

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 194

Senator Rulli

A BILL

To amend sections 3506.01, 3506.04, 3506.05, 1
3506.06, 3506.07, 3506.10, 3513.041, 3513.05, 2
3513.262, and 3513.263 and to enact section 3
3506.16 of the Revised Code to rename the Board 4
of Voting Machine Examiners as the Board of 5
Voting Equipment Examiners, to require the Board 6
to approve voter registration systems for use in 7
Ohio, and to require a board of elections to 8
decide a protest against a candidate filing 9
within ten days. 10

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

Section 1. That sections 3506.01, 3506.04, 3506.05, 11
3506.06, 3506.07, 3506.10, 3513.041, 3513.05, 3513.262, and 12
3513.263 be amended and section 3506.16 of the Revised Code be 13
enacted to read as follows: 14

Sec. 3506.01. As used in this chapter and Chapters 3501., 15
3503., 3505., 3509., 3511., 3513., 3515., 3517., 3519., 3521., 16
3523., and 3599. of the Revised Code: 17

(A) "Marking device" means an apparatus operated by a 18
voter to record the voter's choices through the marking of 19

ballots enabling them to be examined and counted by automatic
tabulating equipment. 20
21

(B) "Ballot" means the official election presentation of 22
offices and candidates, including write-in candidates, and of 23
questions and issues, and the means by which votes are recorded. 24

(C) "Automatic tabulating equipment" means a machine or 25
electronic device, or interconnected or interrelated machines or 26
electronic devices, that will automatically examine and count 27
votes recorded on ballots. Automatic tabulating equipment may 28
allow for the voter's selections to be indicated by marks made 29
on a paper record by an electronic marking device. 30

(D) "Central counting station" means a location, or one of 31
a number of locations, designated by the board of elections for 32
the automatic examining, sorting, or counting of ballots. 33

(E) "Voting machines" means mechanical or electronic 34
equipment for the direct recording and tabulation of votes. 35

(F) "Direct recording electronic voting machine" means a 36
voting machine that records votes by means of a ballot display 37
provided with mechanical or electro-optical components that can 38
be actuated by the voter, that processes the data by means of a 39
computer program, and that records voting data and ballot images 40
in internal or external memory components. A "direct recording 41
electronic voting machine" produces a tabulation of the voting 42
data stored in a removable memory component and in printed copy. 43
"Direct recording electronic voting machine" does not include a 44
voting machine that captures votes by means of a ballot display 45
but that transfers those votes onto an optical scan ballot or 46
other paper record for tabulation. 47

(G) "Help America Vote Act of 2002" means the "Help 48

America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666. 49

(H) "Voter verified paper audit trail" means a physical 50
paper printout on which the voter's ballot choices, as 51
registered by a direct recording electronic voting machine, are 52
recorded. The voter shall be permitted to visually or audibly 53
inspect the contents of the physical paper printout. The 54
physical paper printout shall be securely retained at the 55
polling place until the close of the polls on the day of the 56
election; the secretary of state shall adopt rules under Chapter 57
119. of the Revised Code specifying the manner of storing the 58
physical paper printout at the polling place. After the physical 59
paper printout is produced, but before the voter's ballot is 60
recorded, the voter shall have an opportunity to accept or 61
reject the contents of the printout as matching the voter's 62
ballot choices. If a voter rejects the contents of the physical 63
paper printout, the system that produces the voter verified 64
paper audit trail shall invalidate the printout and permit the 65
voter to recast the voter's ballot. On and after the first 66
federal election that occurs after January 1, 2006, unless 67
required sooner by the Help America Vote Act of 2002, any system 68
that produces a voter verified paper audit trail shall be 69
accessible to disabled voters, including visually impaired 70
voters, in the same manner as the direct recording electronic 71
voting machine that produces it. 72

(I) "Voter registration system" means software and any 73
related equipment used by a board of elections or the secretary 74
of state to process, store, organize, maintain, or retrieve 75
voter registration records. 76

Sec. 3506.04. (A) If it is impracticable to supply each 77
election precinct with voting machines or marking devices for 78

use at the next election following the adoption of such 79
equipment, as many shall be supplied for that election and the 80
succeeding elections as it is practicable to procure either by 81
purchase or lease, or by a combination of both, and such 82
equipment may be used in election precincts within the county as 83
the board of elections directs until such time as it is 84
practicable to provide the total number of voting machines or 85
marking devices necessary to supply all precincts within the 86
county, provided that the total number of voting machines or 87
marking devices necessary to supply all precincts shall be 88
procured by purchase or lease, or by a combination of both as 89
soon as practicable after their adoption. 90

(B) The board of elections shall be charged with the 91
custody of all equipment acquired by the county, and shall see 92
that all such equipment is kept in proper working order and in 93
good repair. The board of county commissioners of any county or 94
the board of elections, upon recommendation of the board of 95
elections, may, prior to the adoption of such equipment, acquire 96
by purchase or lease or by loan, for the experimental use in a 97
limited number of precincts, such equipment, and such 98
experimental use shall be valid for all purposes as if such 99
equipment had been formally adopted, provided that such 100
equipment has been approved by the board of voting ~~machine-~~ 101
equipment examiners for experimental use. 102

(C) All equipment acquired by any county by any of the 103
methods provided for in this section shall be exempt from levy 104
and taxation. 105

Sec. 3506.05. (A) As used in this section: 106

(1) "Electronic pollbook" means an electronic list of 107
registered voters for a particular precinct or polling location 108

that may be transported to a polling location. 109

(2) Except when used as part of the phrase "tabulating 110
equipment" or "automatic tabulating equipment," "equipment" 111
means a voting machine, marking device, automatic tabulating 112
equipment, software, ~~or an electronic pollbook,~~ or a voter 113
registration system. 114

(3) "Vendor" means the person that owns, manufactures, 115
distributes, or has the legal right to control the use of 116
equipment, or the person's agent. 117

(B) ~~No voting machine, marking device, automatic~~ 118
~~tabulating equipment, or software for the purpose of casting or~~ 119
~~tabulating votes or for communications among systems involved in~~ 120
~~the tabulation, storage, or casting of votes, and no electronic~~ 121
~~pollbook, Except as otherwise provided in division (B) of~~ 122
section 3505.16 of the Revised Code, none of the following shall 123
be purchased, leased, put in use, or continued to be used, 124
except for experimental use as provided in division (B) of 125
section 3506.04 of the Revised Code, unless it, a manual of 126
procedures governing its use, and training materials, service, 127
and other support arrangements have been certified by the 128
secretary of state and unless ~~the any~~ board of elections ~~of each~~ 129
~~county where~~ that will use the equipment will be used has 130
assured that a demonstration of the use of the equipment has 131
been made available to all interested electors of the county: 132

(1) A voting machine; 133

(2) A marking device; 134

(3) Automatic tabulating equipment; 135

(4) Software used for the purpose of casting or tabulating 136
votes or for communication among systems involved in the 137

<u>tabulation, storage, or casting of votes;</u>	138
<u>(5) An electronic pollbook;</u>	139
<u>(6) A voter registration system. The</u>	140
<u>(C) (1) The secretary of state shall appoint a board of</u>	141
voting machine <u>equipment</u> examiners to examine and approve	142
equipment and its related manuals and support arrangements. The	143
<u>(2) (a) The board shall consist of four <u>voting</u> members, who</u>	144
shall be appointed as follows:	145
(1) (i) Two members appointed by the secretary of state;	146
(2) (ii) One member appointed by either the speaker of the	147
house of representatives or the minority leader of the house of	148
representatives, whichever is a member of the opposite political	149
party from the one to which the secretary of state belongs;	150
(3) (iii) One member appointed by either the president of	151
the senate or the minority leader of the senate, whichever is a	152
member of the opposite political party from the one to which the	153
secretary of state belongs.	154
<u>(b) The secretary of state also shall appoint a</u>	155
<u>cybersecurity expert, who shall serve as a nonvoting member of</u>	156
<u>the board.</u>	157
<u>(3) In all cases of a tie vote or a disagreement in the</u>	158
board, if no decision can be arrived at, the board shall submit	159
the matter in controversy to the secretary of state, who shall	160
summarily decide the question, and the secretary of state's	161
decision shall be final. Each member of the board shall be a	162
competent and experienced election officer or a person who is	163
knowledgeable about the operation of voting equipment and shall	164
serve during the secretary of state's term. Any vacancy on the	165

board shall be filled in the same manner as the original 166
appointment. The secretary of state shall provide staffing 167
assistance to the board, at the board's request. 168

(4) For the member's service, each member of the board 169
shall receive three hundred dollars per day for each combination 170
of marking device, tabulating equipment, voting machine, ~~or~~ 171
electronic pollbook, or voter registration system examined and 172
reported, but in no event shall a member receive more than six 173
hundred dollars to examine and report on any one marking device, 174
item of tabulating equipment, voting machine, ~~or~~ electronic 175
pollbook, or voter registration system. Each member of the board 176
shall be reimbursed for expenses the member incurs during an 177
examination or during the performance of any related duties that 178
may be required by the secretary of state. Reimbursement of 179
these expenses shall be made in accordance with, and shall not 180
exceed, the rates provided for under section 126.31 of the 181
Revised Code. 182

(5) Neither the secretary of state nor the board, nor any 183
public officer who participates in the authorization, 184
examination, testing, or purchase of equipment, shall have any 185
pecuniary interest in the equipment or any affiliation with the 186
vendor. 187

~~(C)(1)~~ (D)(1) A vendor who desires to have the secretary 188
of state certify equipment shall first submit the equipment, all 189
current related procedural manuals, and a current description of 190
all related support arrangements to the board of voting ~~machine~~ 191
equipment examiners for examination, testing, and approval. The 192
submission shall be accompanied by a fee of two thousand four 193
hundred dollars and a detailed explanation of the construction 194
and method of operation of the equipment, a full statement of 195

its advantages, and a list of the patents and copyrights used in 196
~~operations essential to the processes of vote recording and~~ 197
~~tabulating, vote storage, system security, pollbook storage and~~ 198
~~security, and other crucial operations of the equipment as may~~ 199
~~be~~ determined by the board. An additional fee, in an amount to 200
be set by rules promulgated by the board, may be imposed to pay 201
for the costs of alternative testing or testing by persons other 202
than board members, record-keeping, and other extraordinary 203
costs incurred in the examination process. Moneys not used shall 204
be returned to the person or entity submitting the equipment for 205
examination. 206

(2) Fees collected by the secretary of state under this 207
section shall be deposited into the state treasury to the credit 208
of the board of voting ~~machine equipment~~ examiners fund, which 209
is hereby created. All moneys credited to this fund shall be 210
used solely for the purpose of paying for the services and 211
expenses of each member of the board or for other expenses 212
incurred relating to the examination, testing, reporting, or 213
certification of equipment, the performance of any related 214
duties as required by the secretary of state, or the 215
reimbursement of any person submitting an examination fee as 216
provided in this chapter. 217

~~(D)~~ (E) Within sixty days after the submission of the 218
equipment and payment of the fee, or as soon thereafter as is 219
reasonably practicable, but in any event within not more than 220
ninety days after the submission and payment, the board of 221
voting ~~machine equipment~~ examiners shall examine the equipment 222
and file with the secretary of state a written report on the 223
equipment with its recommendations and, if applicable, its 224
determination or condition of approval regarding whether the 225
equipment, manual, and other related materials or arrangements 226

meet the applicable criteria ~~set forth in sections 3506.07 and~~ 227
~~3506.10 of the Revised Code~~ and can be safely used by the voters 228
at elections under the conditions prescribed in Title XXXV of 229
the Revised Code, or a written statement of reasons for which 230
testing requires a longer period. The board may grant temporary 231
approval for the purpose of allowing experimental use of 232
equipment. If the board finds that the equipment meets any the 233
~~applicable criteria set forth in sections 3506.06, 3506.07, and~~ 234
~~3506.10 of the Revised Code~~, can be used safely and, if 235
applicable, can be depended upon to record and count accurately 236
and continuously the votes of electors, and has the capacity to 237
be warranted, maintained, and serviced, it shall approve the 238
equipment and recommend that the secretary of state certify the 239
equipment. The secretary of state shall notify all boards of 240
elections of any such certification. Equipment of the same model 241
and make, if it operates in an identical manner, may then be 242
adopted for use ~~at elections~~. 243

~~(E)~~ (F) The vendor shall notify the secretary of state, 244
who shall then notify the board of voting ~~machine equipment~~ 245
examiners, of any enhancement and any significant adjustment to 246
the hardware or software that could result in a patent or 247
copyright change or that significantly alters the ~~methods of~~ 248
~~recording voter intent, system security, voter privacy,~~ 249
~~retention of the vote, communication of records, and connections~~ 250
~~between the system and other systems~~ crucial operations of the 251
equipment as determined by the board. The vendor shall provide 252
the secretary of state with an updated operations manual for the 253
equipment, and the secretary of state shall forward the manual 254
to the board. Upon receiving such a notification and manual, the 255
board may require the vendor to submit the equipment to an 256
examination and test in order for the equipment to remain 257

certified. The board or the secretary of state shall 258
periodically examine, test, and inspect certified equipment to 259
determine continued compliance with ~~the~~ all applicable 260
requirements ~~of this chapter~~ and the initial certification. Any 261
examination, test, or inspection conducted for the purpose of 262
continuing certification of any equipment in which a significant 263
problem has been uncovered or in which a record of continuing 264
problems exists shall be performed pursuant to divisions ~~(C)~~ (D) 265
and ~~(D)~~ (E) of this section, in the same manner as the 266
examination, test, or inspection is performed for initial 267
approval and certification. 268

~~(F)~~ (G) If, at any time after the certification of 269
equipment, the board of voting ~~machine~~ equipment examiners or 270
the secretary of state is notified by a board of elections of 271
any significant problem with the equipment or determines that 272
the equipment fails to meet the requirements necessary for 273
approval or continued compliance with ~~the~~ all applicable 274
requirements ~~of this chapter~~, or if the board of voting ~~machine~~ 275
equipment examiners determines that there are significant 276
enhancements or adjustments to the hardware or software, or if 277
notice of such enhancements or adjustments has not been given as 278
required by division ~~(E)~~ (F) of this section, the secretary of 279
state shall notify the users and vendors of that equipment that 280
certification of the equipment may be withdrawn. 281

~~(G) (1)~~ (H) (1) The notice given by the secretary of state 282
under division ~~(F)~~ (G) of this section shall be in writing and 283
shall specify both of the following: 284

- (a) The reasons why the certification may be withdrawn; 285
- (b) The date on which certification will be withdrawn 286
unless the vendor takes satisfactory corrective measures or 287

explains why there are no problems with the equipment or why the 288
enhancements or adjustments to the equipment are not 289
significant. 290

(2) A vendor who receives a notice under division ~~(F)~~(G) 291
of this section shall, within thirty days after receiving it, 292
submit to the board of voting ~~machine~~equipment examiners in 293
writing a description of the corrective measures taken and the 294
date on which they were taken, or the explanation required under 295
division ~~(G) (1) (b)~~(H) (1) (b) of this section. 296

(3) Not later than fifteen days after receiving a written 297
description or explanation under division ~~(G) (2)~~(H) (2) of this 298
section from a vendor, the board shall determine whether the 299
corrective measures taken or the explanation is satisfactory to 300
allow continued certification of the equipment, and the 301
secretary of state shall send the vendor a written notice of the 302
board's determination, specifying the reasons for it. If the 303
board has determined that the measures taken or the explanation 304
given is unsatisfactory, the notice shall include the effective 305
date of withdrawal of the certification. This date may be 306
different from the date originally specified in division ~~(G) (1)~~ 307
~~(b)~~(H) (1) (b) of this section. 308

(4) A vendor who receives a notice under division ~~(G) (3)~~ 309
(H) (3) of this section indicating a decision to withdraw 310
certification may, within thirty days after receiving it, 311
request in writing that the board hold a hearing to reconsider 312
its decision. Any interested party shall be given the 313
opportunity to submit testimony or documentation in support of 314
or in opposition to the board's recommendation to withdraw 315
certification. Failure of the vendor to take appropriate steps 316
as described in division ~~(G) (1) (b)~~(H) (1) (b) or to comply with 317

division ~~(G) (2)~~ (H) (2) of this section results in a waiver of 318
the vendor's rights under division ~~(G) (4)~~ (H) (4) of this 319
section. 320

~~(H) (1)~~ (I) (1) The secretary of state, in consultation with 321
the board of voting ~~machine~~ equipment examiners, shall 322
establish, by rule, guidelines for the approval, certification, 323
and continued certification of the ~~voting machines, marking~~ 324
~~devices, tabulating equipment, and electronic pollbooks~~ to be 325
used under Title XXXV of the Revised Code. The guidelines shall 326
establish procedures requiring vendors or computer software 327
developers to place in escrow with an independent escrow agent 328
approved by the secretary of state a copy of all source code and 329
related documentation, together with periodic updates as they 330
become known or available. The secretary of state shall require 331
that the documentation include a system configuration and that 332
the source code include all relevant program statements in low- 333
or high-level languages. As used in this division, "source code" 334
does not include variable codes created for specific elections. 335

(2) Nothing in any rule adopted under division ~~(H)~~ (I) of 336
this section shall be construed to limit the ability of the 337
secretary of state to follow or adopt, or to preclude the 338
secretary of state from following or adopting, any guidelines 339
proposed by the federal election commission, any entity 340
authorized by the federal election commission to propose 341
guidelines, the election assistance commission, or any entity 342
authorized by the election assistance commission to propose 343
guidelines. 344

(3) (a) Before the initial certification of any direct 345
recording electronic voting machine with a voter verified paper 346
audit trail, and as a condition for the continued certification 347

and use of those machines, the secretary of state shall 348
establish, by rule, standards for the certification of those 349
machines. Those standards shall include, but are not limited to, 350
all of the following: 351

(i) A definition of a voter verified paper audit trail as 352
a paper record of the voter's choices that is verified by the 353
voter prior to the casting of the voter's ballot and that is 354
securely retained by the board of elections; 355

(ii) Requirements that the voter verified paper audit 356
trail shall not be retained by any voter and shall not contain 357
individual voter information; 358

(iii) A prohibition against the production by any direct 359
recording electronic voting machine of anything that legally 360
could be removed by the voter from the polling place, such as a 361
receipt or voter confirmation; 362

(iv) A requirement that paper used in producing a voter 363
verified paper audit trail be sturdy, clean, and resistant to 364
degradation; 365

(v) A requirement that the voter verified paper audit 366
trail shall be capable of being optically scanned for the 367
purpose of conducting a recount or other audit of the voting 368
machine and shall be readable in a manner that makes the voter's 369
ballot choices obvious to the voter without the use of computer 370
or electronic codes; 371

(vi) A requirement, for office-type ballots, that the 372
voter verified paper audit trail include the name of each 373
candidate selected by the voter; 374

(vii) A requirement, for questions and issues ballots, 375
that the voter verified paper audit trail include the title of 376

the question or issue, the name of the entity that placed the 377
question or issue on the ballot, and the voter's ballot 378
selection on that question or issue, but not the entire text of 379
the question or issue. 380

(b) The secretary of state, by rule adopted under Chapter 381
119. of the Revised Code, may waive the requirement under 382
division ~~(H) (3) (a) (v)~~ (I) (3) (a) (v) of this section, if the 383
secretary of state determines that the requirement is cost 384
prohibitive. 385

(4) (a) Except as otherwise provided in divisions ~~(H) (4) (b)~~ 386
(I) (4) (b) and (c) of this section, any ~~voting machine, marking~~ 387
~~device, or automatic tabulating~~ equipment used in this state 388
shall meet, as a condition of continued certification and use, 389
the voting system standards adopted by the federal election 390
commission in 2002 or the voluntary voting system guidelines 391
most recently adopted by the federal election assistance 392
commission. ~~A voting machine, marking device, or automatic~~ 393
~~tabulating equipment~~ Equipment initially certified or acquired 394
on or after December 1, 2008, also shall have the most recent 395
federal certification number issued by the election assistance 396
commission. 397

(b) Division ~~(H) (4) (a)~~ (I) (4) (a) of this section does not 398
apply to any ~~voting machine, marking device, or automatic~~ 399
~~tabulating~~ equipment that the federal election assistance 400
commission does not certify as part of its testing and 401
certification program. 402

(c) A county that acquires additional voting machines, 403
marking devices, or automatic tabulating equipment on or after 404
December 1, 2008, shall not be considered to have acquired those 405
machines, devices, or equipment on or after December 1, 2008, 406

for the purpose of division ~~(H) (4) (a)~~ (I) (4) (a) of this section 407
if all of the following apply: 408

(i) The voting machines, marking devices, or automatic 409
tabulating equipment acquired are the same as the machines, 410
devices, or equipment currently used in that county. 411

(ii) The acquisition of the voting machines, marking 412
devices, or automatic tabulating equipment does not replace or 413
change the primary voting system used in that county. 414

(iii) The acquisition of the voting machines, marking 415
devices, or automatic tabulating equipment is for the purpose of 416
replacing inoperable machines, devices, or equipment or for the 417
purpose of providing additional machines, devices, or equipment 418
required to meet the allocation requirements established 419
pursuant to division (I) of section 3501.11 of the Revised Code. 420

Sec. 3506.06. No marking device shall be approved by the 421
board of voting ~~machine-equipment~~ examiners or certified by the 422
secretary of state, or be purchased, rented, or otherwise 423
acquired, or used, unless it fulfills the following 424
requirements: 425

(A) It shall permit and require voting in absolute 426
secrecy, and shall be so constructed that no person can see or 427
know for whom any other elector has voted or is voting, except 428
an elector who is assisting a voter as prescribed by section 429
3505.24 of the Revised Code. 430

(B) It shall permit each elector to vote at any election 431
for all persons and offices for whom and for which the elector 432
is lawfully entitled to vote, whether or not the name of any 433
such person appears on a ballot as a candidate; to vote for as 434
many persons for an office as the elector is entitled to vote 435

for; and to vote for or against any question upon which the 436
elector is entitled to vote. 437

(C) It shall permit each elector to write in the names of 438
persons for whom the elector desires to vote, whose names do not 439
appear upon the ballot, if such write-in candidates are 440
permitted by law. 441

(D) It shall permit each elector, at all presidential 442
elections, by one mark to vote for candidates of one party for 443
president, vice president, and presidential electors. 444

(E) It shall be durably constructed of material of good 445
quality in a neat and workerlike manner, and in form that shall 446
make it safely transportable. 447

(F) It shall be so constructed that a voter may readily 448
learn the method of operating it and may expeditiously cast the 449
voter's vote for all candidates of the voter's choice. 450

(G) It shall not provide to a voter any type of receipt or 451
voter confirmation that the voter legally may retain after 452
leaving the polling place. 453

Sec. 3506.07. No automatic tabulating equipment shall be 454
approved by the board of voting ~~machine~~-equipment examiners or 455
certified by the secretary of state, or be purchased, rented, or 456
otherwise acquired, or used, unless it has been or is capable of 457
being manufactured for use and distribution beyond a prototype 458
and can be set by election officials, to examine ballots and to 459
count votes accurately for each candidate, question, and issue, 460
excluding any ballots marked contrary to the instructions 461
printed on such ballots, provided that such equipment shall not 462
be required to count write-in votes or the votes on any ballots 463
that have been voted other than at the regular polling place on 464

election day. 465

Sec. 3506.10. No voting machine shall be approved by the 466
board of voting ~~machine~~ equipment examiners or certified by the 467
secretary of state, or be purchased, rented, or otherwise 468
acquired, or used, except when specifically allowed for 469
experimental use, as provided in section 3506.04 of the Revised 470
Code, unless it fulfills the following requirements: 471

(A) It shall permit and require voting in absolute 472
secrecy, and shall be so constructed that no person can see or 473
know for whom any other elector has voted or is voting, except 474
an elector who is assisting a voter as prescribed by section 475
3505.24 of the Revised Code. 476

(B) It shall permit each elector to vote at any election 477
for all persons and offices for whom and for which the elector 478
is lawfully entitled to vote, whether or not the name of any 479
such person appears on a ballot label as a candidate; to vote 480
for as many persons for an office as the elector is entitled to 481
vote for; and to vote for or against any question upon which the 482
elector is entitled to vote. 483

(C) It shall preclude each elector from voting for any 484
candidate or upon any question for whom or upon which the 485
elector is not entitled to vote, from voting for more persons 486
for any office than the elector is entitled to vote for, and 487
from voting for any candidates for the same office or upon any 488
question more than once. 489

(D) It shall permit each voter to deposit, write in, or 490
affix, upon devices provided for that purpose, ballots 491
containing the names of persons for whom the voter desires to 492
vote, whose names do not appear upon the voting machine. Those 493

devices shall be susceptible of identification as to party 494
affiliations when used at a primary election. 495

(E) It shall permit each elector to change the elector's 496
vote for any candidate or upon any question appearing upon the 497
ballot labels, up to the time the elector starts to register the 498
elector's vote. 499

(F) It shall permit each elector, at all presidential 500
elections, by one device to vote for candidates of one party for 501
president, vice-president, and presidential electors. 502

(G) It shall be capable of adjustment by election officers 503
so as to permit each elector, at a primary election, to vote 504
only for the candidates of the party with which the elector has 505
declared the elector's affiliation and shall preclude the 506
elector from voting for any candidate seeking nomination by any 507
other political party; and to vote for the candidates for 508
nonpartisan nomination or election. 509

(H) It shall have separate voting devices for candidates 510
and questions, which shall be arranged in separate rows or 511
columns. It shall be so arranged that one or more adjacent rows 512
or columns may be assigned to the candidates of each political 513
party at primary elections. 514

(I) It shall have a counter, or other device, the register 515
of which is visible from the outside of the machine, and which 516
will show at any time during the voting the total number of 517
electors who have voted; and also a protective counter, or other 518
device, the register of which cannot be reset, which will record 519
the cumulative total number of movements of the internal 520
counters. 521

(J) It shall be provided with locks and seals by the use 522

of which, immediately after the polls are closed or the 523
operation of the machine for an election is completed, no 524
further changes to the internal counters can be allowed. 525

(K) It shall have the capacity to contain the names of 526
candidates constituting the tickets of at least five political 527
parties, and independent groups and such number of questions not 528
exceeding fifteen as the secretary of state shall specify. 529

(L) It shall be durably constructed of material of good 530
quality in a neat and workerlike manner, and in form that shall 531
make it safely transportable. 532

(M) It shall be so constructed that a voter may readily 533
learn the method of operating it, may expeditiously cast a vote 534
for all candidates of the voter's choice, and when operated 535
properly shall register and record correctly and accurately 536
every vote cast. 537

(N) It shall be provided with a screen, hood, or curtain, 538
which will conceal the voter while voting. During the voting, it 539
shall preclude every person from seeing or knowing the number of 540
votes registered for any candidate or question and from 541
tampering with any of the internal counters. 542

(O) It shall not provide to a voter any type of receipt or 543
voter confirmation that the voter legally may retain after 544
leaving the polling place. 545

(P) On and after the first federal election that occurs 546
after January 1, 2006, unless required sooner by the Help 547
America Vote Act of 2002, if the voting machine is a direct 548
recording electronic voting machine, it shall include a voter 549
verified paper audit trail. 550

Before any voting machine is purchased, rented, or 551

otherwise acquired, or used, the person or corporation owning or 552
manufacturing that machine or having the legal right to control 553
the use of that machine shall give an adequate guarantee in 554
writing and post a bond in an amount sufficient to cover the 555
cost of any recount or new election resulting from or directly 556
related to the use or malfunction of the equipment, accompanied 557
by satisfactory surety, all as determined by the secretary of 558
state, with the board of county commissioners, guaranteeing and 559
securing that those machines have been and continue to be 560
certified by the secretary of state in accordance with section 561
3506.05 of the Revised Code, comply fully with the requirements 562
of this section, and will correctly, accurately, and 563
continuously register and record every vote cast, and further 564
guaranteeing those machines against defects in workmanship and 565
materials for a period of five years from the date of their 566
acquisition. 567

Sec. 3506.16. (A) The secretary of state shall adopt 568
standards for the security and integrity of voter registration 569
systems. Except as otherwise provided in division (B) of this 570
section, no voter registration system shall be approved by the 571
board of voting equipment examiners, certified by the secretary 572
of state, or acquired by the secretary of state or a board of 573
elections, unless it meets those standards. 574

(B) Notwithstanding any contrary provision of this 575
chapter, a county that used a voter registration system before 576
the effective date of this section may continue to use that 577
system until the county acquires a new voter registration 578
system, which shall meet the requirements of this chapter. 579

Sec. 3513.041. A write-in space shall be provided on the 580
ballot for every office, except in an election for which the 581

board of elections has received no valid declarations of intent 582
to be a write-in candidate under this section. Write-in votes 583
shall not be counted for any candidate who has not filed a 584
declaration of intent to be a write-in candidate pursuant to 585
this section. A qualified person who has filed a declaration of 586
intent may receive write-in votes at either a primary or general 587
election. Any candidate shall file a declaration of intent to be 588
a write-in candidate before four p.m. of the seventy-second day 589
preceding the election at which such candidacy is to be 590
considered. If the election is to be determined by electors of a 591
county or a district or subdivision within the county, such 592
declaration shall be filed with the board of elections of that 593
county. If the election is to be determined by electors of a 594
subdivision located in more than one county, such declaration 595
shall be filed with the board of elections of the county in 596
which the major portion of the population of such subdivision is 597
located. If the election is to be determined by electors of a 598
district comprised of more than one county but less than all of 599
the counties of the state, such declaration shall be filed with 600
the board of elections of the most populous county in such 601
district. Any candidate for an office to be voted upon by 602
electors throughout the entire state shall file a declaration of 603
intent to be a write-in candidate with the secretary of state 604
before four p.m. of the seventy-second day preceding the 605
election at which such candidacy is to be considered. In 606
addition, candidates for president and vice-president of the 607
United States shall also file with the secretary of state by 608
that seventy-second day a slate of presidential electors 609
sufficient in number to satisfy the requirements of the United 610
States constitution. 611

A board of elections shall not accept for filing the 612

declaration of intent to be a write-in candidate of a person 613
seeking to become a candidate if that person, for the same 614
election, has already filed a declaration of candidacy, a 615
declaration of intent to be a write-in candidate, or a 616
nominating petition, or has become a candidate through party 617
nomination at a primary election or by the filling of a vacancy 618
under section 3513.30 or 3513.31 of the Revised Code, for any 619
federal, state, or county office, if the declaration of intent 620
to be a write-in candidate is for a state or county office, or 621
for any municipal or township office, for member of a city, 622
local, or exempted village board of education, or for member of 623
a governing board of an educational service center, if the 624
declaration of intent to be a write-in candidate is for a 625
municipal or township office, or for member of a city, local, or 626
exempted village board of education, or for member of a 627
governing board of an educational service center. 628

No person shall file a declaration of intent to be a 629
write-in candidate for the office of governor unless the 630
declaration also shows the intent of another person to be a 631
write-in candidate for the office of lieutenant governor. No 632
person shall file a declaration of intent to be a write-in 633
candidate for the office of lieutenant governor unless the 634
declaration also shows the intent of another person to be a 635
write-in candidate for the office of governor. No person shall 636
file a declaration of intent to be a write-in candidate for the 637
office of governor or lieutenant governor if the person has 638
previously filed a declaration of intent to be a write-in 639
candidate to the office of governor or lieutenant governor at 640
the same primary or general election. A write-in vote for the 641
two candidates who file such a declaration shall be counted as a 642
vote for them as joint candidates for the offices of governor 643

and lieutenant governor. 644

The secretary of state shall not accept for filing the 645
declaration of intent to be a write-in candidate of a person for 646
the office of governor unless the declaration also shows the 647
intent of another person to be a write-in candidate for the 648
office of lieutenant governor, shall not accept for filing the 649
declaration of intent to be a write-in candidate of a person for 650
the office of lieutenant governor unless the declaration also 651
shows the intent of another person to be a write-in candidate 652
for the office of governor, and shall not accept for filing the 653
declaration of intent to be a write-in candidate of a person to 654
the office of governor or lieutenant governor if that person, 655
for the same election, has already filed a declaration of 656
candidacy, a declaration of intent to be a write-in candidate, 657
or a nominating petition, or has become a candidate through 658
party nomination at a primary election or by the filling of a 659
vacancy under section 3513.30 or 3513.31 of the Revised Code, 660
for any other state office or any federal or county office. 661

Protests against the candidacy of any person filing a 662
declaration of intent to be a write-in candidate may be filed by 663
any qualified elector who is eligible to vote in the election at 664
which the candidacy is to be considered. The protest shall be in 665
writing and shall be filed not later than four p.m. of the 666
sixty-seventh day before the day of the election. The protest 667
shall be filed with the ~~board of elections~~ election officials 668
with ~~which whom~~ the declaration of intent to be a write-in 669
candidate was filed. Upon the filing of the protest, the ~~board~~ 670
election officials with ~~which whom~~ it is filed shall promptly 671
fix the time for hearing it and shall proceed in regard to the 672
hearing in the same manner as for hearings set for protests 673
filed under section 3513.05 of the Revised Code. At the time 674

fixed, the ~~board~~election officials shall hear the protest and 675
shall determine the validity or invalidity of the declaration of 676
intent to be a write-in candidate not later than the tenth day 677
after the protest is filed with the election officials. If the 678
~~board finds~~election officials find that the candidate is not an 679
elector of the state, district, county, or political subdivision 680
in which the candidate seeks election to office or has not fully 681
complied with the requirements of Title XXXV of the Revised Code 682
in regard to the candidate's candidacy, the candidate's 683
declaration of intent to be a write-in candidate shall be 684
determined to be invalid and shall be rejected; otherwise, it 685
shall be determined to be valid. The determination of the ~~board~~- 686
election officials is final. 687

The secretary of state shall prescribe the form of the 688
declaration of intent to be a write-in candidate. 689

Sec. 3513.05. Each person desiring to become a candidate 690
for a party nomination at a primary election or for election to 691
an office or position to be voted for at a primary election, 692
except persons desiring to become joint candidates for the 693
offices of governor and lieutenant governor and except as 694
otherwise provided in section 3513.051 of the Revised Code, 695
shall, not later than four p.m. of the ninetieth day before the 696
day of the primary election, file a declaration of candidacy and 697
petition and pay the fees required under divisions (A) and (B) 698
of section 3513.10 of the Revised Code. The declaration of 699
candidacy and all separate petition papers shall be filed at the 700
same time as one instrument. When the offices are to be voted 701
for at a primary election, persons desiring to become joint 702
candidates for the offices of governor and lieutenant governor 703
shall, not later than four p.m. of the ninetieth day before the 704
day of the primary election, comply with section 3513.04 of the 705

Revised Code. The prospective joint candidates' declaration of 706
candidacy and all separate petition papers of candidacies shall 707
be filed at the same time as one instrument. The secretary of 708
state or a board of elections shall not accept for filing a 709
declaration of candidacy and petition of a person seeking to 710
become a candidate if that person, for the same election, has 711
already filed a declaration of candidacy or a declaration of 712
intent to be a write-in candidate, or has become a candidate by 713
the filling of a vacancy under section 3513.30 of the Revised 714
Code for any federal, state, or county office, if the 715
declaration of candidacy is for a state or county office, or for 716
any municipal or township office, if the declaration of 717
candidacy is for a municipal or township office. 718

If the declaration of candidacy declares a candidacy which 719
is to be submitted to electors throughout the entire state, the 720
petition, including a petition for joint candidates for the 721
offices of governor and lieutenant governor, shall be signed by 722
at least one thousand qualified electors who are members of the 723
same political party as the candidate or joint candidates, and 724
the declaration of candidacy and petition shall be filed with 725
the secretary of state; provided that the secretary of state 726
shall not accept or file any such petition appearing on its face 727
to contain signatures of more than three thousand electors. 728

Except as otherwise provided in this paragraph, if the 729
declaration of candidacy is of one that is to be submitted only 730
to electors within a district, political subdivision, or portion 731
thereof, the petition shall be signed by not less than fifty 732
qualified electors who are members of the same political party 733
as the political party of which the candidate is a member. If 734
the declaration of candidacy is for party nomination as a 735
candidate for member of the legislative authority of a municipal 736

corporation elected by ward, the petition shall be signed by not 737
less than twenty-five qualified electors who are members of the 738
political party of which the candidate is a member. 739

No such petition, except the petition for a candidacy that 740
is to be submitted to electors throughout the entire state, 741
shall be accepted for filing if it appears to contain on its 742
face signatures of more than three times the minimum number of 743
signatures. When a petition of a candidate has been accepted for 744
filing by a board of elections, the petition shall not be deemed 745
invalid if, upon verification of signatures contained in the 746
petition, the board of elections finds the number of signatures 747
accepted exceeds three times the minimum number of signatures 748
required. A board of elections may discontinue verifying 749
signatures on petitions when the number of verified signatures 750
equals the minimum required number of qualified signatures. 751

If the declaration of candidacy declares a candidacy for 752
party nomination or for election as a candidate of a minor 753
party, the minimum number of signatures on such petition is one- 754
half the minimum number provided in this section, except that, 755
when the candidacy is one for election as a member of the state 756
central committee or the county central committee of a political 757
party, the minimum number shall be the same for a minor party as 758
for a major party. 759

If a declaration of candidacy is one for election as a 760
member of the state central committee or the county central 761
committee of a political party, the petition shall be signed by 762
five qualified electors of the district, county, ward, township, 763
or precinct within which electors may vote for such candidate. 764
The electors signing such petition shall be members of the same 765
political party as the political party of which the candidate is 766

a member. 767

For purposes of signing or circulating a petition of 768
candidacy for party nomination or election, an elector is 769
considered to be a member of a political party if the elector 770
voted in that party's primary election within the preceding two 771
calendar years, or if the elector did not vote in any other 772
party's primary election within the preceding two calendar 773
years. 774

If the declaration of candidacy is of one that is to be 775
submitted only to electors within a county, or within a district 776
or subdivision or part thereof smaller than a county, the 777
petition shall be filed with the board of elections of the 778
county. If the declaration of candidacy is of one that is to be 779
submitted only to electors of a district or subdivision or part 780
thereof that is situated in more than one county, the petition 781
shall be filed with the board of elections of the county within 782
which the major portion of the population thereof, as 783
ascertained by the next preceding federal census, is located. 784

A petition shall consist of separate petition papers, each 785
of which shall contain signatures of electors of only one 786
county. Petitions or separate petition papers containing 787
signatures of electors of more than one county shall not thereby 788
be declared invalid. In case petitions or separate petition 789
papers containing signatures of electors of more than one county 790
are filed, the board shall determine the county from which the 791
majority of signatures came, and only signatures from such 792
county shall be counted. Signatures from any other county shall 793
be invalid. 794

Each separate petition paper shall be circulated by one 795
person only, who shall be the candidate or a joint candidate or 796

a member of the same political party as the candidate or joint 797
candidates, and each separate petition paper shall be governed 798
by the rules set forth in section 3501.38 of the Revised Code. 799

The secretary of state shall promptly transmit to each 800
board such separate petition papers of each petition 801
accompanying a declaration of candidacy filed with the secretary 802
of state as purport to contain signatures of electors of the 803
county of such board. The board of the most populous county of a 804
district shall promptly transmit to each board within such 805
district such separate petition papers of each petition 806
accompanying a declaration of candidacy filed with it as purport 807
to contain signatures of electors of the county of each such 808
board. The board of a county within which the major portion of 809
the population of a subdivision, situated in more than one 810
county, is located, shall promptly transmit to the board of each 811
other county within which a portion of such subdivision is 812
located such separate petition papers of each petition 813
accompanying a declaration of candidacy filed with it as purport 814
to contain signatures of electors of the portion of such 815
subdivision in the county of each such board. 816

All petition papers so transmitted to a board and all 817
petitions accompanying declarations of candidacy filed with a 818
board shall, under proper regulations, be open to public 819
inspection until four p.m. of the eightieth day before the day 820
of the next primary election. Each board shall, not later than 821
the seventy-eighth day before the day of that primary election, 822
examine and determine the validity or invalidity of the 823
signatures on the petition papers so transmitted to or filed 824
with it and shall return to the secretary of state all petition 825
papers transmitted to it by the secretary of state, together 826
with its certification of its determination as to the validity 827

or invalidity of signatures thereon, and shall return to each 828
other board all petition papers transmitted to it by such board, 829
together with its certification of its determination as to the 830
validity or invalidity of the signatures thereon. All other 831
matters affecting the validity or invalidity of such petition 832
papers shall be determined by the secretary of state or the 833
board with whom such petition papers were filed. 834

Protests against the candidacy of any person filing a 835
declaration of candidacy for party nomination or for election to 836
an office or position, as provided in this section, may be filed 837
by any qualified elector who is a member of the same political 838
party as the candidate and who is eligible to vote at the 839
primary election for the candidate whose declaration of 840
candidacy the elector objects to, or by the controlling 841
committee of that political party. The protest shall be in 842
writing, and shall be filed not later than four p.m. of the 843
seventy-fourth day before the day of the primary election. The 844
protest shall be filed with the election officials with whom the 845
declaration of candidacy and petition was filed. Upon the filing 846
of the protest, the election officials with whom it is filed 847
shall promptly fix the time for hearing it, and shall forthwith 848
mail notice of the filing of the protest and the time fixed for 849
hearing to the person whose candidacy is so protested. They 850
shall also forthwith mail notice of the time fixed for such 851
hearing to the person who filed the protest. At the time fixed, 852
such election officials shall hear the protest and shall 853
determine the validity or invalidity of the declaration of 854
candidacy and petition not later than the tenth day after the 855
protest is filed with the election officials. If they find that 856
such candidate is not an elector of the state, district, county, 857
or political subdivision in which the candidate seeks a party 858

nomination or election to an office or position, or has not 859
fully complied with this chapter, the candidate's declaration of 860
candidacy and petition shall be determined to be invalid and 861
shall be rejected; otherwise, it shall be determined to be 862
valid. That determination shall be final. 863

A protest against the candidacy of any persons filing a 864
declaration of candidacy for joint party nomination to the 865
offices of governor and lieutenant governor shall be filed, 866
heard, and determined in the same manner as a protest against 867
the candidacy of any person filing a declaration of candidacy 868
singly. 869

The secretary of state shall, on the seventieth day before 870
the day of a primary election, certify to each board in the 871
state the forms of the official ballots to be used at the 872
primary election, together with the names of the candidates to 873
be printed on the ballots whose nomination or election is to be 874
determined by electors throughout the entire state and who filed 875
valid declarations of candidacy and petitions. 876

The board of the most populous county in a district 877
comprised of more than one county but less than all of the 878
counties of the state shall, on the seventieth day before the 879
day of a primary election, certify to the board of each county 880
in the district the names of the candidates to be printed on the 881
official ballots to be used at the primary election, whose 882
nomination or election is to be determined only by electors 883
within the district and who filed valid declarations of 884
candidacy and petitions. 885

The board of a county within which the major portion of 886
the population of a subdivision smaller than the county and 887
situated in more than one county is located shall, on the 888

seventieth day before the day of a primary election, certify to 889
the board of each county in which a portion of that subdivision 890
is located the names of the candidates to be printed on the 891
official ballots to be used at the primary election, whose 892
nomination or election is to be determined only by electors 893
within that subdivision and who filed valid declarations of 894
candidacy and petitions. 895

Sec. 3513.262. The nominating petitions of all candidates 896
required to be filed before four p.m. of the day before the day 897
of the primary election immediately preceding the general 898
election shall be processed as follows: 899

If such petition is filed with the secretary of state, the 900
secretary of state shall, not later than the fifteenth day of 901
June following the filing of such petition, or if the primary 902
election was a presidential primary election, not later than the 903
end of the sixth week after the day of that election, transmit 904
to each board such separate petition papers as purport to 905
contain signatures of electors of the county of such board. If 906
such petition is filed with the board of the most populous 907
county of a district or of a county in which the major portion 908
of the population of a subdivision is located, such board shall, 909
not later than the fifteenth day of June, or if the primary 910
election was a presidential primary election, not later than the 911
end of the sixth week after the day of that election, transmit 912
to each board within such district such separate petition papers 913
of the petition as purport to contain signatures of electors of 914
the county of such board. 915

All petition papers so transmitted to a board and all 916
nominating petitions filed with a board shall, under proper 917
regulations, be open to public inspection from the fifteenth day 918

of June until four p.m. of the thirtieth day of that month, or 919
if the primary election was a presidential primary election, 920
from the end of the sixth week after the election until four 921
p.m. of the end of the seventh week after the election. Each 922
board shall, not later than the next fifteenth day of July, or 923
if the primary election was a presidential primary election, not 924
later than the end of the tenth week after the day of that 925
election, examine and determine the sufficiency of the 926
signatures on the petition papers transmitted to or filed with 927
it, and the validity of the petitions filed with it, and shall 928
return to the secretary of state all petition papers transmitted 929
to it by the secretary of state, together with its certification 930
of its determination as to the validity or invalidity of 931
signatures thereon, and shall return to each other board all 932
petition papers transmitted to it by such other board, as 933
provided in this section, together with its certification of its 934
determination as to the validity or invalidity of signatures 935
thereon. A signature on a nominating petition is not valid if it 936
is dated more than one year before the date the nominating 937
petition was filed. All other matters affecting the validity or 938
invalidity of such petition papers shall be determined by the 939
secretary of state or the board with whom such petition papers 940
were filed. 941

Written protests against nominating petitions may be filed 942
by any qualified elector eligible to vote for the candidate 943
whose nominating petition the elector objects to, not later than 944
four p.m. of the thirtieth day of July, or if the primary 945
election was a presidential primary election, not later than the 946
end of the twelfth week after the day of that election. Such 947
protests shall be filed with the election officials with whom 948
the nominating petition was filed. Upon the filing of such 949

protest, the election officials with whom it is filed shall 950
promptly fix the time and place for hearing it, and shall 951
forthwith mail notice of the filing of such protest and the time 952
and place for hearing it to the person whose nomination is 953
protested. They shall also forthwith mail notice of the time and 954
place fixed for the hearing to the person who filed the protest. 955
At the time fixed, such election officials shall hear the 956
protest and shall determine the validity or invalidity of the 957
petition not later than the tenth day after the protest is filed 958
with the election officials. Such determination shall be final. 959

A protest against the nominating petition filed by joint 960
candidates for the offices of governor and lieutenant governor 961
shall be filed, heard, and determined in the same manner as a 962
protest against the nominating petition of a candidate who files 963
individually. 964

Sec. 3513.263. The nominating petitions of all candidates 965
required to be filed before four p.m. of the ninetieth day 966
before the day of the general election, shall be processed as 967
follows: 968

If such petition is filed with the secretary of state, the 969
secretary of state shall promptly transmit to each board such 970
separate petition papers as purports to contain signatures of 971
electors of the county of such board. 972

If such petition is filed with the board of a county in 973
which the major portion of the population of a subdivision is 974
located, such board shall promptly transmit to the board of each 975
county in which other portions of such subdivision are located 976
such separate petition papers of the petition as purport to 977
contain signatures of electors of such county. 978

All petition papers so transmitted to a board of 979
elections, and all nominating petitions filed with a board of 980
elections shall, under proper regulation, be open to public 981
inspection until four p.m. of the eightieth day before the day 982
of such general election. Each board shall, not later than the 983
seventy-eighth day before the day of such general election 984
examine and determine the sufficiency of the signatures on the 985
petition papers transmitted to or filed with it and the validity 986
or invalidity of petitions filed with it, and shall return to 987
each other board all petition papers transmitted to it by such 988
other board, together with its certification of its 989
determination as to the validity or invalidity of signatures 990
thereon. A signature on a nominating petition is not valid if it 991
is dated more than one year before the date the nominating 992
petition was filed. All other matters affecting the validity or 993
invalidity of such petition papers shall be determined by the 994
board with whom such petition papers were filed. 995

Written protests against such nominating petitions may be 996
filed by any qualified elector eligible to vote for the 997
candidate whose nominating petition the elector objects to, not 998
later than the seventy-fourth day before the general election. 999
Such protests shall be filed with the election officials with 1000
whom the nominating petition was filed. Upon the filing of such 1001
protests, the election officials with whom it is filed shall 1002
promptly fix the time and place for hearing it, and shall 1003
forthwith mail notice of the filing of such protest and the time 1004
and place for hearing it to the person whose nomination is 1005
protested. They shall also forthwith mail notice of the time and 1006
place fixed for the hearing to the person who filed the protest. 1007
At the time and place fixed, such election officials shall hear 1008
the protest and shall determine the validity or invalidity of 1009

the petition not later than the tenth day after the protest is 1010
filed with the election officials. Such determination shall be 1011
final. 1012

Section 2. That existing sections 3506.01, 3506.04, 1013
3506.05, 3506.06, 3506.07, 3506.10, 3513.041, 3513.05, 3513.262, 1014
and 3513.263 of the Revised Code are hereby repealed. 1015