Representative Clyde

Cosponsors: Representatives Antonio, Boccieri, Boggs, Cera, Fedor, Lepore-Hagan, O'Brien, M., Phillips, Ramos, Smith, K., Sykes

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A BILL

To enact section 3501.45 of the Revised Code to	1
create a presumption of validity for certain	2
election matters and to require certain	3
provisional ballots cast in the wrong polling	4
place to be remade and counted.	5

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

Section 1. That section 3501.45 of the Revised Code be	6
enacted to read as follows:	7
Sec. 3501.45. (A) Notwithstanding any provision of the	8
Revised Code to the contrary, voter registration applications,	9
applications for absent voter's ballots, absent voter's ballot	10
identification statements of voter, absent voter's ballots,	11
provisional ballot affirmations, provisional ballots, and	12
regular ballots shall be presumed valid unless proven otherwise.	13
Errors, misspellings, and omissions of printed material that do	14
not render it impossible for a board of elections to determine	15
who applied for registration, who applied for absent voter's	16
ballots, who cast absent voter's ballots, a provisional ballot,	17
or a regular ballot, or what selections or write-in votes were	18

made on a ballot are immaterial and shall not disqualify an   19
application for registration, an application for absent voter's   20
ballots, a regular, provisional, or absent voter's ballot, or a   21
selection or write-in choice on a ballot.   22

(B)(1) Notwithstanding any provision of the Revised Code   23
to the contrary, except as otherwise provided in division (B)(2)   24
of this section, if an individual casts a provisional ballot in   25
a polling place other than the polling place assigned to the   26
precinct in which the individual is registered and eligible to   27
vote, the provisional ballot shall be remade on a ballot for the   28
appropriate precinct to reflect the offices, questions, and   29
issues for which the individual was eligible to cast a ballot   30
and for which the individual attempted to cast a provisional   31
ballot. The remade ballot shall be counted for each office,   32
question, and issue for which the individual was eligible to   33
vote.   34

(2) A provisional ballot described in division (B)(1) of   35
this section shall not be counted if a precinct election   36
official produces clear evidence that the precinct election   37
official determined the individual's correct precinct and   38
directed the individual to that precinct.   39