

As Reported by the House Finance Committee

133rd General Assembly

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Sub. S. B. No. 52

Senator Gavarone

Cosponsors: Senators Coley, Antonio, Burke, Craig, Fedor, Hoagland, Hottinger, Huffman, M., Huffman, S., Kunze, Lehner, Maharath, Manning, Obhof, O'Brien, Peterson, Rulli, Sykes, Terhar, Uecker, Wilson Representatives Green, Arndt, Jones, Carfagna, Hambley

A BILL

To amend sections 3505.21, 5502.11, 5923.01, 1
5923.02, 5923.03, 5923.12, 5923.37, and 5924.01 2
and to enact sections 111.09, 3505.331, 5922.01, 3
5922.02, 5922.03, 5922.04, 5922.05, 5922.06, 4
5922.07, and 5922.08 of the Revised Code to 5
create the civilian cyber security reserve 6
forces, to make the Secretary of State a member 7
of the Homeland Security Advisory Council, to 8
require the Secretary of State to appoint a 9
chief information security officer, to require 10
the boards of elections to audit election 11
results, and to make an appropriation. 12

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

Section 1. That sections 3505.21, 5502.011, 5923.01, 13
5923.02, 5923.03, 5923.12, 5923.37, and 5924.01 be amended and 14
sections 111.09, 3505.331, 5922.01, 5922.02, 5922.03, 5922.04, 15
5922.05, 5922.06, 5922.07, and 5922.08 of the Revised Code be 16
enacted to read as follows: 17

Sec. 111.09. The secretary of state shall appoint a chief information security officer to advise the secretary of state on matters of information security and to perform other duties as assigned by the secretary of state. 18
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Sec. 3505.21. (A) As used in this section, 22

(1) "during ~~During~~ the casting of the ballots" includes any of the following: 23
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~~(1)~~ (a) Any time during which a board of elections permits an elector to vote an absent voter's ballot in person at the office of the board; 25
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~~(2)~~ (b) Any time ballots may be cast in a precinct polling place on the day of an election; 28
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~~(3)~~ (c) Any time during which a board of elections processes absent voter's ballots before the time for counting those ballots. 30
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(2) "During the counting of the ballots" includes any time during which the election officials count and tally ballots, make the official canvass of election returns, or conduct an audit of the official results of an election. 33
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(B) At any primary, special, or general election, any political party supporting candidates to be voted upon at such election and any group of five or more candidates may appoint to the board of elections or to any of the precincts in the county or city one person, a qualified elector, who shall serve as observer for such party or such candidates during the casting of the ballots and during the counting of the ballots; provided that separate observers may be appointed to serve during the casting and during the counting of the ballots. No candidate, no uniformed peace officer as defined by section 2935.01 of the 37
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Revised Code, no uniformed state highway patrol trooper, no 47
uniformed member of any fire department, no uniformed member of 48
the armed services, no uniformed member of the organized 49
militia, no person wearing any other uniform, and no person 50
carrying a firearm or other deadly weapon shall serve as an 51
observer, nor shall any candidate be represented by more than 52
one observer at any one precinct or at the board of elections 53
except that a candidate who is a member of a party controlling 54
committee, as defined in section 3517.03 of the Revised Code, 55
may serve as an observer. 56

(C) Any political party or group of candidates appointing 57
observers shall notify the board of elections of the names and 58
addresses of its appointees and the precincts at which they 59
shall serve or that they will serve at the board of elections. 60
Notification of observers appointed to serve on the day of an 61
election shall take place not less than eleven days before the 62
day of the election on forms prescribed by the secretary of 63
state and may be amended by filing an amendment with the board 64
of elections at any time until four p.m. of the day before the 65
election. Notification of observers appointed to serve at the 66
office of the board during the time absent voter's ballots may 67
be cast in person or during the time in which the board 68
processes absent voter's ballots before the time for counting 69
those ballots shall take place not less than eleven days before 70
absent voter's ballots are required to be ready for use pursuant 71
to section 3509.01 of the Revised Code on forms prescribed by 72
the secretary of state and may be amended by filing an amendment 73
with the board of elections at any time until four p.m. of the 74
day before the observer is appointed to serve. The observer 75
serving on behalf of a political party shall be appointed in 76
writing by the chairperson and secretary of the respective 77

controlling party committee. Observers serving for any five or 78
more candidates shall have their certificates signed by those 79
candidates. Observers appointed to a precinct may file their 80
certificates of appointment with the voting location manager of 81
the precinct at the meeting on the evening prior to the 82
election, or with the voting location manager of the precinct on 83
the day of the election. Observers appointed to the office of 84
the board to observe the casting of absent voter's ballots in 85
person prior to the day of the election or the processing of 86
absent voter's ballots before the time for counting those 87
ballots may file their certificates with the director of the 88
board of elections the day before or on the day that the 89
observers are scheduled to serve at the office of the board. 90

Upon the filing of a certificate, the person named as 91
observer in the certificate shall be permitted to be in and 92
about the applicable polling place during the casting of the 93
ballots and shall be permitted to watch every proceeding of the 94
precinct election officials from the time of the opening until 95
the closing of the polls. The observer also may inspect the 96
counting of all ballots in the polling place or board of 97
elections from the time of the closing of the polls until the 98
counting is completed and the final returns are certified and 99
signed. Observers appointed to serve at the board of elections 100
on the day of an election under this section may observe at the 101
board of elections and may observe at any precinct in the 102
county. The precinct election officials shall protect such 103
observers in all of the rights and privileges granted to them by 104
Title XXXV of the Revised Code. 105

(D) No persons other than the precinct election officials, 106
the observers, a police officer, other persons who are detailed 107
to any precinct on request of the board of elections, or the 108

secretary of state or the secretary of state's legal 109
representative shall be admitted to the polling place, or any 110
room in which a board of elections is counting ballots, after 111
the closing of the polls until the counting, certifying, and 112
signing of the final returns of each election have been 113
completed. 114

(E) Not later than four p.m. of the twentieth day prior to 115
an election at which questions are to be submitted to a vote of 116
the people, any committee that in good faith advocates or 117
opposes a measure may file a petition with the board of any 118
county asking that the petitioners be recognized as the 119
committee entitled to appoint observers to the count at the 120
election. If more than one committee alleging themselves to 121
advocate or oppose the same measure file such a petition, the 122
board shall decide and announce by registered mail to each 123
committee not less than twelve days immediately preceding the 124
election which committee is recognized as being entitled to 125
appoint observers. The decision shall not be final, but any 126
aggrieved party may institute mandamus proceedings in the court 127
of common pleas of the county in which the board has 128
jurisdiction to compel the precinct election officials to accept 129
the appointees of such aggrieved party. Any such recognized 130
committee may appoint an observer to the count in each precinct. 131
Committees appointing observers shall notify the board of 132
elections of the names and addresses of its appointees and the 133
precincts at which they shall serve. Notification shall take 134
place not less than eleven days before the election on forms 135
prescribed by the secretary of state and may be amended by 136
filing an amendment with the board of elections at any time 137
until four p.m. on the day before the election. A person so 138
appointed shall file the person's certificate of appointment 139

with the voting location manager in the precinct in which the 140
person has been appointed to serve. Observers shall file their 141
certificates before the polls are closed. In no case shall more 142
than six observers be appointed for any one election in any one 143
precinct. If more than three questions are to be voted on, the 144
committees which have appointed observers may agree upon not to 145
exceed six observers, and the precinct election officials shall 146
appoint such observers. If such committees fail to agree, the 147
precinct election officials shall appoint six observers from the 148
appointees so certified, in such manner that each side of the 149
several questions shall be represented. 150

(F) No person shall serve as an observer at any precinct 151
or at the board of elections unless the board of elections of 152
the county in which such observer is to serve has first been 153
notified of the name, address, and location at which such 154
observer is to serve. Notification to the board of elections 155
shall be given by the political party, group of candidates, or 156
committee appointing such observer as prescribed in this 157
section. No such observers shall receive any compensation from 158
the county, municipal corporation, or township, and they shall 159
take the following oath, to be administered by one of the 160
precinct election officials: 161

"You do solemnly swear that you will faithfully and 162
impartially discharge the duties as an official observer, 163
assigned by law; that you will not cause any delay to persons 164
offering to vote; and that you will not disclose or communicate 165
to any person how any elector has voted at such election." 166

Sec. 3505.331. (A) After declaring the official results of 167
a general election or of a primary election held in an even- 168
numbered year, as described in section 3505.33 of the Revised 169

Code, the board of elections shall audit those results in 170
accordance with this section. Except as otherwise provided in 171
this division, the board shall begin the audit not earlier than 172
six days after it declares the official results and shall 173
complete the audit not later than the twenty-first day after it 174
declares the official results. If the board conducts a recount, 175
the board shall begin the audit immediately after the board 176
certifies the results of the recount and shall complete the 177
audit not later than the fourteenth day after it certifies the 178
results of the recount. 179

(B) The board shall conduct the audit in accordance with 180
procedures prescribed by the secretary of state, which shall 181
include all of the following: 182

(1) (a) Except as otherwise provided in division (B) (1) (b) 183
of this section, a requirement that the board audit not less 184
than three contested races, questions, or issues, as directed by 185
the secretary of state. If fewer than three contested races, 186
questions, or issues appear on the ballot at the election, then 187
the board shall audit every contested race, question, and issue. 188
In any election, every contested race, question, or issue shall 189
be eligible to be audited. 190

(b) If the board ordered a countywide recount of the 191
results of a race, question, or issue under section 3515.011 of 192
the Revised Code, the recount shall be considered an audit for 193
purposes of meeting the requirement that the board audit not 194
less than three contested races, questions, or issues. 195

(2) A requirement that every ballot that was included in 196
the canvass of the election returns be eligible to be audited, 197
including regular ballots cast on the day of the election, 198
absent voter's ballots, and provisional ballots. 199

(3) Either a provision allowing the board to choose one of 200
the following protocols to use in conducting the audit or a 201
provision requiring the board to use a protocol selected by the 202
secretary of state from the following protocols in conducting 203
the audit: 204

(a) A risk-limiting audit protocol, which shall use 205
statistical methods to limit to acceptable levels the risk of 206
certifying an incorrect outcome for a particular race, question, 207
or issue. The protocol shall require bipartisan teams of 208
election officials to physically examine and hand count randomly 209
sampled ballots and to continue the hand counting until the 210
results of the hand count provide sufficiently strong evidence 211
that a hand count of all of the ballots would confirm the 212
election result declared under section 3505.33 of the Revised 213
Code or until all of the ballots have been hand counted, 214
whichever occurs first. 215

(b) (i) A percentage-based audit protocol, which shall 216
require bipartisan teams of election officials to physically 217
examine and hand count a number of randomly sampled ballots 218
equal to a given percentage of the total number of ballots cast 219
in the county at that election, as prescribed by the secretary 220
of state. After the election officials complete the initial 221
audit, the board shall calculate, as a percentage, the accuracy 222
rate of each audited race, question, or issue by dividing the 223
sum of any discrepancies for the race, question, or issue 224
discovered during the audit by the total number of ballots 225
audited for the race, question, or issue and subtracting the 226
resulting number from one. 227

(ii) If the accuracy rate for an audited race, question, 228
or issue is less than the acceptable accuracy rate prescribed by 229

the secretary of state, the board shall escalate the audit of 230
that race, question, or issue by requiring bipartisan teams of 231
election officials to physically examine and hand count a second 232
set of randomly sampled ballots equal to a given percentage of 233
the total number of ballots cast in the county at that election, 234
as prescribed by the secretary of state. The second set of 235
ballots shall not include any ballots that were included in the 236
first set of audited ballots. After the election officials have 237
counted the second set of ballots, the board shall calculate the 238
combined accuracy rate for both audited sets of ballots for that 239
race, question, or issue. 240

(c) Another audit protocol approved by the secretary of 241
state. 242

(C) The board shall give public notice of the times and 243
places for preparing for and conducting the audit in accordance 244
with section 121.22 of the Revised Code. At all times while the 245
board prepares for and conducts the audit, the board shall 246
permit observers appointed under section 3505.21 of the Revised 247
Code. 248

No person other than a member of the board or a designated 249
employee of the board shall be permitted to handle a ballot. 250

(D) (1) Not later than five days after completing the 251
audit, the board shall certify the results of the audit to the 252
secretary of state in the form and by the method prescribed by 253
the secretary of state. The secretary of state shall make the 254
results of the audit available to the public on the secretary of 255
state's official web site. 256

(2) If the board conducted a percentage-based audit and 257
was required to escalate the audit of a race, question, or issue 258

under division (B) (3) (b) (ii) of this section, and the combined 259
accuracy rate for that race, question, or issue is less than the 260
acceptable combined accuracy rate prescribed by the secretary of 261
state, the secretary of state may require the board to order 262
bipartisan teams of election officials to physically examine and 263
hand count all ballots cast for that race, question, or issue. 264
The requirements of division (C) of this section apply to any 265
full hand count conducted under this division. 266

(3) If the results of the completed audit or the results 267
of any full hand count ordered under division (D) (2) of this 268
section indicate that the canvass or the previously declared 269
official election results must be amended, the board promptly 270
shall amend the canvass or issue an amended declaration of the 271
official results, as applicable. 272

(E) The secretary of state shall, in accordance with 273
directives issued by the secretary of state, reimburse boards of 274
elections for costs incurred to conduct an audit under this 275
section. 276

(F) As used in this section: 277

(1) "Ballot" means either a paper ballot or the relevant 278
entry on a voter verified paper audit trail. 279

(2) "Voter verified paper audit trail" has the same 280
meaning as in section 3506.01 of the Revised Code. 281

Sec. 5502.011. (A) As used in this section, "department of 282
public safety" and "department" include all divisions within the 283
department of public safety. 284

(B) The director of public safety is the chief executive 285
and administrative officer of the department. The director may 286
establish policies governing the department, the performance of 287

its employees and officers, the conduct of its business, and the 288
custody, use, and preservation of departmental records, papers, 289
books, documents, and property. The director also may authorize 290
and approve investigations to be conducted by any of the 291
department's divisions. Whenever the Revised Code imposes a duty 292
upon or requires an action of the department, the director may 293
perform the action or duty in the name of the department or 294
direct such performance to be performed by the director's 295
designee. 296

(C) In addition to any other duties enumerated in the 297
Revised Code, the director or the director's designee shall do 298
all of the following: 299

(1) Administer and direct the performance of the duties of 300
the department; 301

(2) Pursuant to Chapter 119. of the Revised Code, approve, 302
adopt, and prescribe such forms and rules as are necessary to 303
carry out the duties of the department; 304

(3) On behalf of the department and in addition to any 305
authority the Revised Code otherwise grants to the department, 306
have the authority and responsibility for approving and entering 307
into contracts, agreements, and other business arrangements; 308

(4) Make appointments for the department as needed to 309
comply with requirements of the Revised Code; 310

(5) Approve employment actions of the department, 311
including appointments, promotions, discipline, investigations, 312
and terminations; 313

(6) Accept, hold, and use, for the benefit of the 314
department, any gift, donation, bequest, or devise, and may 315
agree to and perform all conditions of the gift, donation, 316

bequest, or devise, that are not contrary to law;	317
(7) Apply for, allocate, disburse, and account for grants made available under federal law or from other federal, state, or private sources;	318 319 320
(8) Develop a list of disqualifying offenses for licensure as a private investigator or a security guard provider pursuant to sections 4749.03, 4749.04, 4749.10, and 4776.10 of the Revised Code;	321 322 323 324
(9) Do all other acts necessary or desirable to carry out this chapter.	325 326
(D) (1) The director of public safety may assess a reasonable fee, plus the amount of any charge or fee passed on from a financial institution, on a drawer or indorser for each of the following:	327 328 329 330
(a) A check, draft, or money order that is returned or dishonored;	331 332
(b) An automatic bank transfer that is declined, due to insufficient funds or for any other reason;	333 334
(c) Any financial transaction device that is returned or dishonored for any reason.	335 336
(2) The director shall deposit any fee collected under this division in an appropriate fund as determined by the director based on the tax, fee, or fine being paid.	337 338 339
(3) As used in this division, "financial transaction device" has the same meaning as in section 113.40 of the Revised Code.	340 341 342
(E) <u>(1)</u> The director shall establish a homeland security	343

advisory council to advise the director on homeland security, 344
including homeland security funding efforts. ~~The~~ 345

~~(2) The advisory council shall include, but not be limited~~ 346
~~to, state consist of the following members, who shall serve~~ 347
~~without compensation:~~ 348

(a) The secretary of state; 349

(b) State and local government officials, appointed by the 350
director, who have homeland security or emergency management 351
responsibilities and who represent first responders. ~~The~~ 352
~~director shall appoint the;~~ 353

(c) Any other members of the council, who shall serve 354
without compensation appointed by the director. 355

Sec. 5922.01. The governor shall organize and maintain 356
within this state, on a reserve basis, civilian cyber security 357
reserve forces capable of being expanded and trained to educate 358
and protect state, county, and local government entities, 359
critical infrastructure, including election systems, businesses, 360
and citizens of this state from cyber attacks. In the case of an 361
emergency proclaimed by the governor, or caused by illicit 362
actors or imminent danger, the governor, as commander-in-chief, 363
shall expand the reserve as the exigency of the occasion 364
requires. 365

The reserve shall be a part of the Ohio organized militia 366
under the adjutant general's department. The reserve shall be 367
known as the Ohio cyber reserve. The adjutant general shall 368
establish and may revise, in accordance with section 5923.12 of 369
the Revised Code, the rates of pay for reserve members when 370
called to state active duty. While performing any drill or 371
training, reserve members shall serve in an unpaid volunteer 372

status. When called to state active duty by the governor, 373
reserve members shall function as civilian members of the Ohio 374
organized militia. 375

Sec. 5922.02. The governor may adopt rules consistent with 376
the provisions of law governing the membership, organization, 377
administration, equipment, and maintenance of the Ohio cyber 378
reserve. A copy of the rules shall be available to the public in 379
the adjutant general's office. 380

Sec. 5922.03. The governor may requisition from the United 381
States department of defense, for the use of the Ohio cyber 382
reserve, equipment that may be in the possession and can be 383
furnished by the department, and make available to the reserve 384
the facilities of state armories and equipment and other state 385
premises and property that may be available. 386

Sec. 5922.04. Sections 5922.02 to 5922.08 of the Revised 387
Code do not authorize the Ohio cyber reserve, or any part 388
thereof, to be called or ordered into the military service of 389
the United States. The reserve may become a civilian component 390
of the Ohio national guard. 391

Sec. 5922.05. No person shall be accepted into the Ohio 392
cyber reserve who is not a United States national or a lawful 393
permanent resident, or who has been expelled or dishonorably 394
discharged from the armed forces as defined in section 5903.01 395
of the Revised Code. Applicants shall be subject to an 396
appropriate background check, in accordance with rules adopted 397
by the governor and adjutant general, before admittance into the 398
reserve. 399

Notwithstanding any other provision of the Revised Code, 400
no person shall be disqualified from acceptance into the Ohio 401

cyber reserve on the basis that the person is an employee of the 402
state or a political subdivision of the state, or an employee or 403
proprietor of a private entity that conducts business with the 404
state or a political subdivision of the state. 405

Sec. 5922.06. Whenever the Ohio cyber reserve, or any part 406
thereof, is ordered out for active service by the governor, the 407
Ohio code of military justice shall be in full force with 408
respect to those forces. 409

Sec. 5922.07. The governor may accept the resignation of 410
any Ohio cyber reserve member at any time. Reserve members serve 411
at the pleasure of the governor and may be removed from the 412
reserve in accordance with rules adopted under section 5922.02 413
of the Revised Code. 414

The governor may require reimbursement for training, 415
equipment, and uniforms if an Ohio cyber reserve member does not 416
serve the full term of the member's membership agreement and the 417
inability to serve out the term of the membership agreement was 418
not due to disability or a similar disabling medical condition. 419

Sec. 5922.08. The governor, as commander-in-chief of the 420
Ohio organized militia, may order individuals or units of the 421
Ohio cyber reserve to state active duty to protect state, 422
county, and local government entities and critical 423
infrastructure, including election systems, or for training as 424
the governor determines necessary. The governor, upon the 425
request of a business or citizen, also may order individuals or 426
units of the Ohio cyber reserve to state active duty to protect 427
that business or citizen. 428

When ordered by the governor to perform duty or training 429
under this section or section 5923.21 of the Revised Code, 430

members of the Ohio cyber reserve shall have the same 431
protections afforded by the "Servicemembers Civil Relief Act," 432
Pub. L. No. 108-189, 50 U.S.C. 3901-4043, and by the "Uniformed 433
Services Employment and Reemployment Rights Act," 108 Stat. 434
3149, 38 U.S.C. 4301-4333. 435

Sec. 5923.01. (A) The Ohio organized militia consists of 436
all ~~citizens of the state who are not permanently handicapped,~~ 437
~~as handicapped is defined in section 4112.01 of the Revised~~ 438
~~Code, who are more than seventeen years, and not more than~~ 439
~~sixty seven years, of age unless exempted as provided in section~~ 440
~~5923.02 of the Revised Code, and persons who are members of one~~ 441
of the following: 442

- (1) The Ohio national guard; 443
- (2) The Ohio naval militia; 444
- (3) The Ohio military reserve; 445
- (4) The Ohio cyber reserve. 446

(B) The Ohio national guard, including both the Ohio air 447
national guard and the Ohio army national guard, the Ohio naval 448
militia, ~~and~~ the Ohio military reserve, and the Ohio cyber 449
reserve are known collectively as the Ohio organized militia. 450

(C) The Ohio naval militia and the Ohio military reserve 451
are known collectively as the state defense forces. 452

(D) The unorganized militia consists of ~~those all~~ citizens 453
of the state ~~as described in division (A) of this section who to~~ 454
whom all of the following apply: 455

- (1) They are not members of the Ohio organized militia; 456
- (2) They are more than seventeen years of age and not more 457

<u>than sixty-seven years of age;</u>	458
<u>(3) They are not exempt from service under section 5923.02</u>	459
<u>of the Revised Code.</u>	460
(E) No troops shall be maintained in time of peace other	461
than as authorized and prescribed under the "Act of August 10,	462
1956," 70A Stat. 596, 32 U.S.C.A. 101 to 716. This limitation	463
does not affect the right of the state to the use of its	464
organized militia within its borders in time of peace as	465
prescribed by the laws of this state. This section does not	466
prevent the organization and maintenance of police.	467
Sec. 5923.02. (A) —The following persons, if subject to	468
duty in the Ohio organized <u>or unorganized</u> militia, may be	469
exempted by the adjutant general from duty on request:	470
(1) — <u>(A)</u> The vice-president of the United States;	471
(2) — <u>(B)</u> The officers, judicial and executive, of the	472
departments of the state and of the United States, and the	473
members of the general assembly, without regard to age;	474
(3) — <u>(C)</u> Members of the armed forces of the United States	475
or their reserve components;	476
(4) — <u>(D)</u> Customhouse clerks;	477
(5) — <u>(E)</u> Employees of the United States postal service;	478
(6) — <u>(F)</u> Workers employed in armories, arsenals, or naval	479
shipyards of the United States;	480
(7) — <u>(G)</u> Pilots on the navigable waters of the United	481
States;	482
(8) — <u>(H)</u> Mariners licensed by the United States—;	483
(B) — <u>(I)</u> Any person <u>who claims exemption from service</u>	484

because of religious belief or other moral conviction held as a 485
matter of conscience ~~may claim exemption from Ohio organized~~ 486
~~militia service;~~ 487

(J) Any person who is unable to serve because of a 488
disability, as that term is defined in section 4112.01 of the 489
Revised Code. 490

Sec. 5923.03. (A) The Ohio national guard consists of the 491
members of the Ohio organized militia who are enlisted, 492
commissioned, or warranted in the Ohio national guard, all as 493
prescribed by publications of the department of the army or air 494
force and the national guard bureau for the national guard as 495
prescribed by Chapter 5919. of the Revised Code. 496

(B) The Ohio military reserve consists of the members of 497
the Ohio organized militia who are enlisted, commissioned, or 498
warranted in the Ohio military reserve as prescribed by Chapter 499
5920. of Revised Code. 500

(C) The Ohio naval militia consists of the members of the 501
Ohio organized militia who are enlisted, commissioned, or 502
warranted in the Ohio naval militia as prescribed by Chapter 503
5921. of the Revised Code. 504

(D) The Ohio cyber reserve consists of the members of the 505
Ohio organized militia who are civilian volunteers under Chapter 506
5922. of the Revised Code. 507

Sec. 5923.12. When ordered to state active duty by the 508
governor, for which duty federal basic pay and allowances are 509
not authorized, members of the organized militia of Ohio shall 510
receive the same pay and allowances for each day's service as is 511
provided for commissioned officers, warrant officers, 512
noncommissioned officers, and enlisted personnel of like grade 513

and longevity in the armed forces of the United States, together 514
with the necessary transportation, housing, and subsistence 515
allowances as prescribed by the United States department of 516
defense pay manual, or an amount not less than seventy-five 517
dollars per day as base pay for each day's duty performed, 518
whichever is greater. 519

Notwithstanding any other provision of law, Ohio cyber 520
reserve members shall receive a rate of pay determined and 521
provided by rule by the adjutant general, in the name of the 522
governor. The rule shall establish a rate of pay commensurate 523
with those specified in pay schedules established by the 524
director of administrative services for information technology 525
employees of the state who have comparable training, experience, 526
and professional qualifications. 527

When ordered by the governor to perform training or duty 528
under this section or section 5919.29 of the Revised Code, 529
members of the Ohio national guard shall have the protections 530
afforded to persons on federal active duty by "The 531
Servicemembers Civil Relief Act," 117 Stat. 2835, 50 U.S.C.A. 532
App. 501. 533

Sec. 5923.37. (A) No member of the organized militia 534
ordered to state active duty shall be liable in negligence for 535
any act performed within the scope of ~~his military~~ the member's 536
duties. Any action alleging that such a militia member's conduct 537
was outside the scope of ~~his~~ the member's employment, was 538
malicious, was in bad faith, or was wanton or reckless shall 539
first be filed against the state in the court of claims under 540
section 2743.02 of the Revised Code. 541

(B) Any member of the organized militia rendering medical, 542
nursing, or dental care, or assisting in rendering such care, 543

after being ordered to state active duty shall be deemed an 544
officer or employee of the state under section 109.36 of the 545
Revised Code. 546

(C) Any member of the organized militia ordered to state 547
active duty under section 5923.22 of the ~~revised~~ Revised Code or 548
ordered to duty under section 5919.29 of the Revised Code who is 549
qualified to perform on federal active duty under Title 10, 550
United States Code, in a particular profession, discipline, or 551
skill as a health care provider shall be exempt from the 552
statutes, regulations, and licensing requirements otherwise in 553
force under the laws of this state, with respect to ~~his~~ the 554
member's profession, specialty, or skill at such times as ~~he~~ the 555
member is serving in any military status, duly authorized under 556
the laws of this state or of the United States, or both, and is 557
performing ~~his~~ the member's profession, specialty, or skill 558
under regulations prescribed by the executive authority of the 559
United States or of this state, and is functioning within the 560
scope of ~~his~~ the member's employment. 561

Sec. 5924.01. As used in Chapter 5924. of the Revised Code 562
unless the context otherwise requires: 563

(A) "Organized militia" means the Ohio national guard, the 564
Ohio naval militia, ~~and~~ the Ohio military reserve, and the Ohio 565
cyber reserve. 566

(B) "Officer" means commissioned or warrant officer. 567

(C) "Commissioned officer" includes a commissioned warrant 568
officer. 569

(D) "Commanding officer" includes only commissioned or 570
warrant officers in command of a unit. 571

(E) "Superior commissioned officer" means a commissioned 572

officer superior in rank or command.	573
(F) "Enlisted member" means a person in an enlisted grade.	574
(G) "Grade" means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulation.	575 576 577
(H) "Rank" means the order of precedence among members of the armed forces.	578 579
(I) "State active duty" means full-time duty in the active military service of the state under a proclamation of the governor issued pursuant to authority vested in the governor by law, and while going to and returning from such duty.	580 581 582 583
(J) "Duty status other than state active duty" means any other types of duty and while going to and returning from such duty.	584 585 586
(K) "Military court" means a court-martial, a court of inquiry, or a provost court.	587 588
(L) "Military judge" means an official of a general or special court-martial who is a commissioned officer, who has been duly certified to be qualified for duty as a military judge by the state judge advocate, and who has been properly detailed in accordance with section 5924.26 of the Revised Code.	589 590 591 592 593
(M) "Law specialist" means a commissioned officer of the organized naval militia of the state designated for special duty.	594 595 596
(N) "Legal officer" means any commissioned officer of the organized naval militia of the state designated to perform legal duties for a command.	597 598 599

(O) "State judge advocate" means the commissioned officer responsible for supervising the administration of military justice in the organized militia.

(P) "Accuser" means a person who reports an offense subject to trial by court-martial and who signs and swears to charges, any person who directs that charges nominally be signed and sworn to by another, or any other person who has an interest other than an official interest in the prosecution of the accused.

(Q) "Military" refers to any or all of the armed forces.

(R) "Convening authority" includes, in addition to the person who convened the court, a commissioned officer commanding for the time being, or a successor in command.

(S) "May" is used in a permissive sense. The words "no person may" mean that no person is required, authorized, or permitted to do the act prescribed.

(T) "Shall" is used in an imperative sense.

(U) "Code" means the Ohio code of military justice, as set forth in Chapter 5924. of the Revised Code.

(V) "Trial counsel" means the prosecuting attorney in a general or special court-martial.

(W) "Detention facility" means any place that is owned or operated by a municipal corporation, by a county, or by one or more municipal corporations, counties, or both and that is used for the confinement of persons charged with or convicted of any crime in this state or another state or under the laws of the United States.

(X) "Examiner" has the same meaning as in division (A) (2)

(a) of section 2945.37 of the Revised Code.	628
(Y) "Nonsecured status," "unsupervised, off-grounds movement," "trial visit," "conditional release," and "licensed clinical psychologist" have the same meanings as in section 2945.37 of the Revised Code.	629 630 631 632
Section 2. That existing sections 3505.21, 5502.011, 5923.01, 5923.02, 5923.03, 5923.12, 5923.37, and 5924.01 of the Revised Code are hereby repealed.	633 634 635
Section 3. All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all appropriations made in this act, those in the first column are for fiscal year 2020 and those in the second column are for fiscal year 2021. The appropriations made in this act are in addition to any other appropriations made for the FY 2020-FY 2021 biennium.	636 637 638 639 640 641 642 643
ADJ ADJUTANT GENERAL	644
General Revenue Fund	645
GRF 745503 Ohio Cyber Reserve	\$100,000 \$550,000 646
TOTAL GRF General Revenue Fund	\$100,000 \$550,000 647
TOTAL ALL BUDGET FUND GROUPS	\$100,000 \$550,000 648
OHIO CYBER RESERVE	649
The foregoing appropriation item 745503, Ohio Cyber Reserve, shall be used to pay the costs incurred by the Adjutant General's Department to operate the Ohio Cyber Reserve in accordance with section 5922.01 of the Revised Code.	650 651 652 653
SOS SECRETARY OF STATE	654

General Revenue Fund				655	
GRF 050321 Operating Expenses	\$	75,000	\$	75,000	656
TOTAL GRF General Revenue Fund	\$	75,000	\$	75,000	657
TOTAL ALL BUDGET FUND GROUPS	\$	75,000	\$	75,000	658

ELECTION AUDIT REIMBURSEMENT 659

Of the foregoing appropriation item 050321, Operating 660
Expenses, up to \$75,000 shall be used in each fiscal year to 661
reimburse counties, in a manner prescribed by the Secretary of 662
State, for the costs of performing election audits in accordance 663
with section 3505.331 of the Revised Code. 664

Section 4. Within the limits set forth in this act, the 665
Director of Budget and Management shall establish accounts 666
indicating the source and amount of funds for each appropriation 667
made in this act, and shall determine the form and manner in 668
which appropriation accounts shall be maintained. Expenditures 669
from appropriations contained in Section 3 of this act shall be 670
accounted for as though made in the main operating 671
appropriations act of the 133rd General Assembly. 672

The appropriations made in Section 3 this act are subject 673
to all provisions of the main operating appropriations act of 674
the 133rd General Assembly that are generally applicable to such 675
appropriations. 676