

**As Passed by the House**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. S. B. No. 296**

**Senator Seitz**

**Cosponsors: Senators Coley, Jones, Hite, Burke, Bacon, Jordan, Uecker, Patton, Eklund, Hackett Representatives Blessing, Buchy, Green, McColley, Antani, Brenner, McClain, Retherford, Schaffer, Sears, Slaby, Smith, R., Terhar, Young**

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**A BILL**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

(L) As used in this section: 258

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Election officials; 372

(b) Public school teachers. 373

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

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

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

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

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

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

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

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

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

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

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

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

the secretary of state and the attorney general. 437

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

forms; 646

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

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

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

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

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

(b) Eligible to vote in that election. 662

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

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

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

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

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

(6) If, at the time that an individual casts a provisional ballot, the individual provides identification in the form of a current and valid photo identification, a military identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government



document, other than a notice of voter registration mailed by a 704  
board of elections under section 3503.19 of the Revised Code, 705  
that shows the individual's name and current address, or 706  
provides the individual's driver's license or state 707  
identification card number or the last four digits of the 708  
individual's social security number, the individual shall record 709  
the type of identification provided or the driver's license, 710  
state identification card, or social security number information 711  
and include that information on the provisional ballot 712  
affirmation under division (B) (3) of this section. 713

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

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

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

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

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

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

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

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

ballot at that precinct in accordance with division (B) of this 764  
section. If the individual is in the correct polling location 765  
for the precinct in which the individual is registered and 766  
eligible to vote, the election official shall complete and sign, 767  
under penalty of election falsification, a form that includes 768  
all of the following, and attach the form to the individual's 769  
provisional ballot affirmation: 770

(a) The name or number of the individual's correct 771  
precinct; 772

(b) A statement that the election official instructed the 773  
individual to travel to the correct precinct to vote; 774

(c) A statement that the election official informed the 775  
individual that casting a provisional ballot in the wrong 776  
precinct would result in all or a portion of the votes on the 777  
ballot being rejected; 778

(d) The name or number of the precinct in which the 779  
individual is casting a provisional ballot; and 780

(e) The name of the polling location in which the 781  
individual is casting a provisional ballot. 782

(D) The appropriate local election official shall cause 783  
voting information to be publicly posted at each polling place 784  
on the day of each election. 785

(E) As used in this section and sections 3505.182 and 786  
3505.183 of the Revised Code: 787

(1) "Precinct voting location guide" means either of the 788  
following: 789

(a) An electronic or paper record that lists the correct 790  
precinct and polling place for either each specific residential 791

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

registered to vote. 879

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) The individual named on the affirmation is not



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

hereby repealed. 1083

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