

**As Concurred by the Senate**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. S. B. No. 63**

**Senator LaRose**

**Cosponsors: Senators Hite, Jones, Gardner, Lehner, Hottinger, Tavares, Brown, Coley, Bacon, Balderson, Beagle, Burke, Eklund, Faber, Manning, Obhof, Patton, Peterson, Sawyer, Seitz, Thomas, Uecker, Yuko, Hackett**

**Representatives Brown, Smith, R., Anielski, Antani, Arndt, Baker, Blessing, Buchy, Cupp, Dovilla, Duffey, Green, Grossman, Hambley, Henne, Koehler, Landis, Manning, McClain, McColley, Pelanda, Perales, Reineke, Rezabek, Rogers, Schaffer, Schuring, Sears, Slaby, Smith, K., Sprague, Terhar, Thompson**

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**A BILL**

To amend sections 305.02, 733.08, 733.31, 3503.14, 1  
3503.15, 3503.18, 3503.21, and 3506.05 and to 2  
enact section 3503.20 of the Revised Code to 3  
create an online voter registration system, to 4  
require the Secretary of State annually to 5  
review the Statewide Voter Registration Database 6  
to identify registrants who are not United 7  
States citizens, to modify the procedures for 8  
maintaining the Statewide Voter Registration 9  
Database, to amend the requirements for the 10  
certification of voting equipment, and to 11  
clarify the circumstances under which a 12  
political party may appoint a person to fill a 13  
vacancy in certain elective offices. 14

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

**Section 1.** That sections 305.02, 733.08, 733.31, 3503.14, 15  
3503.15, 3503.18, 3503.21 and 3506.05 be amended and section 16  
3503.20 of the Revised Code be enacted to read as follows: 17

**Sec. 305.02.** (A) If a vacancy in the office of county 18  
commissioner, prosecuting attorney, county auditor, county 19  
treasurer, clerk of the court of common pleas, sheriff, county 20  
recorder, county engineer, or coroner occurs more than forty 21  
days before the next general election for state and county 22  
officers, a successor shall be elected at such election for the 23  
unexpired term unless such term expires within one year 24  
immediately following the date of such general election. 25

In either event, the vacancy shall be filled as provided 26  
in this section and the appointee shall hold office until a 27  
successor is elected and qualified. 28

(B) If a vacancy occurs from any cause in any of the 29  
offices named in division (A) of this section, the county 30  
central committee of the political party ~~with which that~~ 31  
nominated the last occupant of the office ~~was affiliated as a~~ 32  
candidate for that office for the current term shall appoint a 33  
person to hold the office and to perform the duties thereof 34  
until a successor is elected and has qualified, except that if 35  
such vacancy occurs because of the death, resignation, or 36  
inability to take the office of an officer-elect whose term has 37  
not yet begun, an appointment to take such office at the 38  
beginning of the term shall be made by the central committee of 39  
the political party ~~with which such that nominated the officer-~~ 40  
~~elect was affiliated as a candidate for that office for that~~ 41  
term. 42

(C) Not less than five nor more than forty-five days after 43  
a vacancy occurs, the county central committee shall meet for 44

the purpose of making an appointment under this section. Not 45  
less than four days before the date of such meeting the 46  
chairperson or secretary of such central committee shall send by 47  
first class mail to every member of such central committee a 48  
written notice which shall state the time and place of such 49  
meeting and the purpose thereof. A majority of the members of 50  
the central committee present at such meeting may make the 51  
appointment. 52

(D) If the last occupant of the office or the officer- 53  
elect was elected to serve the current term as an independent 54  
candidate, the board of county commissioners shall make such 55  
appointment at the time when the vacancy occurs, except where 56  
the vacancy is in the office of county commissioner, in which 57  
case the prosecuting attorney and the remaining commissioners or 58  
a majority of them shall make the appointment. 59

(E) Appointments made under this section shall be 60  
certified by the appointing county central committee or by the 61  
board of county commissioners to the county board of elections 62  
and to the secretary of state, and the persons so appointed and 63  
certified shall be entitled to all remuneration provided by law 64  
for the offices to which they are appointed. 65

(F) The board of county commissioners may appoint a person 66  
to hold any of the offices named in division (A) of this section 67  
as an acting officer and to perform the duties thereof between 68  
the occurrence of the vacancy and the time when the officer 69  
appointed by the central committee qualifies and takes the 70  
office. 71

(G) A person appointed prosecuting attorney or assistant 72  
prosecuting attorney shall give bond and take the oath of office 73  
prescribed by section 309.03 of the Revised Code for the 74

prosecuting attorney.

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**Sec. 733.08.** (A) In case of the death, resignation, or  
removal of the mayor, the vacancy in the office of mayor shall  
be filled, until a successor is elected and qualified, by a  
person chosen by the residents of that city who are members of  
the city central committee if there is one, or if not then of  
the county central committee, of the political party ~~with which~~  
that nominated the last occupant of the office ~~was affiliated as~~  
a candidate for that office for the current term. If the vacancy  
occurs because of the death, resignation, or inability to take  
office of a mayor-elect, an appointment to take the office at  
the beginning of the term shall be made by the members of the  
central committee who reside in the city where the vacancy  
occurs.

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Not less than five nor more than forty-five days after the  
vacancy occurs, the specified members of the city or county  
committee shall meet to make an appointment to fill the vacancy.  
Not less than four days before the date of the meeting the  
committee chairperson or secretary shall send, by mail to every  
member eligible to vote on filling the vacancy, a written notice  
stating the date, time, and place of the meeting and its  
purpose. A majority of the eligible members present at the  
meeting may make the appointment.

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If the last occupant of the office of mayor or the mayor-  
elect was elected to serve the current term as an independent  
candidate, the vacancy shall be filled, until a successor is  
elected and qualified, by election by the legislative authority.

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(B) If a vacancy in the office of mayor occurs more than  
forty days before the next regular municipal election, a  
successor shall be elected at that election for the unexpired

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term unless the unexpired term ends within one year immediately 105  
following the date of that election, in which case an election 106  
to fill the unexpired term shall not be held and the person 107  
appointed or elected under division (A) of this section shall 108  
hold the office for the unexpired term. If an election is held 109  
under this division, the person appointed or elected by the 110  
legislative authority under division (A) of this section shall 111  
hold the office until a successor is elected and qualified under 112  
this division. 113

**Sec. 733.31.** (A) Unless otherwise provided by law, 114  
vacancies arising in appointive and elective offices of villages 115  
shall be filled by appointment by the mayor for the remainder of 116  
the unexpired term, provided that: 117

(1) Vacancies in the office of mayor shall be filled in 118  
the manner provided by section 733.25 of the Revised Code; 119

(2) Vacancies in the membership of the legislative 120  
authority shall be filled in the manner provided by section 121  
731.43 of the Revised Code; 122

(3) Vacancies in the office of president pro tempore of a 123  
village legislative authority shall be filled in the manner 124  
provided by section 731.11 of the Revised Code. 125

In the event of a vacancy in the office of village clerk 126  
or treasurer, the mayor may appoint a person to serve as an 127  
acting officer to perform the duties of the office until a 128  
permanent officer is appointed to fill the vacancy. 129

(B) Unless otherwise provided by law, vacancies arising in 130  
appointive offices of cities shall be filled by appointment by 131  
the mayor for the remainder of the unexpired term. 132

(C) A vacancy in the office of president of the 133

legislative authority of a city shall be filled in the same 134  
manner as provided in division (D) of this section. Vacancies in 135  
the office of mayor of a city shall be filled in the manner 136  
provided in section 733.08 of the Revised Code. Vacancies in the 137  
membership of the legislative authority of a city shall be 138  
filled in the manner provided in section 731.43 of the Revised 139  
Code. 140

(D) In case of the death, resignation, removal, or 141  
disability of the director of law, auditor, or treasurer of a 142  
city and such vacancy occurs more than forty days before the 143  
next general election for such office, a successor shall be 144  
elected at such election for the unexpired term unless such term 145  
expires within one year immediately following the date of such 146  
general election. In either event, the vacancy shall be filled 147  
as provided in this section and the appointee shall hold office 148  
until a successor is elected and qualified. 149

(1) The county central committee of the political party 150  
~~with which that nominated~~ the last occupant of the office ~~was~~ 151  
~~affiliated~~as a candidate for that office for the current term, 152  
acting through its members who reside in the city where the 153  
vacancy occurs, shall appoint a person to hold the office and to 154  
perform the duties thereof until a successor is elected and has 155  
qualified, except that if such vacancy occurs because of the 156  
death, resignation, or inability to take the office of an 157  
officer-elect whose term has not yet begun, an appointment to 158  
take such office at the beginning of the term shall be made by 159  
the members of the central committee who reside in the city 160  
where the vacancy occurs. 161

(2) Not less than five nor more than forty-five days after 162  
a vacancy occurs, the county central committee, acting through 163

its members who reside in the city where the vacancy occurs, 164  
shall meet for the purpose of making an appointment. Not less 165  
than four days before the date of the meeting the chairperson or 166  
secretary of the central committee shall send by first class 167  
mail to every member of such central committee who resides in 168  
the city where the vacancy occurs a written notice which shall 169  
state the time and place of such meeting and the purpose 170  
thereof. A majority of the members of the central committee 171  
present at such meeting may make the appointment. 172

(E) If the last occupant of the office or the officer- 173  
elect, as provided in division (D) of this section, was elected 174  
to serve the current term as an independent candidate, the mayor 175  
of the city shall make the appointment at the time the vacancy 176  
occurs. 177

(F) Appointments made under this section shall be 178  
certified by the appointing county central committee or by the 179  
mayor of the municipal corporation to the county board of 180  
elections and to the secretary of state. The persons so 181  
appointed and certified shall be entitled to all remuneration 182  
provided by law for the offices to which they are appointed. 183

(G) The mayor of the city may appoint a person to hold the 184  
city office of director of law, auditor, or treasurer as an 185  
acting officer and to perform the duties thereof between the 186  
occurrence of the vacancy and the time when the person appointed 187  
by the central committee qualifies and takes the office. 188

**Sec. 3503.14.** (A) The secretary of state shall prescribe 189  
the form and content of the registration, change of residence, 190  
and change of name forms used in this state. The forms shall 191  
meet the requirements of the National Voter Registration Act of 192  
1993 and shall include spaces for all of the following: 193

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| (1) The voter's name;  | 194   |
| (2) The voter's address;   | 195   |
| (3) The current date;  | 196   |
| (4) The voter's date of birth;   | 197   |
| (5) The voter to provide one or more of the following:   | 198   |
| (a) The voter's driver's license number, if any;   | 199   |
| (b) The last four digits of the voter's social security<br>number, if any;   | 200<br>201                                    |
| (c) A copy of a current and valid photo identification, a<br>copy of a military identification, or a copy of a current<br>utility bill, bank statement, government check, paycheck, or<br>other government document, other than a notice of voter<br>registration mailed by a board of elections under section<br>3503.19 of the Revised Code, that shows the voter's name and<br>address. | 202<br>203<br>204<br>205<br>206<br>207<br>208 |
| (6) The voter's signature.   | 209   |
| The registration form shall include a space on which the<br>person registering an applicant shall sign the person's name and<br>provide the person's address and a space on which the person<br>registering an applicant shall name the employer who is<br>employing that person to register the applicant.  | 210<br>211<br>212<br>213<br>214               |
| Except for forms prescribed by the secretary of state<br>under section 3503.11 of the Revised Code, the secretary of<br>state shall permit boards of elections to produce forms that<br>have subdivided spaces for each individual alphanumeric<br>character of the information provided by the voter so as to<br>accommodate the electronic reading and conversion of the voter's         | 215<br>216<br>217<br>218<br>219<br>220        |



information to data and the subsequent electronic transfer of 221  
that data to the statewide voter registration database 222  
established under section 3503.15 of the Revised Code. 223

(B) None of the following persons who are registering an 224  
applicant in the course of that official's or employee's normal 225  
duties shall sign the person's name, provide the person's 226  
address, or name the employer who is employing the person to 227  
register an applicant on a form prepared under this section: 228

(1) An election official; 229

(2) A county treasurer; 230

(3) A deputy registrar of motor vehicles; 231

(4) An employee of a designated agency; 232

(5) An employee of a public high school; 233

(6) An employee of a public vocational school; 234

(7) An employee of a public library; 235

(8) An employee of the office of a county treasurer; 236

(9) An employee of the bureau of motor vehicles; 237

(10) An employee of a deputy registrar of motor vehicles; 238

(11) An employee of an election official. 239

(C) Except as provided in section 3501.382 of the Revised 240  
Code, any applicant who is unable to sign the applicant's own 241  
name shall make an "X," if possible, which shall be certified by 242  
the signing of the name of the applicant by the person filling 243  
out the form, who shall add the person's own signature. If an 244  
applicant is unable to make an "X," the applicant shall indicate 245  
in some manner that the applicant desires to register to vote or 246

to change the applicant's name or residence. The person 247  
registering the applicant shall sign the form and attest that 248  
the applicant indicated that the applicant desired to register 249  
to vote or to change the applicant's name or residence. 250

(D) No registration, change of residence, or change of 251  
name form shall be rejected solely on the basis that a person 252  
registering an applicant failed to sign the person's name or 253  
failed to name the employer who is employing that person to 254  
register the applicant as required under division (A) of this 255  
section. 256

(E) A voter registration application submitted online 257  
through the internet pursuant to section 3503.20 of the Revised 258  
Code is not required to contain a signature to be considered 259  
valid. The signature obtained under division (B) of that section 260  
shall be considered the applicant's signature for all election 261  
and signature-matching purposes. 262

(F) As used in this section, "registering an applicant" 263  
includes any effort, for compensation, to provide voter 264  
registration forms or to assist persons in completing or 265  
returning those forms. 266

**Sec. 3503.15.** (A) (1) The secretary of state shall 267  
establish and maintain a statewide voter registration database 268  
that shall be administered by the office of the secretary of 269  
state and made continuously available to each board of elections 270  
and to other agencies as authorized by law. 271

(2) (a) State agencies, including, but not limited to, the 272  
department of health, the bureau of motor vehicles, the 273  
department of job and family services, the department of 274  
medicaid, and the department of rehabilitation and corrections, 275

shall provide any information and data to the secretary of state 276  
that is collected in the course of normal business and that is 277  
necessary to register to vote, to update an elector's 278  
registration, or to maintain the statewide voter registration 279  
database established pursuant to this section, except where 280  
prohibited by federal law or regulation. The department of 281  
health, the bureau of motor vehicles, the department of job and 282  
family services, the department of medicaid, and the department 283  
of rehabilitation and corrections shall provide that information 284  
and data to the secretary of state not later than the last day 285  
of each month. The secretary of state shall ensure that any 286  
information or data provided to the secretary of state that is 287  
confidential in the possession of the entity providing the data 288  
remains confidential while in the possession of the secretary of 289  
state. No public office, and no public official or employee, 290  
shall sell that information or data or use that information or 291  
data for profit. 292

(b) Information provided under this division for 293  
maintenance of the statewide voter registration database shall 294  
not be used to update the name or address of a registered 295  
elector. The name or address of a registered elector shall only 296  
be updated as a result of the elector's actions in filing a 297  
notice of change of name, change of address, or both. 298

(c) A board of elections shall contact a registered 299  
elector pursuant to the rules adopted under division (D) (7) of 300  
this section to verify the accuracy of the information in the 301  
statewide voter registration database regarding that elector if 302  
that information does not conform with information provided 303  
under division (A) (2) (a) of this section and the discrepancy 304  
would affect the elector's eligibility to cast a regular ballot. 305

(3) (a) The secretary of state shall enter into agreements 306  
to share information or data that is in the possession of the 307  
secretary of state with other states or groups of states, as the 308  
secretary of state considers necessary, in order to maintain the 309  
statewide voter registration database established pursuant to 310  
this section. Except as otherwise provided in division (A) (3) (b) 311  
of this section, the secretary of state shall ensure that any 312  
information or data provided to the secretary of state that is 313  
confidential in the possession of the state providing the data 314  
remains confidential while in the possession of the secretary of 315  
state. 316

(b) The secretary of state may provide such otherwise 317  
confidential information or data to persons or organizations 318  
that are engaging in legitimate governmental purposes related to 319  
the maintenance of the statewide voter registration database. 320  
The secretary of state shall adopt rules pursuant to Chapter 321  
119. of the Revised Code identifying the persons or 322  
organizations who may receive that information or data. The 323  
secretary of state shall not share that information or data with 324  
a person or organization not identified in those rules. The 325  
secretary of state shall ensure that a person or organization 326  
that receives confidential information or data under this 327  
division keeps the information or data confidential in the 328  
person's or organization's possession by, at a minimum, entering 329  
into a confidentiality agreement with the person or 330  
organization. Any confidentiality agreement entered into under 331  
this division shall include a requirement that the person or 332  
organization submit to the jurisdiction of this state in the 333  
event that the person or organization breaches the agreement. 334

(4) No person or entity that receives information or data 335  
under division (A) (3) of this section shall sell the information 336

or data or use the information or data for profit. 337

(5) The secretary of state shall regularly transmit to the 338  
boards of elections, to the extent permitted by state and 339  
federal law, the information and data the secretary of state 340  
receives under divisions (A) (2) and (3) of this section that is 341  
necessary to do the following, in order to ensure that the 342  
accuracy of the statewide voter registration database is 343  
maintained on a regular basis in accordance with applicable 344  
state and federal law: 345

(a) Require the boards of elections to maintain the 346  
database in a manner that ensures that the name of each 347  
registered elector appears in the database, that only 348  
individuals who are not registered or eligible to vote are 349  
removed from the database, and that duplicate registrations are 350  
eliminated from the database; 351

(b) Require the boards of elections to make a reasonable 352  
effort to remove individuals who are not eligible to vote from 353  
the database; 354

(c) Establish safeguards to ensure that eligible electors 355  
are not removed in error from the database. 356

(B) The statewide voter registration database established 357  
under this section shall be the official list of registered 358  
voters for all elections conducted in this state. 359

(C) The statewide voter registration database established 360  
under this section shall, at a minimum, include all of the 361  
following: 362

(1) An electronic network that connects all board of 363  
elections offices with the office of the secretary of state and 364  
with the offices of all other boards of elections; 365

(2) A computer program that harmonizes the records 366  
contained in the database with records maintained by each board 367  
of elections; 368

(3) An interactive computer program that allows access to 369  
the records contained in the database by each board of elections 370  
and by any persons authorized by the secretary of state to add, 371  
delete, modify, or print database records, and to conduct 372  
updates of the database; 373

(4) A search program capable of verifying registered 374  
voters and their registration information by name, driver's 375  
license number, birth date, social security number, or current 376  
address; 377

(5) Safeguards and components to ensure that the 378  
integrity, security, and confidentiality of the voter 379  
registration information is maintained; 380

(6) Methods to retain canceled voter registration records 381  
for not less than five years after they are canceled and to 382  
record the reason for their cancellation. 383

(D) The secretary of state shall adopt rules pursuant to 384  
Chapter 119. of the Revised Code doing all of the following: 385

(1) Specifying the manner in which existing voter 386  
registration records maintained by boards of elections shall be 387  
converted to electronic files for inclusion in the statewide 388  
voter registration database; 389

(2) Establishing a uniform method for entering voter 390  
registration records into the statewide voter registration 391  
database on an expedited basis, but not less than once per day, 392  
if new registration information is received; 393

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|---|--|
| (3) Establishing a uniform method for purging canceled voter registration records from the statewide voter registration database in accordance with section 3503.21 of the Revised Code;  | 394<br>395<br>396                                    |
| (4) Specifying the persons authorized to add, delete, modify, or print records contained in the statewide voter registration database and to make updates of that database;   | 397<br>398<br>399                                    |
| (5) Establishing a process for annually auditing the information contained in the statewide voter registration database;  | 400<br>401<br>402                                    |
| (6) Establishing, by mutual agreement with the bureau of motor vehicles, the content and format of the information and data the bureau of motor vehicles shall provide to the secretary of state under division (A)(2)(a) of this section and the frequency with which the bureau shall provide that information and data;  | 403<br>404<br>405<br>406<br>407<br>408               |
| (7) Establishing a uniform method for addressing instances in which records contained in the statewide voter registration database do not conform with records maintained by an agency, state, or group of states described in division (A)(2)(a) or (3)(a) of this section. That method shall prohibit an elector's voter registration from being canceled on the sole basis that the information in the registration record does not conform to records maintained by such an agency. | 409<br>410<br>411<br>412<br>413<br>414<br>415<br>416 |
| (E) A board of elections promptly shall purge a voter's name and voter registration information from the statewide voter registration database in accordance with the rules adopted by the secretary of state under division (D)(3) of this section after the cancellation of a voter's registration under section 3503.21 of the Revised Code.   | 417<br>418<br>419<br>420<br>421<br>422               |

(F) The secretary of state shall provide training in the 423  
operation of the statewide voter registration database to each 424  
board of elections and to any persons authorized by the 425  
secretary of state to add, delete, modify, or print database 426  
records, and to conduct updates of the database. 427

(G) (1) The statewide voter registration database 428  
established under this section shall be made available on a web 429  
site of the office of the secretary of state as follows: 430

(a) Except as otherwise provided in division (G) (1) (b) of 431  
this section, the following information from the statewide voter 432  
registration database regarding a registered voter shall be made 433  
available on the web site: 434

(i) The voter's name; 435

(ii) The voter's address; 436

(iii) The voter's precinct number; 437

(iv) The voter's voting history. 438

(b) During the thirty days before the day of a primary or 439  
general election, the web site interface of the statewide voter 440  
registration database shall permit a voter to search for the 441  
polling location at which that voter may cast a ballot. 442

(2) The secretary of state shall establish, by rule 443  
adopted under Chapter 119. of the Revised Code, a process for 444  
boards of elections to notify the secretary of state of changes 445  
in the locations of precinct polling places for the purpose of 446  
updating the information made available on the secretary of 447  
state's web site under division (G) (1) (b) of this section. Those 448  
rules shall require a board of elections, during the thirty days 449  
before the day of a primary or general election, to notify the 450



secretary of state within one business day of any change to the 451  
location of a precinct polling place within the county. 452

(3) During the thirty days before the day of a primary or 453  
general election, not later than one business day after 454  
receiving a notification from a county pursuant to division (G) 455  
(2) of this section that the location of a precinct polling 456  
place has changed, the secretary of state shall update that 457  
information on the secretary of state's web site for the purpose 458  
of division (G) (1) (b) of this section. 459

(H) The secretary of state shall conduct an annual review 460  
of the statewide voter registration database as follows: 461

(1) The secretary of state shall compare the information 462  
in the statewide voter registration database with the 463  
information the secretary of state obtains from the bureau of 464  
motor vehicles under division (A) (2) of this section to identify 465  
any person who does all of the following, in the following 466  
order: 467

(a) Submits documentation to the bureau of motor vehicles 468  
that indicates that the person is not a United States citizen; 469

(b) Registers to vote, submits a voter registration change 470  
of residence or change of name form, or votes in this state; 471

(c) Submits documentation to the bureau of motor vehicles 472  
that indicates that the person is not a United States citizen. 473

(2) The secretary of state shall send a written notice to 474  
each person identified under division (H) (1) of this section, 475  
instructing the person either to confirm that the person is a 476  
United States citizen or to submit a completed voter 477  
registration cancellation form to the secretary of state. The 478  
secretary of state shall include a blank voter registration 479

cancellation form with the notice. If the person fails to 480  
respond to the secretary of state in the manner described in 481  
division (H) (3) or (4) of this section not later than thirty 482  
days after the notice was sent, the secretary of state promptly 483  
shall send the person a second notice and form. 484

(3) If, not later than sixty days after the first notice 485  
was sent, a person who is sent a notice under division (H) (2) of 486  
this section responds to the secretary of state, confirming that 487  
the person is a United States citizen, the secretary of state 488  
shall take no action concerning the person's voter registration. 489

(4) If, not later than sixty days after the first notice 490  
was sent, a person who receives a notice under division (H) (2) 491  
of this section sends a completed voter registration 492  
cancellation form to the secretary of state, the secretary of 493  
state shall instruct the board of elections of the county in 494  
which the person is registered to cancel the person's 495  
registration. 496

(5) If a person who was sent a second notice under 497  
division (H) (2) of this section fails to respond to the 498  
secretary of state in the manner described in division (H) (3) or 499  
(4) of this section not later than thirty days after the second 500  
notice was sent, the secretary of state shall refer the matter 501  
to the attorney general for further investigation and possible 502  
prosecution under section 3599.11, 3599.12, 3599.13, or any 503  
other applicable section of the Revised Code. If, after the 504  
thirtieth day after the second notice was sent, the person sends 505  
a completed voter registration cancellation form to the 506  
secretary of state, the secretary of state shall instruct the 507  
board of elections of the county in which the person is 508  
registered to cancel the person's registration and shall notify 509

the attorney general of the cancellation. 510

(6) The secretary of state shall not conduct the review 511  
described in division (H) of this section during the ninety days 512  
immediately preceding a primary or general election for federal 513  
office. 514

**Sec. 3503.18.** (A) (1) ~~The~~ Not later than the last day of 515  
each month, the director of health shall file with the secretary 516  
of state, ~~at least once each month,~~ the names, social security 517  
numbers, dates of birth, dates of death, and residences of all 518  
persons, over eighteen years of age, who have died within this 519  
state or another state ~~within such month~~ during the period 520  
beginning on the date of the most recent filing and ending on 521  
the day before the date of the current filing. If the director 522  
is notified of the death of such a person after the director has 523  
filed the report for the ~~month in period during~~ which the person 524  
died, the director shall file with the secretary of state a 525  
supplemental report containing that information concerning the 526  
person not later than one month after the director is notified 527  
of the person's death. 528

(2) The secretary of state and the director of health 529  
shall jointly establish a secure electronic system through which 530  
they shall exchange the information described in division (A) (1) 531  
of this section regarding the death of a registered elector. 532

(B) At least once each month, each probate judge in this 533  
state shall file with the board of elections the names and 534  
residence addresses of all persons over eighteen years of age 535  
who have been adjudicated incompetent for the purpose of voting, 536  
as provided in section 5122.301 of the Revised Code. 537

(C) At least once each month the clerk of the court of 538

common pleas shall file with the board the names and residence 539  
addresses of all persons who have been convicted during the 540  
previous month of crimes that would disfranchise such persons 541  
under existing laws of the state. Reports of conviction of 542  
crimes under the laws of the United States that would 543  
disfranchise an elector and that are provided to the secretary 544  
of state by any United States attorney shall be forwarded by the 545  
secretary of state to the appropriate board of elections. 546

(D) Upon receiving a report required by this section, the 547  
board of elections shall promptly cancel the registration of 548  
each elector named in the report in accordance with section 549  
3503.21 of the Revised Code. If the report contains a residence 550  
address of an elector in a county other than the county in which 551  
the board of elections is located, the director shall promptly 552  
send a copy of the report to the appropriate board of elections, 553  
which shall cancel the registration in accordance with that 554  
section. 555

Sec. 3503.20. (A) The secretary of state shall establish a 556  
secure online voter registration system. The system shall 557  
provide for all of the following: 558

(1) An applicant to submit a voter registration 559  
application to the secretary of state online through the 560  
internet; 561

(2) The online applicant to be registered to vote, if all 562  
of the following apply: 563

(a) The application contains all of the following 564  
information: 565

(i) The applicant's name; 566

(ii) The applicant's address; 567

|   |  |
|---|--|
| <u>(iii) The applicant's date of birth;</u>   | 568  |
| <u>(iv) The last four digits of the applicant's social security number;</u>   | 569<br>570   |
| <u>(v) The applicant's Ohio driver's license number or the number of the applicant's state identification card issued under section 4507.50 of the Revised Code.</u>  | 571<br>572<br>573                                    |
| <u>(b) The applicant's name, address, and date of birth, the last four digits of the applicant's social security number, and the applicant's Ohio driver's license number or the number of the applicant's state identification card as they are provided in the application are not inconsistent with the information on file with the bureau of motor vehicles;</u>   | 574<br>575<br>576<br>577<br>578<br>579               |
| <u>(c) The applicant is a United States citizen, will have lived in this state for thirty days immediately preceding the next election, will be at least eighteen years of age on or before the day of the next general election, and is otherwise eligible to register to vote;</u>  | 580<br>581<br>582<br>583<br>584                      |
| <u>(d) The applicant attests to the truth and accuracy of the information submitted in the online application under penalty of election falsification.</u>  | 585<br>586<br>587                                    |
| <u>(B) If an individual registers to vote or a registered elector updates the elector's name, address, or both under this section, the secretary of state shall obtain an electronic copy of the applicant's or elector's signature that is on file with the bureau of motor vehicles. That electronic signature shall be used as the applicant's or elector's signature on voter registration records, for all election and signature-matching purposes.</u> | 588<br>589<br>590<br>591<br>592<br>593<br>594<br>595 |
| <u>(C) The secretary of state shall employ whatever security</u>  | 596  |

measures the secretary of state considers necessary to ensure 597  
the integrity and accuracy of voter registration information 598  
submitted electronically pursuant to this section. Errors in 599  
processing voter registration applications in the online system 600  
shall not prevent an applicant from becoming registered or from 601  
voting. 602

(D) The online voter registration application established 603  
under division (A) of this section shall include the following 604  
language: 605

"By clicking the box below, I affirm all of the following 606  
under penalty of election falsification, which is a felony of 607  
the fifth degree: 608

(1) I am the person whose name and identifying information 609  
is provided on this form, and I desire to register to vote, or 610  
update my voter registration, in the State of Ohio. 611

(2) All of the information I have provided on this form is 612  
true and correct as of the date I am submitting this form. 613

(3) I am a United States citizen. 614

(4) I will have lived in Ohio for thirty days immediately 615  
preceding the next election. 616

(5) I will be at least eighteen years of age on or before 617  
the day of the next general election. 618

(6) I authorize the Bureau of Motor Vehicles to transmit 619  
to the Ohio Secretary of State my signature that is on file with 620  
the Bureau of Motor Vehicles, and I understand and agree that 621  
the signature transmitted by the Bureau of Motor Vehicles will 622  
be used by the Secretary of State to validate this electronic 623  
voter registration application as if I had signed this form 624

personally." 625

In order to register to vote or update a voter 626  
registration under division (A) of this section, an applicant or 627  
elector shall be required to mark the box in the online voter 628  
registration application that appears in conjunction with the 629  
previous statement. 630

(E) The online voter registration process established 631  
under division (A) of this section shall be in operation and 632  
available for use by individuals who wish to register to vote or 633  
update their voter registration information online not earlier 634  
than January 1, 2017. During the period beginning on the first 635  
day after the close of voter registration before an election and 636  
ending on the day of the election, the online voter registration 637  
system shall display a notice indicating that the applicant will 638  
not be registered to vote for the purposes of that election. 639

(F) Notwithstanding section 1.50 of the Revised Code, if 640  
any provision of this section or of division (E) of section 641  
3503.14 of the Revised Code is held invalid, or if the 642  
application of any provision of this section or of that division 643  
to any person or circumstance is held invalid, then this section 644  
and that division cease to operate. 645

**Sec. 3503.21.** (A) The registration of a registered elector 646  
shall be canceled upon the occurrence of any of the following: 647

(1) The filing by a registered elector of a written 648  
request with a board of elections or the secretary of state, on 649  
a form prescribed by the secretary of state and signed by the 650  
elector, that the registration be canceled. The filing of such a 651  
request does not prohibit an otherwise qualified elector from 652  
reregistering to vote at any time. 653

- (2) The filing of a notice of the death of a registered elector as provided in section 3503.18 of the Revised Code; 654  
655
- (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; 656  
657  
658  
659  
660
- (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; 661  
662  
663
- (5) The adjudication of incompetency of the registered elector for the purpose of voting as provided in section 5122.301 of the Revised Code; 664  
665  
666
- (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; 667  
668  
669
- (7) The failure of the registered elector, after having been mailed a confirmation notice, to do either of the following: 670  
671  
672
- (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; 673  
674  
675
- (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. 676  
677  
678
- (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 679  
680  
681



residence to a location outside the registrant's current county 682  
of registration. Any procedures prescribed in this division 683  
shall be uniform and nondiscriminatory, and shall comply with 684  
the Voting Rights Act of 1965. The secretary of state may 685  
prescribe procedures under this division that include the use of 686  
the national change of address service provided by the United 687  
States postal system through its licensees. Any program so 688  
prescribed shall be completed not later than ninety days prior 689  
to the date of any primary or general election for federal 690  
office. 691

(2) The registration of any elector identified as having 692  
changed the elector's voting residence to a location outside the 693  
elector's current county of registration shall not be canceled 694  
unless the registrant is sent a confirmation notice on a form 695  
prescribed by the secretary of state and the registrant fails to 696  
respond to the confirmation notice or otherwise update the 697  
registration and fails to vote in any election during the period 698  
of two federal elections subsequent to the mailing of the 699  
confirmation notice. 700

(C) The registration of a registered elector shall not be 701  
canceled except as provided in this section, division (Q) of 702  
section 3501.05 of the Revised Code, division (C) (2) of section 703  
3503.19 of the Revised Code, or division (C) of section 3503.24 704  
of the Revised Code. 705

(D) Boards of elections shall send their voter 706  
registration information to the secretary of state as required 707  
under section 3503.15 of the Revised Code. The secretary of 708  
state may prescribe by rule adopted pursuant to section 111.15 709  
of the Revised Code the format in which the boards of elections 710  
must send that information to the secretary of state. In the 711

first quarter of each year, the secretary of state shall send 712  
the information to the national change of address service 713  
described in division (B) of this section and request that 714  
service to provide the secretary of state with a list of any 715  
voters sent by the secretary of state who have moved within the 716  
last twelve months. The secretary of state shall transmit to 717  
each appropriate board of elections whatever lists the secretary 718  
of state receives from that service. The board shall send a 719  
notice to each person on the list transmitted by the secretary 720  
of state requesting confirmation of the person's change of 721  
address, together with a postage prepaid, preaddressed return 722  
envelope containing a form on which the voter may verify or 723  
correct the change of address information. 724

(E) The registration of a registered elector described in 725  
division (A) (7) or (B) (2) of this section shall be canceled not 726  
later than one hundred twenty days after the date of the second 727  
general federal election in which the elector fails to vote or 728  
not later than one hundred twenty days after the expiration of 729  
the four-year period in which the elector fails to vote or 730  
respond to a confirmation notice, whichever is later. 731

(F) (1) When a registration is canceled pursuant to 732  
division (A) (2) or (3) of this section, the applicable board of 733  
elections shall send a written notice, on a form prescribed by 734  
the secretary of state, to the address at which the elector was 735  
registered, informing the recipient that the elector's 736  
registration has been canceled, of the reason for the 737  
cancellation, and that if the cancellation was made in error, 738  
the elector may contact the board of elections to correct the 739  
error. 740

(2) If the elector's registration is canceled pursuant to 741

division (A) (2) or (3) of this section in error, it shall be 742  
restored and treated as though it were never canceled. 743

**Sec. 3506.05.** (A) As used in this section: 744

(1) "Electronic pollbook" means an electronic list of 745  
registered voters for a particular precinct or polling location 746  
that may be transported to a polling location. 747

(2) Except when used as part of the phrase "tabulating 748  
equipment" or "automatic tabulating equipment," "equipment" 749  
means a voting machine, marking device, automatic tabulating 750  
equipment, software, or an electronic pollbook. 751

(3) "Vendor" means the person that owns, manufactures, 752  
distributes, or has the legal right to control the use of 753  
equipment, or the person's agent. 754

(B) No voting machine, marking device, automatic 755  
tabulating equipment, or software for the purpose of casting or 756  
tabulating votes or for communications among systems involved in 757  
the tabulation, storage, or casting of votes, and no electronic 758  
pollbook, shall be purchased, leased, put in use, or continued 759  
to be used, except for experimental use as provided in division 760  
(B) of section 3506.04 of the Revised Code, unless it, a manual 761  
of procedures governing its use, and training materials, 762  
service, and other support arrangements have been certified by 763  
the secretary of state and unless the board of elections of each 764  
county where the equipment will be used has assured that a 765  
demonstration of the use of the equipment has been made 766  
available to all interested electors. The secretary of state 767  
shall appoint a board of voting machine examiners to examine and 768  
approve equipment and its related manuals and support 769  
arrangements. The board shall consist of four members, who shall 770

be appointed as follows: 771

(1) Two members appointed by the secretary of state. 772

(2) One member appointed by either the speaker of the 773  
house of representatives or the minority leader of the house of 774  
representatives, whichever is a member of the opposite political 775  
party from the one to which the secretary of state belongs. 776

(3) One member appointed by either the president of the 777  
senate or the minority leader of the senate, whichever is a 778  
member of the opposite political party from the one to which the 779  
secretary of state belongs. 780

In all cases of a tie vote or a disagreement in the board, 781  
if no decision can be arrived at, the board shall submit the 782  
matter in controversy to the secretary of state, who shall 783  
summarily decide the question, and the secretary of state's 784  
decision shall be final. Each member of the board shall be a 785  
competent and experienced election officer or a person who is 786  
knowledgeable about the operation of voting equipment and shall 787  
serve during the secretary of state's term. Any vacancy on the 788  
board shall be filled in the same manner as the original 789  
appointment. The secretary of state shall provide staffing 790  
assistance to the board, at the board's request. 791

For the member's service, each member of the board shall 792  
receive three hundred dollars per day for each combination of 793  
marking device, tabulating equipment, voting machine, or 794  
electronic pollbook examined and reported, but in no event shall 795  
a member receive more than six hundred dollars to examine and 796  
report on any one marking device, item of tabulating equipment, 797  
voting machine, or electronic pollbook. Each member of the board 798  
shall be reimbursed for expenses the member incurs during an 799

examination or during the performance of any related duties that 800  
may be required by the secretary of state. Reimbursement of 801  
these expenses shall be made in accordance with, and shall not 802  
exceed, the rates provided for under section 126.31 of the 803  
Revised Code. 804

Neither the secretary of state nor the board, nor any 805  
public officer who participates in the authorization, 806  
examination, testing, or purchase of equipment, shall have any 807  
pecuniary interest in the equipment or any affiliation with the 808  
vendor. 809

(C) (1) A vendor who desires to have the secretary of state 810  
certify equipment shall first submit the equipment, all current 811  
related procedural manuals, and a current description of all 812  
related support arrangements to the board of voting machine 813  
examiners for examination, testing, and approval. The submission 814  
shall be accompanied by a fee of two thousand four hundred 815  
dollars and a detailed explanation of the construction and 816  
method of operation of the equipment, a full statement of its 817  
advantages, and a list of the patents and copyrights used in 818  
operations essential to the processes of vote recording and 819  
tabulating, vote storage, system security, pollbook storage and 820  
security, and other crucial operations of the equipment as may 821  
be determined by the board. An additional fee, in an amount to 822  
be set by rules promulgated by the board, may be imposed to pay 823  
for the costs of alternative testing or testing by persons other 824  
than board members, record-keeping, and other extraordinary 825  
costs incurred in the examination process. Moneys not used shall 826  
be returned to the person or entity submitting the equipment for 827  
examination. 828

(2) Fees collected by the secretary of state under this 829

section shall be deposited into the state treasury to the credit 830  
of the board of voting machine examiners fund, which is hereby 831  
created. All moneys credited to this fund shall be used solely 832  
for the purpose of paying for the services and expenses of each 833  
member of the board or for other expenses incurred relating to 834  
the examination, testing, reporting, or certification of 835  
equipment, the performance of any related duties as required by 836  
the secretary of state, or the reimbursement of any person 837  
submitting an examination fee as provided in this chapter. 838

(D) Within sixty days after the submission of the 839  
equipment and payment of the fee, or as soon thereafter as is 840  
reasonably practicable, but in any event within not more than 841  
ninety days after the submission and payment, the board of 842  
voting machine examiners shall examine the equipment and file 843  
with the secretary of state a written report on the equipment 844  
with its recommendations and, if applicable, its determination 845  
or condition of approval regarding whether the equipment, 846  
manual, and other related materials or arrangements meet the 847  
criteria set forth in sections 3506.07 and 3506.10 of the 848  
Revised Code and can be safely used by the voters at elections 849  
under the conditions prescribed in Title XXXV of the Revised 850  
Code, or a written statement of reasons for which testing 851  
requires a longer period. The board may grant temporary approval 852  
for the purpose of allowing experimental use of equipment. If 853  
the board finds that the equipment meets any applicable criteria 854  
set forth in sections 3506.06, 3506.07, and 3506.10 of the 855  
Revised Code, can be used safely and, if applicable, can be 856  
depended upon to record and count accurately and continuously 857  
the votes of electors, and has the capacity to be warranted, 858  
maintained, and serviced, it shall approve the equipment and 859  
recommend that the secretary of state certify the equipment. The 860

secretary of state shall notify all boards of elections of any 861  
such certification. Equipment of the same model and make, if it 862  
operates in an identical manner, may then be adopted for use at 863  
elections. 864

(E) The vendor shall notify the secretary of state, who 865  
shall then notify the board of voting machine examiners, of any 866  
enhancement and any significant adjustment to the hardware or 867  
software that could result in a patent or copyright change or 868  
that significantly alters the methods of recording voter intent, 869  
system security, voter privacy, retention of the vote, 870  
communication of records, and connections between the system and 871  
other systems. The vendor shall provide the secretary of state 872  
with an updated operations manual for the equipment, and the 873  
secretary of state shall forward the manual to the board. Upon 874  
receiving such a notification and manual, the board may require 875  
the vendor to submit the equipment to an examination and test in 876  
order for the equipment to remain certified. The board or the 877  
secretary of state shall periodically examine, test, and inspect 878  
certified equipment to determine continued compliance with the 879  
requirements of this chapter and the initial certification. Any 880  
examination, test, or inspection conducted for the purpose of 881  
continuing certification of any equipment in which a significant 882  
problem has been uncovered or in which a record of continuing 883  
problems exists shall be performed pursuant to divisions (C) and 884  
(D) of this section, in the same manner as the examination, 885  
test, or inspection is performed for initial approval and 886  
certification. 887

(F) If, at any time after the certification of equipment, 888  
the board of voting machine examiners or the secretary of state 889  
is notified by a board of elections of any significant problem 890  
with the equipment or determines that the equipment fails to 891

meet the requirements necessary for approval or continued 892  
compliance with the requirements of this chapter, or if the 893  
board of voting machine examiners determines that there are 894  
significant enhancements or adjustments to the hardware or 895  
software, or if notice of such enhancements or adjustments has 896  
not been given as required by division (E) of this section, the 897  
secretary of state shall notify the users and vendors of that 898  
equipment that certification of the equipment may be withdrawn. 899

(G) (1) The notice given by the secretary of state under 900  
division (F) of this section shall be in writing and shall 901  
specify both of the following: 902

(a) The reasons why the certification may be withdrawn; 903

(b) The date on which certification will be withdrawn 904  
unless the vendor takes satisfactory corrective measures or 905  
explains why there are no problems with the equipment or why the 906  
enhancements or adjustments to the equipment are not 907  
significant. 908

(2) A vendor who receives a notice under division (F) of 909  
this section shall, within thirty days after receiving it, 910  
submit to the board of voting machine examiners in writing a 911  
description of the corrective measures taken and the date on 912  
which they were taken, or the explanation required under 913  
division (G) (1) (b) of this section. 914

(3) Not later than fifteen days after receiving a written 915  
description or explanation under division (G) (2) of this section 916  
from a vendor, the board shall determine whether the corrective 917  
measures taken or the explanation is satisfactory to allow 918  
continued certification of the equipment, and the secretary of 919  
state shall send the vendor a written notice of the board's 920



determination, specifying the reasons for it. If the board has 921  
determined that the measures taken or the explanation given is 922  
unsatisfactory, the notice shall include the effective date of 923  
withdrawal of the certification. This date may be different from 924  
the date originally specified in division (G) (1) (b) of this 925  
section. 926

(4) A vendor who receives a notice under division (G) (3) 927  
of this section indicating a decision to withdraw certification 928  
may, within thirty days after receiving it, request in writing 929  
that the board hold a hearing to reconsider its decision. Any 930  
interested party shall be given the opportunity to submit 931  
testimony or documentation in support of or in opposition to the 932  
board's recommendation to withdraw certification. Failure of the 933  
vendor to take appropriate steps as described in division (G) (1) 934  
(b) or to comply with division (G) (2) of this section results in 935  
a waiver of the vendor's rights under division (G) (4) of this 936  
section. 937

(H) (1) The secretary of state, in consultation with the 938  
board of voting machine examiners, shall establish, by rule, 939  
guidelines for the approval, certification, and continued 940  
certification of the voting machines, marking devices, 941  
tabulating equipment, and electronic pollbooks to be used under 942  
Title XXXV of the Revised Code. The guidelines shall establish 943  
procedures requiring vendors or computer software developers to 944  
place in escrow with an independent escrow agent approved by the 945  
secretary of state a copy of all source code and related 946  
documentation, together with periodic updates as they become 947  
known or available. The secretary of state shall require that 948  
the documentation include a system configuration and that the 949  
source code include all relevant program statements in low- or 950  
high-level languages. As used in this division, "source code" 951

does not include variable codes created for specific elections. 952

(2) Nothing in any rule adopted under division (H) of this 953  
section shall be construed to limit the ability of the secretary 954  
of state to follow or adopt, or to preclude the secretary of 955  
state from following or adopting, any guidelines proposed by the 956  
federal election commission, any entity authorized by the 957  
federal election commission to propose guidelines, the election 958  
assistance commission, or any entity authorized by the election 959  
assistance commission to propose guidelines. 960

(3) (a) Before the initial certification of any direct 961  
recording electronic voting machine with a voter verified paper 962  
audit trail, and as a condition for the continued certification 963  
and use of those machines, the secretary of state shall 964  
establish, by rule, standards for the certification of those 965  
machines. Those standards shall include, but are not limited to, 966  
all of the following: 967

(i) A definition of a voter verified paper audit trail as 968  
a paper record of the voter's choices that is verified by the 969  
voter prior to the casting of the voter's ballot and that is 970  
securely retained by the board of elections; 971

(ii) Requirements that the voter verified paper audit 972  
trail shall not be retained by any voter and shall not contain 973  
individual voter information; 974

(iii) A prohibition against the production by any direct 975  
recording electronic voting machine of anything that legally 976  
could be removed by the voter from the polling place, such as a 977  
receipt or voter confirmation; 978

(iv) A requirement that paper used in producing a voter 979  
verified paper audit trail be sturdy, clean, and resistant to 980

|   |  |
|---|--|
| degradation;  | 981  |
| (v) A requirement that the voter verified paper audit trail shall be capable of being optically scanned for the purpose of conducting a recount or other audit of the voting machine and shall be readable in a manner that makes the voter's ballot choices obvious to the voter without the use of computer or electronic codes;  | 982<br>983<br>984<br>985<br>986<br>987                               |
| (vi) A requirement, for office-type ballots, that the voter verified paper audit trail include the name of each candidate selected by the voter;  | 988<br>989<br>990  |
| (vii) A requirement, for questions and issues ballots, that the voter verified paper audit trail include the title of the question or issue, the name of the entity that placed the question or issue on the ballot, and the voter's ballot selection on that question or issue, but not the entire text of the question or issue.  | 991<br>992<br>993<br>994<br>995<br>996                               |
| (b) The secretary of state, by rule adopted under Chapter 119. of the Revised Code, may waive the requirement under division (H) (3) (a) (v) of this section, if the secretary of state determines that the requirement is cost prohibitive.  | 997<br>998<br>999<br>1000  |
| (4) (a) Except as otherwise provided in <del>division</del> <u>divisions</u> (H) (4) <u>(b) and</u> (c) of this section, any voting machine, marking device, or automatic tabulating equipment <u>used in this state shall meet, as a condition of continued certification and use, the voting system standards adopted by the federal election commission in 2002 or the voluntary voting system guidelines most recently adopted by the federal election assistance commission. A voting machine, marking device, or automatic tabulating equipment</u> initially certified or acquired on or after | 1001<br>1002<br>1003<br>1004<br>1005<br>1006<br>1007<br>1008<br>1009 |

December 1, 2008, also shall have the most recent federal 1010  
certification number issued by the election assistance 1011  
commission. 1012

(b) ~~Any Division (H) (4) (a) of this section does not apply~~ 1013  
~~to any voting machine, marking device, or automatic tabulating~~ 1014  
~~equipment certified for use in this state on September 12, 2008,~~ 1015  
~~shall meet, as a condition of continued certification and use,~~ 1016  
~~the voting system standards adopted by that~~ the federal election 1017  
assistance commission in 2002 does not certify as part of its 1018  
testing and certification program. 1019

(c) A county that acquires additional voting machines, 1020  
marking devices, or automatic tabulating equipment on or after 1021  
December 1, 2008, shall not be considered to have acquired those 1022  
machines, devices, or equipment on or after December 1, 2008, 1023  
for the purpose of division (H) (4) (a) of this section if all of 1024  
the following apply: 1025

(i) The voting machines, marking devices, or automatic 1026  
tabulating equipment acquired are the same as the machines, 1027  
devices, or equipment currently used in that county. 1028

(ii) The acquisition of the voting machines, marking 1029  
devices, or automatic tabulating equipment does not replace or 1030  
change the primary voting system used in that county. 1031

(iii) The acquisition of the voting machines, marking 1032  
devices, or automatic tabulating equipment is for the purpose of 1033  
replacing inoperable machines, devices, or equipment or for the 1034  
purpose providing additional machines, devices, or equipment 1035  
required to meet the allocation requirements established 1036  
pursuant to division (I) of section 3501.11 of the Revised Code. 1037

**Section 2.** That existing sections 305.02, 733.08, 733.31, 1038

3503.14, 3503.15, 3503.18, 3503.21 and 3506.05 of the Revised  
Code are hereby repealed.

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