

**As Introduced**

**136th General Assembly**

**Regular Session**

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**H. B. No. 893**

**Representatives Glassburn, Gross**

**Cosponsors: Representatives Brennan, Piccolantonio, Synenberg, McNally,  
Upchurch**

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To amend sections 3501.11 and 3501.29 of the 1  
Revised Code to require the boards of elections 2  
to minimize the standing time while waiting to 3  
vote for voters who experience difficulty 4  
standing for a prolonged period. 5

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

**Section 1.** That sections 3501.11 and 3501.29 of the 6  
Revised Code be amended to read as follows: 7

**Sec. 3501.11.** Each board of elections shall exercise by a 8  
majority vote all powers granted to the board by Title XXXV of 9  
the Revised Code, shall perform all the duties imposed by law, 10  
and shall do all of the following: 11

(A) Establish, define, provide, rearrange, and combine 12  
election precincts; 13

(B) Fix and provide the places for registration and for 14  
holding primaries and elections; 15

(C) Provide for the purchase, preservation, and 16  
maintenance of booths, ballot boxes, books, maps, flags, blanks, 17  
cards of instructions, and other forms, papers, and equipment 18

used in registration, nominations, and elections;	19
(D) Appoint and remove its director, deputy director, and	20
employees and all registrars, precinct election officials, and	21
other officers of elections, fill vacancies, and designate the	22
ward or district and precinct in which each shall serve;	23
(E) Make and issue rules and instructions, not	24
inconsistent with law or the rules, directives, or advisories	25
issued by the secretary of state, as it considers necessary for	26
the guidance of election officers and voters;	27
(F) Advertise and contract for the printing of all ballots	28
and other supplies used in registrations and elections;	29
(G) Provide for the issuance of all notices,	30
advertisements, and publications concerning elections, except as	31
otherwise provided in division (G) of section 3501.17 and	32
divisions (F) and (G) of section 3505.062 of the Revised Code;	33
(H) Provide for the delivery of ballots, pollbooks, and	34
other required papers and material to the polling places;	35
(I) Cause the polling places to be suitably provided with	36
voting machines, marking devices, automatic tabulating	37
equipment, stalls, and other required supplies. In fulfilling	38
this duty, each board of a county that uses voting machines,	39
marking devices, or automatic tabulating equipment shall conduct	40
a full vote of the board during a public session of the board on	41
the allocation and distribution of voting machines, marking	42
devices, and automatic tabulating equipment for each precinct in	43
the county.	44
(J) Investigate irregularities, nonperformance of duties,	45
or violations of Title XXXV of the Revised Code by election	46
officers and other persons; administer oaths, issue subpoenas,	47

summon witnesses, and compel the production of books, papers, 48  
records, and other evidence in connection with any such 49  
investigation; and report the facts to the prosecuting attorney 50  
or the secretary of state; 51

(K) (1) Review, examine, and certify the sufficiency and 52  
validity of petitions and nomination papers, and, after 53  
certification, return to the secretary of state all petitions 54  
and nomination papers that the secretary of state forwarded to 55  
the board; 56

(2) Examine each initiative petition, or a petition filed 57  
under section 307.94 or 307.95 of the Revised Code, received by 58  
the board to determine whether the petition falls within the 59  
scope of authority to enact via initiative and whether the 60  
petition satisfies the statutory prerequisites to place the 61  
issue on the ballot, as described in division (M) of section 62  
3501.38 of the Revised Code. The petition shall be invalid if 63  
any portion of the petition is not within the initiative power. 64

(L) Receive the returns of elections, canvass the returns, 65  
make abstracts of them, and transmit those abstracts to the 66  
proper authorities; 67

(M) Issue certificates of election on forms to be 68  
prescribed by the secretary of state; 69

(N) Make an annual report to the secretary of state, on 70  
the form prescribed by the secretary of state, containing a 71  
statement of the number of voters registered, elections held, 72  
votes cast, appropriations received, expenditures made, and 73  
other data required by the secretary of state; 74

(O) Prepare and submit to the proper appropriating officer 75  
a budget estimating the cost of elections for the ensuing fiscal 76

year;	77
(P) Perform other duties as prescribed by law or the rules, directives, or advisories of the secretary of state;	78 79
(Q) Investigate and determine the residence qualifications of electors;	80 81
(R) Administer oaths in matters pertaining to the administration of the election laws;	82 83
(S) Prepare and submit to the secretary of state, whenever the secretary of state requires, a report containing the names and residence addresses of all incumbent county, municipal, township, and board of education officials serving in their respective counties;	84 85 86 87 88
(T) Establish and maintain a voter registration database of all qualified electors in the county who offer to register;	89 90
(U) Maintain voter registration records, make reports concerning voter registration as required by the secretary of state, and remove ineligible electors from voter registration lists in accordance with law and directives of the secretary of state;	91 92 93 94 95
(V) Give approval to ballot language for any local question or issue and transmit the language to the secretary of state for the secretary of state's final approval;	96 97 98
(W) Prepare and cause the following notice to be displayed in a prominent location in every polling place:	99 100
"NOTICE	101
Ohio law prohibits any person from voting or attempting to vote more than once at the same election.	102 103

Violators are guilty of a felony of the fourth degree and 104  
shall be imprisoned and additionally may be fined in accordance 105  
with law." 106

(X) In all cases of a tie vote or a disagreement in the 107  
board, if no decision can be arrived at, the director or 108  
chairperson shall submit the matter in controversy, not later 109  
than fourteen days after the tie vote or the disagreement, to 110  
the secretary of state, who shall summarily decide the question, 111  
and the secretary of state's decision shall be final. 112

(Y) Assist each designated agency, deputy registrar of 113  
motor vehicles, public high school and vocational school, public 114  
library, and office of a county treasurer in the implementation 115  
of a program for registering voters at all voter registration 116  
locations as prescribed by the secretary of state. Under this 117  
program, each board of elections shall direct to the appropriate 118  
board of elections any voter registration applications for 119  
persons residing outside the county where the board is located 120  
within five days after receiving the applications. 121

(Z) On any day on which an elector may vote in person at 122  
the office of the board or at another site designated by the 123  
board, consider the board or other designated site a polling 124  
place for that day. All requirements or prohibitions of law that 125  
apply to a polling place shall apply to the office of the board 126  
or other designated site on that day. 127

(AA) Perform any duties with respect to voter registration 128  
and voting by uniformed services and overseas voters that are 129  
delegated to the board by law or by the rules, directives, or 130  
advisories of the secretary of state. 131

(BB) Prepare an election administration plan and submit it 132

to the secretary of state not later than seventy-five days	133
before each presidential primary election and not later than one	134
hundred twenty days before each general election held in an	135
even-numbered year. The election administration plan shall be on	136
a template prescribed by the secretary of state and shall	137
include all of the following:	138
(1) Precinct election official recruitment, training, and	139
accountability;	140
(2) Resource allocation;	141
(3) Communication before and on the day of the election;	142
(4) Materials;	143
(5) Contingencies and continuity planning;	144
(6) Security;	145
(7) Voter registration;	146
(8) Absent voting;	147
(9) Polling places and accessibility, including the	148
<u>accommodation plan described in division (C) (2) of section</u>	149
<u>3501.29 of the Revised Code;</u>	150
(10) Ballot preparation;	151
(11) Pre-election testing;	152
(12) Reconciliation and audits;	153
(13) A master calendar;	154
(14) Any other topic prescribed by the secretary of state.	155
<b>Sec. 3501.29.</b> (A) The board of elections shall provide for	156
each precinct a polling place and provide adequate facilities at	157

each polling place for conducting the election. The board shall 158  
provide a sufficient number of screened or curtained voting 159  
compartments to which electors may retire and conveniently mark 160  
their ballots, protected from the observation of others. Each 161  
voting compartment shall be provided at all times with writing 162  
implements, instructions how to vote, and other necessary 163  
conveniences for marking the ballot. The voting location manager 164  
shall ensure that the voting compartments at all times are 165  
adequately lighted and contain the necessary supplies. The board 166  
shall utilize, in so far as practicable, rooms in public schools 167  
and other public buildings for polling places. Upon application 168  
of the board of elections, the authority which has the control 169  
of any building or grounds supported by taxation under the laws 170  
of this state, shall make available the necessary space therein 171  
for the purpose of holding elections and adequate space for the 172  
storage of voting machines, without charge for the use thereof. 173  
A reasonable sum may be paid for necessary janitorial service. 174  
When polling places are established in private buildings, the 175  
board may pay a reasonable rental therefor, and also the cost of 176  
liability insurance covering the premises when used for election 177  
purposes, or the board may purchase a single liability policy 178  
covering the board and the owners of the premises when used for 179  
election purposes. When removable buildings are supplied by the 180  
board, they shall be constructed under the contract let to the 181  
lowest and best bidder, and the board shall observe all 182  
ordinances and regulations then in force as to safety. The board 183  
shall remove all such buildings from streets and other public 184  
places within thirty days after an election, unless another 185  
election is to be held within ninety days. 186

(B) (1) Except as otherwise provided in this section, the 187  
board shall ensure all of the following: 188

(a) That polling places are free of barriers that would impede ingress and egress of persons with disabilities;	189 190
(b) That the minimum number of accessible parking locations for persons with mobility disabilities are designated at each polling place in accordance with 28 C.F.R. Part 36, Appendix A, and in compliance with division (E) of section 4511.69 of the Revised Code;	191 192 193 194 195
(c) That the entrances of polling places are level or are provided with a nonskid ramp that meets the requirements of the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101;	196 197 198 199
(d) That doors are a minimum of thirty-two inches wide.	200
(2) Notwithstanding division (B)(1)(a), (c), or (d) of this section, certain polling places may be specifically exempted by the secretary of state upon certification by a board of elections that a good faith, but unsuccessful, effort has been made to modify, or change the location of, such polling places.	201 202 203 204 205 206
<del>(C)</del> <u>(C)(1)</u> The board of elections shall permit any elector with a disability who travels to that elector's polling place, but who is physically unable to enter the polling place, to vote, with the assistance of two polling place officials of major political parties, in the vehicle that conveyed that elector to the polling place, or to receive and cast that elector's ballot at the door of the polling place. Under no other circumstance may an elector vote in a vehicle or at the door of a polling place.	207 208 209 210 211 212 213 214 215
<u>(2) For each polling place, the board of elections shall create an accommodation plan to minimize the time voters who</u>	216 217

experience difficulty in standing for a prolonged period must 218  
stand while waiting to sign the pollbook or to cast their 219  
ballots. The board shall train the precinct election officials 220  
to execute the plan and shall provide any necessary equipment 221  
and signage. The plan shall require the precinct election 222  
officials to offer the accommodation to all voters, but no voter 223  
is required to use any such accommodation. The plan may include 224  
any of the following: 225

(a) A priority waiting line that serves voters who 226  
experience difficulty in standing for a prolonged period before 227  
serving any other voter who enters the line; 228

(b) A designated seating area that voters may use while 229  
waiting to sign the pollbook or to cast a ballot; 230

(c) Any other accommodation that effectively minimizes 231  
standing time for those voters. 232

(D) The secretary of state shall: 233

(1) Work with other state agencies to facilitate the 234  
distribution of information and technical assistance to boards 235  
of elections to meet the requirements of division (B) of this 236  
section; 237

(2) Work with organizations that represent or provide 238  
services to citizens who are elderly or who have disabilities to 239  
effect a wide dissemination of information about the 240  
availability of absentee voting, voting in the voter's vehicle 241  
or at the door of the polling place, or other election services 242  
to citizens who are elderly or who have disabilities. 243

(E) Before the day of an election, the director of the 244  
board of elections of each county shall sign a statement 245  
verifying that each polling place that will be used in that 246

county at that election meets the requirements of division (B) 247  
(1) (b) of this section. The signed statement shall be sent to 248  
the secretary of state by certified mail or electronically. 249

**Section 2.** That existing sections 3501.11 and 3501.29 of 250  
the Revised Code are hereby repealed. 251

**Section 3.** Section 3501.29 of the Revised Code is 252  
presented in this act as a composite of the section as amended 253  
by both H.B. 281 and H.B. 458 of the 134th General Assembly. The 254  
General Assembly, applying the principle stated in division (B) 255  
of section 1.52 of the Revised Code that amendments are to be 256  
harmonized and reconciled if reasonably capable of simultaneous 257  
operation, finds that the composite is the resulting version of 258  
the section in effect prior to the effective date of the section 259  
as presented in this act. 260