between the 4506
parallel lines shall be printed: "OFFICIAL ELECTION UNIFORMED 4507
SERVICES OR OVERSEAS ABSENT VOTER'S BALLOTS -- VIA AIR MAIL." 4508
Three blank lines shall be printed in the upper left corner on 4509
the face of the envelope for the use by the voter in placing the 4510
voter's complete military, naval, or mailing address on these 4511
lines, and beneath these lines there shall be printed a box 4512
beside the words "check if out-of-country." The voter shall 4513
check this box if the voter will be outside the United States on 4514
the day of the election. The official title and the post-office 4515
address of the director to whom the envelope shall be returned 4516
shall be printed on the face of such envelope in the lower right 4517
portion below the bottom parallel line. 4518

(C) On the back of each identification envelope and each 4519
return envelope shall be printed the following: 4520

"Instructions to voter: 4521

If the flap on this envelope is so firmly stuck to the 4522
back of the envelope when received by you as to require forcible 4523
opening in order to use it, open the envelope in the manner 4524
least injurious to it, and, after marking your ballots and 4525
enclosing same in the envelope for mailing them to the director 4526
of the board of elections, reclose the envelope in the most 4527
practicable way, by sealing or otherwise, and sign the blank 4528
form printed below. 4529

The flap on this envelope was firmly stuck to the back of 4530
the envelope when received, and required forced opening before 4531
sealing and mailing. 4532

..... 4533
(Signature of voter)" 4534

(D) Division (C) of this section does not apply when 4535
absent voter's ballots are sent electronically, including by 4536
facsimile machine. 4537

(E) Except as otherwise provided in this division and in 4538
sections 3505.24 and 3509.08 of the Revised Code, an election 4539
official shall not fill out any portion of an identification 4540
envelope statement of voter or an absent voter's ballot on 4541
behalf of an elector. A board of elections may preprint only an 4542
elector's name and address on an identification envelope 4543
statement of voter before mailing or electronically transmitting 4544
absent voter's ballots to the elector, except that if the 4545
elector has a confidential voter registration record, as 4546
described in section 111.44 of the Revised Code, the board of 4547
elections shall not preprint the elector's address on the 4548
identification envelope statement of voter. 4549

Sec. 3511.11. (A) Upon receipt of any return envelope 4550
bearing the designation "Official Election Uniformed Services or 4551
Overseas Absent Voter's Ballot" prior to the eleventh day after 4552
the day of any election, the director of the board of elections 4553
shall open it but shall not open the identification envelope 4554
contained in it. If, upon so opening the return envelope, the 4555
director finds ballots in it that are not enclosed in and 4556
properly sealed in the identification envelope, the director 4557
shall not look at the markings upon the ballots and shall 4558
promptly place them in the identification envelope and promptly 4559
seal it. If, upon so opening the return envelope, the director 4560
finds that ballots are enclosed in the identification envelope 4561
but that it is not properly sealed, the director shall not look 4562

at the markings upon the ballots and shall promptly seal the 4563
identification envelope. 4564

(B) Uniformed services or overseas absent voter's ballots 4565
delivered to the director not later than the close of the polls 4566
on election day shall be counted in the manner provided in 4567
section 3509.06 of the Revised Code. 4568

(C) A return envelope is not required to be postmarked in 4569
order for a uniformed services or overseas absent voter's ballot 4570
contained in it to be valid. Except as otherwise provided in 4571
this division, whether or not the return envelope containing the 4572
ballot is postmarked, contains a late postmark, or contains an 4573
illegible postmark, a uniformed services or overseas absent 4574
voter's ballot that is received after the close of the polls on 4575
election day through the tenth day after the election day shall 4576
be counted on the eleventh day after the election day at the 4577
office of the board of elections in the manner provided in 4578
divisions (C) and (D) of section 3509.06 of the Revised Code or 4579
in the manner provided in division (E) of that section, as 4580
applicable, if the voter signed the identification envelope by 4581
the time specified in section 3511.09 of the Revised Code. 4582
However, if a return envelope containing a uniformed services or 4583
overseas absent voter's ballot is so received and so indicates, 4584
but the identification envelope in it is signed after the close 4585
of the polls on election day, the uniformed services or overseas 4586
absent voter's ballot shall not be counted. 4587

(D) The following types of uniformed services or overseas 4588
absent voter's ballots shall not be counted: 4589

(1) Uniformed services or overseas absent voter's ballots 4590
contained in return envelopes that bear the designation 4591
"Official Election Uniformed Services or Overseas Absent Voter's 4592

Ballots," that are received by the director after the close of 4593
the polls on the day of the election, and that contain an 4594
identification envelope that is signed after the time specified 4595
in section 3511.09 of the Revised Code; 4596

(2) Uniformed services or overseas absent voter's ballots 4597
contained in return envelopes that bear that designation and 4598
that are received after the tenth day following the election. 4599

The uncounted ballots shall be preserved in their 4600
identification envelopes unopened until the time provided by 4601
section 3505.31 of the Revised Code for the destruction of all 4602
other ballots used at the election for which ballots were 4603
provided, at which time they shall be destroyed. 4604

Sec. 3511.12. In counting uniformed services or overseas 4605
absent voter's ballots pursuant to section 3511.11 of the 4606
Revised Code, the name of each voter, followed by "Uniformed 4607
Services or Overseas Absent Voter's Ballot," shall be written in 4608
the poll book or poll list together with such notations as will 4609
indicate the kinds of ballots the envelope contained, except 4610
that if the voter has a confidential voter registration record, 4611
as described in section 111.44 of the Revised Code, that 4612
information shall be marked in the voter's registration record 4613
but not in the poll book or poll list. If any challenge is made 4614
and sustained, the identification envelope of such voter shall 4615
not be opened and shall be indorsed "not counted" with the 4616
reasons therefor. 4617

Section 2. That existing sections 109.57, 149.43, 149.45, 4618
319.28, 1901.25, 2313.06, 2929.18, 2929.28, 3113.31, 3503.13, 4619
3503.16, 3503.21, 3503.23, 3503.24, 3503.26, 3504.02, 3504.04, 4620
3509.03, 3509.04, 3509.05, 3509.06, 3509.07, 3509.09, 3511.02, 4621
3511.05, 3511.11, and 3511.12 and section 3505.19 of the Revised 4622

Code are hereby repealed. 4623

Section 3. The General Assembly respectfully requests the 4624
Supreme Court of Ohio to revise Rule 4.2 of the Ohio Rules of 4625
Civil Procedure to allow service of process to be made upon a 4626
program participant by serving the Secretary of State as the 4627
program participant's agent, as described in section 111.43 of 4628
the Revised Code, as enacted by this act. As used in this 4629
section, "program participant" has the meaning defined in 4630
section 111.41 of the Revised Code, as enacted by this act. 4631

Section 4. Section 3113.31 of the Revised Code is 4632
presented in this act as a composite of the section as amended 4633
by both Sub. H.B. 309 and Am. Sub. S.B. 177 of the 130th General 4634
Assembly. Section 3509.06 of the Revised Code is presented in 4635
this act as a composite of the section as amended by Am. Sub. 4636
S.B. 109, Sub. S.B. 205, and Sub. S.B. 216, all of the 130th 4637
General Assembly. The General Assembly, applying the principle 4638
stated in division (B) of section 1.52 of the Revised Code that 4639
amendments are to be harmonized if reasonably capable of 4640
simultaneous operation, finds that the composites are the 4641
resulting versions of the sections in effect prior to the 4642
effective dates of the sections as presented in this act. 4643