

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 609**

**Representatives Antani, Duffey**

**Cosponsors: Representatives Ramos, Brenner, Boggs, Dean**

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**A BILL**

To amend sections 3501.35 and 3599.20 of the 1  
Revised Code to allow electors to photograph and 2  
make public the elector's own marked ballot. 3

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

**Section 1.** That sections 3501.35 and 3599.20 of the 4  
Revised Code be amended to read as follows: 5

**Sec. 3501.35.** (A) During an election and the counting of 6  
the ballots, no person shall do any of the following: 7

(1) Loiter, congregate, or engage in any kind of election 8  
campaigning within the area between the polling place and the 9  
small flags of the United States placed on the thoroughfares and 10  
walkways leading to the polling place, and if the line of 11  
electors waiting to vote extends beyond those small flags, 12  
within ten feet of any elector in that line; 13

(2) In any manner hinder or delay an elector in reaching 14  
or leaving the place fixed for casting the elector's ballot; 15

(3) Give, tender, or exhibit any ballot or ticket to any 16  
person other than the elector's own ballot to the precinct 17

election officials within the area between the polling place and 18  
the small flags of the United States placed on the thoroughfares 19  
and walkways leading to the polling place, and if the line of 20  
electors waiting to vote extends beyond those small flags, 21  
within ten feet of any elector in that line; 22

(4) ~~Exhibit~~ Except as otherwise provided in section 23  
3599.20 of the Revised Code, exhibit any ticket or ballot which 24  
the elector intends to cast; 25

(5) Solicit or in any manner attempt to influence any 26  
elector in casting the elector's vote. 27

(B) (1) Except as otherwise provided in division (B) (2) of 28  
this section and division (C) of section 3503.23 of the Revised 29  
Code, no person who is not an election official, employee, 30  
observer, or police officer shall be allowed to enter the 31  
polling place during the election, except for the purpose of 32  
voting or assisting another person to vote as provided in 33  
section 3505.24 of the Revised Code. 34

(2) Notwithstanding any provision of this section to the 35  
contrary, a journalist shall be allowed reasonable access to a 36  
polling place during an election. As used in this division, 37  
"journalist" has the same meaning as in division (B) (2) of 38  
section 2923.129 of the Revised Code. 39

(C) No more electors shall be allowed to approach the 40  
voting shelves at any time than there are voting shelves 41  
provided. 42

(D) The precinct election officials and the police officer 43  
shall strictly enforce the observance of this section. 44

**Sec. 3599.20.** No person shall attempt to induce an elector 45  
to show how the elector marked the elector's ballot at an 46

election; or, being an elector, allow the elector's ballot to be 47  
seen by another, except as provided by section 3505.24 of the 48  
Revised Code and except by photograph taken by the elector for 49  
purposes of personal use, including making the photograph 50  
available electronically to the public, with the apparent 51  
intention of letting it be known how the elector is about to 52  
vote; or make a false statement as to the elector's ability to 53  
mark the ballot; or knowingly mark the ballot so it may be 54  
identified after it has been cast; or attempt to interfere with 55  
an elector in the voting booth when marking the elector's 56  
ballot; or knowingly destroy or mutilate a lawful ballot; or 57  
remove from the polling place or be found in unlawful possession 58  
of a lawful ballot outside the enclosure provided for voting; or 59  
knowingly hinder or delay the delivery of a lawful ballot to a 60  
person entitled to receive it; or give to an elector a ballot 61  
printed or written contrary to law; or forge or falsely make an 62  
official indorsement on a ballot. 63

Whoever violates this section is guilty of a felony of the 64  
fifth degree. 65

**Section 2.** That existing sections 3501.35 and 3599.20 of 66  
the Revised Code are hereby repealed. 67

**Section 3.** Section 3501.35 of the Revised Code is 68  
presented in this act as a composite of the section as amended 69  
by both Am. S.B. 10 and Am. Sub. S.B. 109 of the 130th General 70  
Assembly. The General Assembly, applying the principle stated in 71  
division (B) of section 1.52 of the Revised Code that amendments 72  
are to be harmonized if reasonably capable of simultaneous 73  
operation, finds that the composite is the resulting version of 74  
the section in effect prior to the effective date of the section 75  
as presented in this act. 76