

As Introduced

131st General Assembly

Regular Session

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S. B. No. 296

Senator Seitz

**Cosponsors: Senators Coley, Jones, Hite, Burke, Bacon, Jordan, Uecker, Patton,
Eklund**

A BILL

To amend sections 3501.17, 3501.28, 3501.32, 1
3505.18, 3505.181, 3505.182, and 3505.183 and to 2
enact sections 2505.40 and 3501.321 of the 3
Revised Code to specify the conditions under 4
which a court may order that a polling place be 5
kept open for extended hours on the day of an 6
election and to require a person who votes 7
pursuant to such an order to cast a provisional 8
ballot. 9

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

Section 1. That sections 3501.17, 3501.28, 3501.32, 10
3505.18, 3505.181, 3505.182, and 3505.183 be amended and 11
sections 2505.40 and 3501.321 of the Revised Code be enacted to 12
read as follows: 13

Sec. 2505.40. For each day on which an election is held in 14
the territory over which a court of appeals has jurisdiction, 15
the court shall establish a special election day panel. The 16
panel shall be available upon instant notice to hear and 17
determine on that day any appeal filed with it under division 18

(C) (1) of section 3501.321 of the Revised Code. 19

Sec. 3501.17. (A) The expenses of the board of elections 20
shall be paid from the county treasury, in pursuance of 21
appropriations by the board of county commissioners, in the same 22
manner as other county expenses are paid. If the board of county 23
commissioners fails to appropriate an amount sufficient to 24
provide for the necessary and proper expenses of the board of 25
elections pertaining to the conduct of elections, the board of 26
elections may apply to the court of common pleas within the 27
county, which shall fix the amount necessary to be appropriated 28
and the amount shall be appropriated. Payments shall be made 29
upon vouchers of the board of elections certified to by its 30
chairperson or acting chairperson and the director or deputy 31
director, upon warrants of the county auditor. 32

The board of elections shall not incur any obligation 33
involving the expenditure of money unless there are moneys 34
sufficient in the funds appropriated therefor to meet the 35
obligation. If the board of elections requests a transfer of 36
funds from one of its appropriation items to another, the board 37
of county commissioners shall adopt a resolution providing for 38
the transfer except as otherwise provided in section 5705.40 of 39
the Revised Code. The expenses of the board of elections shall 40
be apportioned among the county and the various subdivisions as 41
provided in this section, and the amount chargeable to each 42
subdivision shall be paid as provided in division (J) of this 43
section or withheld by the county auditor from the moneys 44
payable thereto at the time of the next tax settlement. At the 45
time of submitting budget estimates in each year, the board of 46
elections shall submit to the taxing authority of each 47
subdivision, upon the request of the subdivision, an estimate of 48
the amount to be paid or withheld from the subdivision during 49

the current or next fiscal year. 50

A board of township trustees may, by resolution, request 51
that the county auditor withhold expenses charged to the 52
township from a specified township fund that is to be credited 53
with revenue at a tax settlement. The resolution shall specify 54
the tax levy ballot issue, the date of the election on the levy 55
issue, and the township fund from which the expenses the board 56
of elections incurs related to that ballot issue shall be 57
withheld. 58

(B) Except as otherwise provided in division (F) of this 59
section, the compensation of the members of the board of 60
elections and of the director, deputy director, and regular 61
employees in the board's offices, other than compensation for 62
overtime worked; the expenditures for the rental, furnishing, 63
and equipping of the office of the board and for the necessary 64
office supplies for the use of the board; the expenditures for 65
the acquisition, repair, care, and custody of the polling 66
places, booths, guardrails, and other equipment for polling 67
places; the cost of tally sheets, maps, flags, ballot boxes, and 68
all other permanent records and equipment; the cost of all 69
elections held in and for the state and county; and all other 70
expenses of the board which are not chargeable to a political 71
subdivision in accordance with this section shall be paid in the 72
same manner as other county expenses are paid. 73

(C) The compensation of precinct election officials and 74
intermittent employees in the board's offices; the cost of 75
renting, moving, heating, and lighting polling places and of 76
placing and removing ballot boxes and other fixtures and 77
equipment thereof, including voting machines, marking devices, 78
and automatic tabulating equipment; the cost of printing and 79

delivering ballots, cards of instructions, registration lists 80
required under section 3503.23 of the Revised Code, and other 81
election supplies, including the supplies required to comply 82
with division (H) of section 3506.01 of the Revised Code; the 83
cost of contractors engaged by the board to prepare, program, 84
test, and operate voting machines, marking devices, and 85
automatic tabulating equipment; and all other expenses of 86
conducting primaries and elections in the odd-numbered years 87
shall be charged to the subdivisions in and for which such 88
primaries or elections are held. The charge for each primary or 89
general election in odd-numbered years for each subdivision 90
shall be determined in the following manner: first, the total 91
cost of all chargeable items used in conducting such elections 92
shall be ascertained; second, the total charge shall be divided 93
by the number of precincts participating in such election, in 94
order to fix the cost per precinct; third, the cost per precinct 95
shall be prorated by the board of elections to the subdivisions 96
conducting elections for the nomination or election of offices 97
in such precinct; fourth, the total cost for each subdivision 98
shall be determined by adding the charges prorated to it in each 99
precinct within the subdivision. 100

(D) The entire cost of special elections held on a day 101
other than the day of a primary or general election, both in 102
odd-numbered or in even-numbered years, shall be charged to the 103
subdivision. Where a special election is held on the same day as 104
a primary or general election in an even-numbered year, the 105
subdivision submitting the special election shall be charged 106
only for the cost of ballots and advertising. Where a special 107
election is held on the same day as a primary or general 108
election in an odd-numbered year, the subdivision submitting the 109
special election shall be charged for the cost of ballots and 110

advertising for such special election, in addition to the 111
charges prorated to such subdivision for the election or 112
nomination of candidates in each precinct within the 113
subdivision, as set forth in the preceding paragraph. 114

(E) Where a special election is held on the day specified 115
by division (E) of section 3501.01 of the Revised Code for the 116
holding of a primary election, for the purpose of submitting to 117
the voters of the state constitutional amendments proposed by 118
the general assembly, and a subdivision conducts a special 119
election on the same day, the entire cost of the special 120
election shall be divided proportionally between the state and 121
the subdivision based upon a ratio determined by the number of 122
issues placed on the ballot by each, except as otherwise 123
provided in division (G) of this section. Such proportional 124
division of cost shall be made only to the extent funds are 125
available for such purpose from amounts appropriated by the 126
general assembly to the secretary of state. If a primary 127
election is also being conducted in the subdivision, the costs 128
shall be apportioned as otherwise provided in this section. 129

(F) When a precinct is open during a general, primary, or 130
special election solely for the purpose of submitting to the 131
voters a statewide ballot issue, the state shall bear the entire 132
cost of the election in that precinct and shall reimburse the 133
county for all expenses incurred in opening the precinct. 134

(G) (1) The state shall bear the entire cost of advertising 135
in newspapers statewide ballot issues, explanations of those 136
issues, and arguments for or against those issues, as required 137
by Section 1g of Article II and Section 1 of Article XVI, Ohio 138
Constitution, and any other section of law. Appropriations made 139
to the controlling board shall be used to reimburse the 140

secretary of state for all expenses the secretary of state 141
incurs for such advertising under division (G) of section 142
3505.062 of the Revised Code. 143

(2) There is hereby created in the state treasury the 144
statewide ballot advertising fund. The fund shall receive 145
transfers approved by the controlling board, and shall be used 146
by the secretary of state to pay the costs of advertising state 147
ballot issues as required under division (G)(1) of this section. 148
Any such transfers may be requested from and approved by the 149
controlling board prior to placing the advertising, in order to 150
facilitate timely provision of the required advertising. 151

(H) The cost of renting, heating, and lighting 152
registration places; the cost of the necessary books, forms, and 153
supplies for the conduct of registration; and the cost of 154
printing and posting precinct registration lists shall be 155
charged to the subdivision in which such registration is held. 156

(I) At the request of a majority of the members of the 157
board of elections, the board of county commissioners may, by 158
resolution, establish an elections revenue fund. Except as 159
otherwise provided in this division, the purpose of the fund 160
shall be to accumulate revenue withheld by or paid to the county 161
under this section for the payment of any expense related to the 162
duties of the board of elections specified in section 3501.11 of 163
the Revised Code, upon approval of a majority of the members of 164
the board of elections. The fund shall not accumulate any 165
revenue withheld by or paid to the county under this section for 166
the compensation of the members of the board of elections or of 167
the director, deputy director, or other regular employees in the 168
board's offices, other than compensation for overtime worked. 169

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of 170

the Revised Code, the board of county commissioners may, by 171
resolution, transfer money to the elections revenue fund from 172
any other fund of the political subdivision from which such 173
payments lawfully may be made. Following an affirmative vote of 174
a majority of the members of the board of elections, the board 175
of county commissioners may, by resolution, rescind an elections 176
revenue fund established under this division. If an elections 177
revenue fund is rescinded, money that has accumulated in the 178
fund shall be transferred to the county general fund. 179

(J) (1) Not less than fifteen business days before the 180
deadline for submitting a question or issue for placement on the 181
ballot at a special election, the board of elections shall 182
prepare and file with the board of county commissioners and the 183
office of the secretary of state the estimated cost, based on 184
the factors enumerated in this section, for preparing for and 185
conducting an election on one question or issue, one nomination 186
for office, or one election to office in each precinct in the 187
county at that special election and shall divide that cost by 188
the number of registered voters in the county. 189

(2) The board of elections shall provide to a political 190
subdivision seeking to submit a question or issue, a nomination 191
for office, or an election to office for placement on the ballot 192
at a special election with the estimated cost for preparing for 193
and conducting that election, which shall be calculated either 194
by multiplying the number of registered voters in the political 195
subdivision with the cost calculated under division (J) (1) of 196
this section or by multiplying the cost per precinct with the 197
number or precincts in the political subdivision. A political 198
subdivision submitting a question or issue, a nomination for 199
office, or an election to office for placement on the ballot at 200
that special election shall pay to the county elections revenue 201

fund sixty-five per cent of the estimated cost of the election 202
not less than ten business days after the deadline for 203
submitting a question or issue for placement on the ballot for 204
that special election. 205

(3) Not later than sixty days after the date of a special 206
election, the board of elections shall provide to each political 207
subdivision the true and accurate cost for the question or 208
issue, nomination for office, or election to office that the 209
subdivision submitted to the voters on the special election 210
ballots. If the board of elections determines that a subdivision 211
paid less for the cost of preparing and conducting a special 212
election under division (J) (2) of this section than the actual 213
cost calculated under this division, the subdivision shall remit 214
to the county elections revenue fund the difference between the 215
payment made under division (J) (2) of this section and the final 216
cost calculated under this division within thirty days after 217
being notified of the final cost. If the board of elections 218
determines that a subdivision paid more for the cost of 219
preparing and conducting a special election under division (J) 220
(2) of this section than the actual cost calculated under this 221
division, the board of elections promptly shall notify the board 222
of county commissioners of that difference. The board of county 223
commissioners shall remit from the county elections revenue fund 224
to the political subdivision the difference between the payment 225
made under division (J) (2) of this section and the final cost 226
calculated under this division within thirty days after 227
receiving that notification. 228

(K) (1) Prior to the day of an election, the board of 229
elections shall prepare and file with the office of the 230
secretary of state an estimate of the hourly cost of keeping a 231
polling place in the county open after the time for the closing 232

of the polls pursuant to a court order issued under section 233
3501.321 of the Revised Code. The estimate shall include the 234
cost of compensating the precinct election officials who are 235
assigned to a polling place at the rate specified in division 236
(H) of section 3501.28 of the Revised Code. The secretary of 237
state shall make the estimate available on the secretary of 238
state's official web site not later than the time for the 239
opening of the polls on the day of the election. 240

(2) Upon receiving a payment under division (D)(3) of 241
section 3501.321 of the Revised Code to pay the cost of 242
complying with a court order issued under that section, the 243
board of elections shall calculate the portion paid by the 244
state, the county, and each political subdivision, as 245
applicable, of the total cost incurred as a result of keeping 246
the relevant polling places open under the terms of the order. 247
The board then shall refund to the state, the county, and each 248
political subdivision the amount it paid toward the total cost. 249
If the payment received under division (D)(3) of section 250
3501.321 of the Revised Code is less than the total cost, the 251
board shall divide the amount of the payment by the total cost, 252
multiply the quotient by the amount the state, the county, and 253
each political subdivision paid toward the total cost, and pay 254
the resulting amount to the state, the county, and each 255
political subdivision, as applicable. 256

(L) As used in this section: 257

(1) "Political subdivision" and "subdivision" mean any 258
board of county commissioners, board of township trustees, 259
legislative authority of a municipal corporation, board of 260
education, or any other board, commission, district, or 261
authority that is empowered to levy taxes or permitted to 262

receive the proceeds of a tax levy, regardless of whether the 263
entity receives tax settlement moneys as described in division 264
(A) of this section; 265

(2) "Statewide ballot issue" means any ballot issue, 266
whether proposed by the general assembly or by initiative or 267
referendum, that is submitted to the voters throughout the 268
state. 269

Sec. 3501.28. (A) As used in this section: 270

(1) "Fair Labor Standards Act" or "Act" means the "Fair 271
Labor Standards Act of 1938," 52 Stat. 1062, 29 U.S.C.A. 201, as 272
amended. 273

(2) "Full election day" means the period of time between 274
the opening of the polls and the completion of the procedures 275
contained in section 3501.26 of the Revised Code. 276

(3) "Services" means services at each general, primary, or 277
special election. 278

(B) ~~Beginning~~ Except as otherwise provided in division (H) 279
of this section, beginning with calendar year 2004, each 280
precinct election official in a county shall be paid for the 281
official's services at the same hourly rate, which shall be not 282
less than the minimum hourly rate established by the Fair Labor 283
Standards Act and not more than ninety-five dollars per diem. 284

(C) The secretary of state shall establish, by rule 285
adopted under section 111.15 of the Revised Code, the maximum 286
amount of per diem compensation that may be paid to precinct 287
election officials under this section each time the Fair Labor 288
Standards Act is amended to increase the minimum hourly rate 289
established by the act. Upon learning of such an increase, the 290
secretary of state shall determine by what percentage the 291

minimum hourly rate has been increased under the act and 292
establish a new maximum amount of per diem compensation that 293
precinct election officials may be paid under this section that 294
is increased by the same percentage that the minimum hourly rate 295
has been increased under the act. 296

(D) (1) (a) No board of elections shall increase the pay of 297
a precinct election official under this section during a 298
calendar year unless the board has given written notice of the 299
proposed increase to the board of county commissioners not later 300
than the first day of October of the preceding calendar year. 301

(b) Except as otherwise provided in division (D) (2) of 302
this section, a board of elections may increase the pay of a 303
precinct election official during a calendar year by up to, but 304
not exceeding, nine per cent over the compensation paid to a 305
precinct election official in the county where the board is 306
located during the previous calendar year, if the compensation 307
so paid during the previous calendar year was eighty-five 308
dollars or less per diem. 309

(c) Except as otherwise provided in division (D) (2) of 310
this section, a board of elections may increase the pay of a 311
precinct election official during a calendar year by up to, but 312
not exceeding, four and one-half per cent over the compensation 313
paid to a precinct election official in the county where the 314
board is located during the previous calendar year, if the 315
compensation so paid during the previous calendar year was more 316
than eighty-five but less than ninety-five dollars per diem. 317

(2) The board of county commissioners may review and 318
comment upon a proposed increase and may enter into a written 319
agreement with a board of elections to permit an increase in the 320
compensation paid to precinct election officials for their 321

services during a calendar year that is greater than the 322
applicable percentage limitation described in division (E) (1) (b) 323
or (c) of this section. 324

(E) ~~No~~ Except as otherwise provided in division (H) of 325
this section, no precinct election official who works less than 326
the full election day shall be paid the maximum amount allowed 327
under this section or the maximum amount as set by the board of 328
elections, whichever is less. 329

(F) (1) Except as otherwise provided in divisions (F) (4) to 330
(6) of this section, any employee of the state or of any 331
political subdivision of the state may serve as a precinct 332
election official on the day of an election without loss of the 333
employee's regular compensation for that day as follows: 334

(a) For employees of a county office, department, 335
commission, board, or other entity, or of a court of common 336
pleas, county court, or county-operated municipal court, as 337
defined in section 1901.03 of the Revised Code, the employee's 338
appointing authority may permit leave with pay for this service 339
in accordance with a resolution setting forth the terms and 340
conditions for that leave passed by the board of county 341
commissioners. 342

(b) For all other employees of a political subdivision of 343
the state, leave with pay for this service shall be subject to 344
the terms and conditions set forth in an ordinance or a 345
resolution passed by the legislative authority of the applicable 346
political subdivision. 347

(c) For state employees, leave with pay for this service 348
shall be subject to the terms and conditions set forth by the 349
head of the state agency, as defined in section 1.60 of the 350

Revised Code, by which the person is employed. 351

(2) Any terms and conditions set forth by a board of 352
county commissioners, legislative authority of a political 353
subdivision, or head of a state agency under division (G) (1) of 354
this section shall include a standard procedure for deciding 355
which employees are permitted to receive leave with pay if 356
multiple employees of an entity or court described in division 357
(G) (1) (a) of this section, of an entity of a political 358
subdivision described in division (G) (1) (b) of this section, or 359
of a state agency as defined in section 1.60 of the Revised Code 360
apply to serve as a precinct election official on the day of an 361
election. This procedure shall be applied uniformly to all 362
similarly situated employees. 363

(3) Any employee who is eligible for leave with pay under 364
division (G) (1) of this section shall receive, in addition to 365
the employee's regular compensation, the compensation paid to 366
the precinct election official under division (B) or (C) of this 367
section. 368

(4) Division (F) (1) of this section does not apply to 369
either of the following: 370

(a) Election officials; 371

(b) Public school teachers. 372

(5) Nothing in division (F) (1) of this section supersedes 373
or negates any provision of a collective bargaining agreement in 374
effect under Chapter 4117. of the Revised Code. 375

(6) If a board of county commissioners, legislative 376
authority of a political subdivision, or head of a state agency 377
fails to set forth any terms and conditions under division (F) 378
(1) of this section, an employee of an entity or court described 379

in division (F) (1) (a) of this section, of an entity of a 380
political subdivision described in division (F) (1) (b) of this 381
section, or of a state agency as defined in section 1.60 of the 382
Revised Code may use personal leave, vacation leave, or 383
compensatory time, or take unpaid leave, to serve as a precinct 384
election official on the day of an election. 385

(G) The board of elections may withhold the compensation 386
of any precinct election official for failure to obey the 387
instructions of the board or to comply with the law relating to 388
the duties of a precinct election official. Any payment a 389
precinct election official is entitled to receive under section 390
3501.36 of the Revised Code is in addition to the compensation 391
the official is entitled to receive under this section. 392

(H) (1) A precinct election official who works in a polling 393
place after the time for the closing of the polls, as specified 394
in section 3501.32 of the Revised Code, as a result of a court 395
order to keep the polling place open after that time shall be 396
compensated at a rate of twenty-two dollars and fifty cents per 397
hour for the period worked as a result of the court order. 398

(2) Beginning with the year 2017, in January of each year, 399
the secretary of state shall adjust the compensation rate 400
specified in division (H) (1) of this section according to the 401
percentage change in the Consumer Price Index over the previous 402
calendar year and shall publish that rate on the secretary of 403
state's official web site. As used in this division, "Consumer 404
Price Index" means the Consumer Price Index for All Urban 405
Consumers or its successive equivalent, as determined by the 406
United States department of labor, bureau of labor statistics, 407
or its successor in responsibility, for all items, Series A. 408

Sec. 3501.32. (A) Except as otherwise provided in division 409

(B) of this section and in section 3501.321 of the Revised Code, 410
on the day of the election the polls shall be opened by 411
proclamation by the voting location manager, or in the manager's 412
absence by a voting location manager chosen by the precinct 413
election officials, at six-thirty a.m. and shall be closed by 414
proclamation at seven-thirty p.m. unless there are voters 415
waiting in line to cast their ballots, in which case the polls 416
shall be kept open until such waiting voters have voted. 417

(B) On the day of the election, any polling place located 418
on an island not connected to the mainland by a highway or a 419
bridge may close earlier than seven-thirty p.m. if all 420
registered voters in the precinct have voted. When a polling 421
place closes under division (B) of this section the voting 422
location manager shall immediately notify the board of elections 423
of the closing. 424

Sec. 3501.321. (A) (1) A person who seeks an order that one 425
or more polling places in a county remain open past the time for 426
the closing of the polls, as specified in section 3501.32 of the 427
Revised Code, shall file a petition in the court of common pleas 428
of that county. Upon filing the petition, the petitioner shall 429
serve notice of the petition upon the secretary of state and the 430
attorney general. Except as otherwise provided in division (A) 431
(2) of this section, the petitioner also shall post with the 432
clerk of the court a cash bond in an amount equal to the cost of 433
keeping the relevant polling places open for the requested 434
period of time, as estimated by the board of elections in 435
accordance with division (K) (1) of section 3501.17 of the 436
Revised Code. 437

(2) If the court determines that the petitioner is 438
indigent, the court shall waive the bond required under division 439

<u>(A) (1) of this section.</u>	440
<u>(B) (1) Upon the filing of a petition under division (A) of this section, the court may issue the order only if all of the following are true:</u>	441
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<u>(a) The petitioner has complied with division (A) of this section.</u>	444
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<u>(b) The court has afforded the secretary of state or the secretary of state's designee and the attorney general or the attorney general's designee an opportunity to be heard in the case.</u>	446
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<u>(c) The petitioner has proved by clear and convincing evidence that no prospect of a fair election exists in the absence of the order.</u>	450
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<u>(d) The court's decision is based solely on testimonial evidence submitted under oath or affirmation and on physical evidence, if physical evidence has been submitted to the court. The court shall not consider evidence gathered from a media report that is not submitted under oath or affirmation and shall not consider hearsay, as defined under the Rules of Evidence.</u>	453
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<u>(2) If the court waived the bond under division (A) (2) of this section and the court orders that one or more polling places remain open past the time for the closing of the polls, the order shall permit the petitioner or petitioners personally to vote in the election after the time for the closing of the polls but shall not permit any person who is not a petitioner in the case to vote in the election after the time for the closing of the polls.</u>	459
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<u>(C) (1) If a court of common pleas issues an order granting a petition filed under division (A) of this section, that order</u>	467
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is subject to immediate appeal to the special election day panel 469
of the court of appeals of the district in which the court of 470
common pleas is located. If such an appeal is filed, the order 471
shall be stayed pending the decision of the panel. The panel 472
shall decide the appeal immediately, without briefing, based on 473
oral arguments and on the evidence submitted to the court of 474
common pleas. The decision of the panel shall be subject to 475
appeal in the same manner as any other decision of the court. 476

(2) If a court of common pleas issues an order denying a 477
petition filed under division (A) of this section, that order is 478
not subject to immediate appeal to the special election day 479
panel of the court of appeals, but is subject to appeal in the 480
same manner as any other decision of the court. 481

(D) (1) If a petition filed under this section does not 482
result in one or more polling places remaining open past the 483
time for the closing of the polls, as specified in section 484
3501.32 of the Revised Code, the court of common pleas shall 485
order the clerk to return any bond posted under division (A) (1) 486
of this section to the petitioner. 487

(2) If one or more polling places remain open past the 488
time for the closing of the polls, as specified in section 489
3501.32 of the Revised Code, as a result of a court order and a 490
court of competent jurisdiction does not subsequently enter an 491
unappealed final order that the ballots cast during that time 492
are not eligible to be counted, the court of common pleas shall 493
order the clerk to return any bond posted under division (A) (1) 494
of this section to the petitioner. 495

(3) If one or more polling places remain open past the 496
time for the closing of the polls, as specified in section 497
3501.32 of the Revised Code, as a result of a court order, a 498

bond has been posted under division (A) (1) of this section, and 499
a court of competent jurisdiction subsequently enters an 500
unappealed final order that the ballots cast during that time 501
are not eligible to be counted, the board of elections shall 502
calculate the total cost incurred as a result of keeping the 503
relevant polling places open under the terms of the order and 504
shall submit that total to the court of common pleas. If the 505
amount of the bond is greater than that total, the court shall 506
order the clerk to remit a portion of the bond equal to that 507
total to the board of elections and to return the remaining 508
portion of the bond to the petitioner. If the amount of the bond 509
is less than or equal to that total, the court shall order the 510
clerk to remit the entire amount of the bond to the board of 511
elections for the purpose of refunding election costs in 512
accordance with division (K) of section 3501.17 of the Revised 513
Code. 514

Sec. 3505.18. (A) (1) When an elector appears in a polling 515
place to vote, the elector shall announce to the precinct 516
election officials the elector's full name and current address 517
and provide proof of the elector's identity in the form of a 518
current and valid photo identification, a military 519
identification, or a copy of a current utility bill, bank 520
statement, government check, paycheck, or other government 521
document, other than a notice of voter registration mailed by a 522
board of elections under section 3503.19 of the Revised Code, 523
that shows the name and current address of the elector. 524

(2) If an elector does not have or is unable to provide to 525
the precinct election officials any of the forms of 526
identification required under division (A) (1) of this section, 527
the elector may cast a provisional ballot under section 3505.181 528
of the Revised Code and do either of the following: 529

(a) Write the elector's driver's license or state 530
identification card number or the last four digits of the 531
elector's social security number on the provisional ballot 532
envelope; or 533

(b) Appear at the office of the board of elections not 534
later than the seventh day after the day of the election and 535
provide the identification required under division (A)(1) of 536
this section, the elector's driver's license or state 537
identification card number, or the last four digits of the 538
elector's social security number. 539

(B) After the elector has announced the elector's full 540
name and current address and provided any of the forms of 541
identification required under division (A)(1) of this section, 542
the elector shall write the elector's name and address at the 543
proper place in the poll list or signature pollbook provided for 544
the purpose, except that if, for any reason, an elector is 545
unable to write the elector's name and current address in the 546
poll list or signature pollbook, the elector may make the 547
elector's mark at the place intended for the elector's name, and 548
a precinct election official shall write the name of the elector 549
at the proper place on the poll list or signature pollbook 550
following the elector's mark. The making of such a mark shall be 551
attested by the precinct election official, who shall evidence 552
the same by signing the precinct election official's name on the 553
poll list or signature pollbook as a witness to the mark. 554
Alternatively, if applicable, an attorney in fact acting 555
pursuant to section 3501.382 of the Revised Code may sign the 556
elector's signature in the poll list or signature pollbook in 557
accordance with that section. 558

The elector's signature in the poll list or signature 559

pollbook then shall be compared with the elector's signature on 560
the elector's registration form or a digitized signature list as 561
provided for in section 3503.13 of the Revised Code, and if, in 562
the opinion of a majority of the precinct election officials, 563
the signatures are the signatures of the same person, the 564
election officials shall enter the date of the election on the 565
registration form or shall record the date by other means 566
prescribed by the secretary of state. The validity of an 567
attorney in fact's signature on behalf of an elector shall be 568
determined in accordance with section 3501.382 of the Revised 569
Code. 570

If Except as otherwise provided in division (C) of this 571
section, if the right of the elector to vote is not then 572
challenged, or, if being challenged, the elector establishes the 573
elector's right to vote, the elector shall be allowed to proceed 574
to use the voting machine. If voting machines are not being used 575
in that precinct, the precinct election official in charge of 576
ballots shall then detach the next ballots to be issued to the 577
elector from Stub B attached to each ballot, leaving Stub A 578
attached to each ballot, hand the ballots to the elector, and 579
call the elector's name and the stub number on each of the 580
ballots. The precinct election official shall enter the stub 581
numbers opposite the signature of the elector in the pollbook. 582
The elector shall then retire to one of the voting compartments 583
to mark the elector's ballots. No mark shall be made on any 584
ballot which would in any way enable any person to identify the 585
person who voted the ballot. 586

(C) An elector who appears in a polling place to vote 587
after the time for the closing of the polls pursuant to a court 588
order shall cast a provisional ballot under section 3505.181 of 589
the Revised Code. 590

Sec. 3505.181. (A) All of the following individuals shall 591
be permitted to cast a provisional ballot at an election: 592

(1) An individual who declares that the individual is a 593
registered voter in the precinct in which the individual desires 594
to vote and that the individual is eligible to vote in an 595
election, but the name of the individual does not appear on the 596
official list of eligible voters for the precinct or an election 597
official asserts that the individual is not eligible to vote; 598

(2) An individual who does not have or is unable to 599
provide to the election officials any of the forms of 600
identification required under division (A) (1) of section 3505.18 601
of the Revised Code; 602

(3) An individual whose name in the poll list or signature 603
pollbook has been marked under section 3509.09 or 3511.13 of the 604
Revised Code as having requested an absent voter's ballot or a 605
uniformed services or overseas absent voter's ballot for that 606
election and who appears to vote at the polling place; 607

(4) An individual whose notification of registration has 608
been returned undelivered to the board of elections and whose 609
name in the official registration list and in the poll list or 610
signature pollbook has been marked under division (C) (2) of 611
section 3503.19 of the Revised Code; 612

(5) An individual who has been successfully challenged 613
under section 3505.20 or 3513.20 of the Revised Code or whose 614
application or challenge hearing has been postponed until after 615
the day of the election under division (D) (1) of section 3503.24 616
of the Revised Code; 617

(6) An individual who changes the individual's name and 618
remains within the precinct without providing proof of that name 619

change under division (B) (1) (b) of section 3503.16 of the Revised Code, moves from one precinct to another within a county, moves from one precinct to another and changes the individual's name, or moves from one county to another within the state, and completes and signs the required forms and statements under division (B) or (C) of section 3503.16 of the Revised Code;

(7) An individual whose signature, in the opinion of the precinct officers under section 3505.22 of the Revised Code, is not that of the person who signed that name in the registration forms;

(8) An individual who appears in a polling place to vote after the time for the closing of the polls pursuant to a court order.

(B) An individual who is eligible to cast a provisional ballot under division (A) of this section shall be permitted to cast a provisional ballot as follows:

(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.

(2) Except as otherwise provided in division (F) of this section, the individual shall complete and execute a written affirmation before an election official at the polling place stating that the individual is both of the following:

(a) A registered voter in the precinct in which the individual desires to vote;

(b) Eligible to vote in that election.

(3) An election official at the polling place shall

transmit the ballot cast by the individual and the voter 648
information contained in the written affirmation executed by the 649
individual under division (B) (2) of this section to an 650
appropriate local election official for verification under 651
division (B) (4) of this section. 652

(4) If the appropriate local election official to whom the 653
ballot or voter or address information is transmitted under 654
division (B) (3) of this section determines that the individual 655
is eligible to vote, the individual's provisional ballot shall 656
be counted as a vote in that election. 657

(5) (a) At the time that an individual casts a provisional 658
ballot, the appropriate local election official shall give the 659
individual written information that states that any individual 660
who casts a provisional ballot will be able to ascertain under 661
the system established under division (B) (5) (b) of this section 662
whether the vote was counted, and, if the vote was not counted, 663
the reason that the vote was not counted. 664

(b) The appropriate state or local election official shall 665
establish a free access system, in the form of a toll-free 666
telephone number, that any individual who casts a provisional 667
ballot may access to discover whether the vote of that 668
individual was counted, and, if the vote was not counted, the 669
reason that the vote was not counted. The free access system 670
established under this division also shall provide to an 671
individual whose provisional ballot was not counted information 672
explaining how that individual may contact the board of 673
elections to register to vote or to resolve problems with the 674
individual's voter registration. 675

The appropriate state or local election official shall 676
establish and maintain reasonable procedures necessary to 677

protect the security, confidentiality, and integrity of personal 678
information collected, stored, or otherwise used by the free 679
access system established under this division. The system shall 680
permit an individual only to gain access to information about 681
the individual's own provisional ballot. 682

(6) If, at the time that an individual casts a provisional 683
ballot, the individual provides identification in the form of a 684
current and valid photo identification, a military 685
identification, or a copy of a current utility bill, bank 686
statement, government check, paycheck, or other government 687
document, other than a notice of voter registration mailed by a 688
board of elections under section 3503.19 of the Revised Code, 689
that shows the individual's name and current address, or 690
provides the individual's driver's license or state 691
identification card number or the last four digits of the 692
individual's social security number, the individual shall record 693
the type of identification provided or the driver's license, 694
state identification card, or social security number information 695
and include that information on the provisional ballot 696
affirmation under division (B) (3) of this section. 697

(7) During the seven days after the day of an election, an 698
individual who casts a provisional ballot because the individual 699
does not have or is unable to provide to the election officials 700
any of the required forms of identification or because the 701
individual has been successfully challenged under section 702
3505.20 of the Revised Code shall appear at the office of the 703
board of elections and provide to the board any additional 704
information necessary to determine the eligibility of the 705
individual who cast the provisional ballot. 706

(a) For a provisional ballot cast by an individual who 707

does not have or is unable to provide to the election officials 708
any of the required forms of identification to be eligible to be 709
counted, the individual who cast that ballot, within seven days 710
after the day of the election, shall do either of the following: 711

(i) Provide to the board of elections proof of the 712
individual's identity in the form of a current and valid photo 713
identification, a military identification, or a copy of a 714
current utility bill, bank statement, government check, 715
paycheck, or other government document, other than a notice of 716
voter registration mailed by a board of elections under section 717
3503.19 of the Revised Code, that shows the individual's name 718
and current address; or 719

(ii) Provide to the board of elections the individual's 720
driver's license or state identification card number or the last 721
four digits of the individual's social security number. 722

(b) For a provisional ballot cast by an individual who has 723
been successfully challenged under section 3505.20 of the 724
Revised Code to be eligible to be counted, the individual who 725
cast that ballot, within seven days after the day of that 726
election, shall provide to the board of elections any 727
identification or other documentation required to be provided by 728
the applicable challenge questions asked of that individual 729
under section 3505.20 of the Revised Code. 730

(C) (1) If an individual declares that the individual is 731
eligible to vote in a precinct other than the precinct in which 732
the individual desires to vote, or if, upon review of the 733
precinct voting location guide using the residential street 734
address provided by the individual, an election official at the 735
precinct at which the individual desires to vote determines that 736
the individual is not eligible to vote in that precinct, the 737

election official shall direct the individual to the precinct 738
and polling place in which the individual appears to be eligible 739
to vote, explain that the individual may cast a provisional 740
ballot at the current location but the ballot or a portion of 741
the ballot will not be counted if it is cast in the wrong 742
precinct, and provide the telephone number of the board of 743
elections in case the individual has additional questions. 744

(2) If the individual refuses to travel to the correct 745
precinct or to the office of the board of elections to cast a 746
ballot, the individual shall be permitted to vote a provisional 747
ballot at that precinct in accordance with division (B) of this 748
section. If the individual is in the correct polling location 749
for the precinct in which the individual is registered and 750
eligible to vote, the election official shall complete and sign, 751
under penalty of election falsification, a form that includes 752
all of the following, and attach the form to the individual's 753
provisional ballot affirmation: 754

(a) The name or number of the individual's correct 755
precinct; 756

(b) A statement that the election official instructed the 757
individual to travel to the correct precinct to vote; 758

(c) A statement that the election official informed the 759
individual that casting a provisional ballot in the wrong 760
precinct would result in all or a portion of the votes on the 761
ballot being rejected; 762

(d) The name or number of the precinct in which the 763
individual is casting a provisional ballot; and 764

(e) The name of the polling location in which the 765
individual is casting a provisional ballot. 766

(D) The appropriate local election official shall cause voting information to be publicly posted at each polling place on the day of each election.

(E) As used in this section and sections 3505.182 and 3505.183 of the Revised Code:

(1) "Precinct voting location guide" means either of the following:

(a) An electronic or paper record that lists the correct precinct and polling place for either each specific residential street address in the county or the range of residential street addresses located in each neighborhood block in the county;

(b) Any other method that a board of elections creates that allows a precinct election official or any elector who is at a polling place in that county to determine the correct precinct and polling place of any qualified elector who resides in the county.

(2) "Voting information" means all of the following:

(a) A sample version of the ballot that will be used for that election;

(b) Information regarding the date of the election and the hours during which polling places will be open;

(c) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;

(d) Instructions for mail-in registrants and first-time voters under applicable federal and state laws;

(e) General information on voting rights under applicable federal and state laws, including information on the right of an

individual to cast a provisional ballot and instructions on how 794
to contact the appropriate officials if these rights are alleged 795
to have been violated; 796

(f) General information on federal and state laws 797
regarding prohibitions against acts of fraud and 798
misrepresentation. 799

(F) Nothing in this section or section 3505.183 of the 800
Revised Code is in derogation of section 3505.24 of the Revised 801
Code, which permits a blind, disabled, or illiterate elector to 802
receive assistance in the marking of the elector's ballot by two 803
precinct election officials of different political parties. A 804
blind, disabled, or illiterate elector may receive assistance in 805
marking that elector's provisional ballot and in completing the 806
required affirmation in the same manner as an elector may 807
receive assistance on the day of an election under that section. 808

Sec. 3505.182. Each individual who casts a provisional 809
ballot under section 3505.181 of the Revised Code shall execute 810
a written affirmation. The form of the written affirmation shall 811
be printed upon the face of the provisional ballot envelope and 812
shall be as follows: 813

"Provisional Ballot Affirmation 814

(A) Clearly print your full name: 815

(B) Write your date of birth: 816

(C) (1) Write your current address: 817

..... 818

(2) Have you moved without updating your voter 819
registration?: 820

Yes	No	821
If yes, write your former address:		822
.....		823
Failure to provide your former address will not cause your provisional ballot to be rejected.		824
		825
(D) Provide one of the following forms of identification:		826
(1) Write your full Ohio driver's license or state identification card number:		827
		828
(2) Write the last four digits of your Social Security number:		829
		830
(3) If you did not write your full Ohio driver's license or state identification card number or the last four digits of your Social Security number, you must show one of the following forms of identification to the precinct election official. If you do not check one of the following boxes affirming the type of identification you showed to the precinct election official, the board of elections will conclude that you did not show identification to your precinct election official and that you must show identification at the board of elections during the seven days after the election for your vote to be eligible to be counted.		831
		832
		833
		834
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		836
		837
		838
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		840
		841
..... A form of photo identification that was issued by the United States government or the State of Ohio, that contains your name and current address (or your former address if the identification is an Ohio driver's license or state identification card), and that has an expiration date that has not passed;		842
		843
		844
		845
		846
		847
..... A military identification card; or		848

..... A current utility bill, bank statement, government 849
check, paycheck, or other government document, other than a 850
notice of voter registration mailed by a board of elections, 851
that contains your name and current address. 852

(4) If you fail to provide identification at this time, 853
you must go to the board of elections on or before the seventh 854
day following this election to provide a qualifying form of 855
identification in order for this ballot to count. 856

(E) If your right to vote has been challenged, you must 857
provide any required additional information to the board of 858
elections on or before the seventh day following this election. 859

(F) Sign and date the following statement: 860

I solemnly swear or affirm that I am a citizen of the 861
United States; that I will be at least 18 years of age at the 862
time of the general election; that I have lived in this state 863
for 30 days immediately preceding this election in which I am 864
voting this ballot; that I am a registered voter in the precinct 865
in which I am voting this provisional ballot; and that I am 866
eligible to vote in the election in which I am voting this 867
provisional ballot. 868

I understand that, if the information I provide on this 869
provisional ballot affirmation is not fully completed and 870
correct, if the board of elections determines that I am not 871
registered to vote, a resident of this precinct, or eligible to 872
vote in this election, or if the board of elections determines 873
that I have already voted in this election, my provisional 874
ballot will not be counted. I understand that, if I am not 875
currently registered to vote or if I am not registered at my 876
current address or under my current name, this form will serve 877

as an application to register to vote or update my registration 878
for future elections, as long as I provide all of the 879
information required to register to vote or update my 880
registration. I further understand that knowingly providing 881
false information is a violation of law and subjects me to 882
possible criminal prosecution. 883

I hereby declare, under penalty of election falsification, 884
that the above statements are true and correct to the best of my 885
knowledge and belief. 886

..... 887

Signature of Voter 888

..... 889

Date 890

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 891
FELONY OF THE FIFTH DEGREE." 892

In addition to any information required to be included on 893
the written affirmation, an individual casting a provisional 894
ballot may provide additional information to the election 895
official to assist the board of elections in determining the 896
individual's eligibility to vote in that election, including the 897
date and location at which the individual registered to vote, if 898
known. 899

If the individual is casting a provisional ballot after 900
the time for the closing of the polls pursuant to a court order, 901
the precinct election officials shall note that fact on the 902
written affirmation. 903

If the individual provided all of the information required 904
under section 3503.14 of the Revised Code to register to vote or 905

to update the individual's registration on the provisional 906
ballot affirmation, the board of elections shall consider the 907
individual's provisional ballot affirmation to also serve as a 908
notice of change of name, change of residence, or both, or as a 909
voter registration form, as applicable, for that individual only 910
for the purposes of future elections. 911

Sec. 3505.183. (A) When the ballot boxes are delivered to 912
the board of elections from the precincts, the board shall 913
separate the provisional ballot envelopes from the rest of the 914
ballots. Teams of employees of the board consisting of one 915
member of each major political party shall place the sealed 916
provisional ballot envelopes in a secure location within the 917
office of the board. The sealed provisional ballot envelopes 918
shall remain in that secure location until the validity of those 919
ballots is determined under division (B) of this section. While 920
the provisional ballot is stored in that secure location, and 921
prior to the counting of the provisional ballots, if the board 922
receives information regarding the validity of a specific 923
provisional ballot under division (B) of this section, the board 924
may note, on the sealed provisional ballot envelope for that 925
ballot, whether the ballot is valid and entitled to be counted. 926

(B) (1) To determine whether a provisional ballot is valid 927
and entitled to be counted, the board shall examine its records 928
and determine whether the individual who cast the provisional 929
ballot is registered and eligible to vote in the applicable 930
election. The board shall examine the information contained in 931
the written affirmation executed by the individual who cast the 932
provisional ballot under division (B) (2) of section 3505.181 of 933
the Revised Code. The following information shall be included in 934
the written affirmation in order for the provisional ballot to 935
be eligible to be counted: 936

(a) The individual's printed name, signature, date of birth, and current address;	937 938
(b) A statement that the individual is a registered voter in the precinct in which the provisional ballot is being voted;	939 940
(c) A statement that the individual is eligible to vote in the election in which the provisional ballot is being voted.	941 942
(2) In addition to the information required to be included in an affirmation under division (B)(1) of this section, in determining whether a provisional ballot is valid and entitled to be counted, the board also shall examine any additional information for determining ballot validity provided by the provisional voter on the affirmation, provided by the provisional voter to an election official under section 3505.182 of the Revised Code, or provided to the board of elections during the seven days after the day of the election under division (B)(7) of section 3505.181 of the Revised Code, <u>or provided to the board of elections by a court concerning any order to keep the polls open past the time for the closing of the polls,</u> to assist the board in determining the individual's eligibility to vote.	943 944 945 946 947 948 949 950 951 952 953 954 955 956
(3) If, in examining a provisional ballot affirmation and additional information under divisions (B)(1) and (2) of this section and comparing the information required under division (B)(1) of this section with the elector's information in the statewide voter registration database, the board determines that all of the following apply, the provisional ballot envelope shall be opened, and the ballot shall be placed in a ballot box to be counted:	957 958 959 960 961 962 963 964
(a) The individual named on the affirmation is properly	965

registered to vote. 966

(b) The individual named on the affirmation is eligible to 967
cast a ballot in the precinct and for the election in which the 968
individual cast the provisional ballot. 969

(c) The individual provided all of the information 970
required under division (B) (1) of this section in the 971
affirmation that the individual executed at the time the 972
individual cast the provisional ballot. 973

(d) The last four digits of the elector's social security 974
number or the elector's driver's license number or state 975
identification card number are not different from the last four 976
digits of the elector's social security number or the elector's 977
driver's license number or state identification card number 978
contained in the statewide voter registration database. 979

(e) Except as otherwise provided in this division, the 980
month and day of the elector's date of birth are not different 981
from the day and month of the elector's date of birth contained 982
in the statewide voter registration database. 983

This division does not apply to an elector's provisional 984
ballot if either of the following is true: 985

(i) The elector's date of birth contained in the statewide 986
voter registration database is January 1, 1800. 987

(ii) The board of elections has found, by a vote of at 988
least three of its members, that the elector has met all other 989
requirements of division (B) (3) of this section. 990

(f) The elector's current address is not different from 991
the elector's address contained in the statewide voter 992
registration database, unless the elector indicated that the 993

elector is casting a provisional ballot because the elector has moved and has not submitted a notice of change of address, as described in division (A) (6) of section 3505.181 of the Revised Code.

(g) If applicable, the individual provided any additional information required under division (B) (7) of section 3505.181 of the Revised Code within seven days after the day of the election.

(h) If applicable, the hearing conducted under division (B) of section 3503.24 of the Revised Code after the day of the election resulted in the individual's inclusion in the official registration list.

(i) If the individual cast the provisional ballot after the time for the closing of the polls pursuant to a court order, a court of competent jurisdiction has not subsequently entered an unappealed final order that the ballots cast during that time are not eligible to be counted.

(4) (a) Except as otherwise provided in division (D) of this section, if, in examining a provisional ballot affirmation and additional information under divisions (B) (1) and (2) of this section and comparing the information required under division (B) (1) of this section with the elector's information in the statewide voter registration database, the board determines that any of the following applies, the provisional ballot envelope shall not be opened, and the ballot shall not be counted:

(i) The individual named on the affirmation is not qualified or is not properly registered to vote.

(ii) The individual named on the affirmation is not

eligible to cast a ballot in the precinct or for the election in 1023
which the individual cast the provisional ballot. 1024

(iii) The individual did not provide all of the 1025
information required under division (B)(1) of this section in 1026
the affirmation that the individual executed at the time the 1027
individual cast the provisional ballot. 1028

(iv) The individual has already cast a ballot for the 1029
election in which the individual cast the provisional ballot. 1030

(v) If applicable, the individual did not provide any 1031
additional information required under division (B)(7) of section 1032
3505.181 of the Revised Code within seven days after the day of 1033
the election. 1034

(vi) If applicable, the hearing conducted under division 1035
(B) of section 3503.24 of the Revised Code after the day of the 1036
election did not result in the individual's inclusion in the 1037
official registration list. 1038

(vii) The individual failed to provide a current and valid 1039
photo identification, a military identification, a copy of a 1040
current utility bill, bank statement, government check, 1041
paycheck, or other government document, other than a notice of 1042
voter registration mailed by a board of elections under section 1043
3503.19 of the Revised Code, with the voter's name and current 1044
address, the individual's driver's license or state 1045
identification card number, or the last four digits of the 1046
individual's social security number or to execute an affirmation 1047
under division (B) of section 3505.181 of the Revised Code. 1048

(viii) The last four digits of the elector's social 1049
security number or the elector's driver's license number or 1050
state identification card number are different from the last 1051

four digits of the elector's social security number or the 1052
elector's driver's license number or state identification card 1053
number contained in the statewide voter registration database. 1054

(ix) Except as otherwise provided in this division, the 1055
month and day of the elector's date of birth are different from 1056
the day and month of the elector's date of birth contained in 1057
the statewide voter registration database. 1058

This division does not apply to an elector's provisional 1059
ballot if either of the following is true: 1060

(I) The elector's date of birth contained in the statewide 1061
voter registration database is January 1, 1800. 1062

(II) The board of elections has found, by a vote of at 1063
least three of its members, that the elector has met all of the 1064
requirements of division (B) (3) of this section, other than the 1065
requirements of division (B) (3) (e) of this section. 1066

(x) The elector's current address is different from the 1067
elector's address contained in the statewide voter registration 1068
database, unless the elector indicated that the elector is 1069
casting a provisional ballot because the elector has moved and 1070
has not submitted a notice of change of address, as described in 1071
division (A) (6) of section 3505.181 of the Revised Code. 1072

(xi) If the individual cast the provisional ballot after 1073
the time for the closing of the polls pursuant to a court order, 1074
a court of competent jurisdiction has subsequently entered an 1075
unappealed final order that the ballots cast during that time 1076
are not eligible to be counted. 1077

(b) If, in examining a provisional ballot affirmation and 1078
additional information under divisions (B) (1) and (2) of this 1079
section and comparing the information required under division 1080

(B) (1) of this section with the elector's information in the 1081
statewide voter registration database, the board is unable to 1082
determine either of the following, the provisional ballot 1083
envelope shall not be opened, and the ballot shall not be 1084
counted: 1085

(i) Whether the individual named on the affirmation is 1086
qualified or properly registered to vote; 1087

(ii) Whether the individual named on the affirmation is 1088
eligible to cast a ballot in the precinct or for the election in 1089
which the individual cast the provisional ballot. 1090

(C) For each provisional ballot rejected under division 1091
(B) (4) of this section, the board shall record the name of the 1092
provisional voter who cast the ballot, the identification number 1093
of the provisional ballot envelope, the names of the election 1094
officials who determined the validity of that ballot, the date 1095
and time that the determination was made, and the reason that 1096
the ballot was not counted, unless the board has already 1097
recorded that information in another database. 1098

(D) (1) If an individual cast a provisional ballot in a 1099
precinct in which the individual is not registered and eligible 1100
to vote, but in the correct polling location for the precinct in 1101
which the individual is registered and eligible to vote, and the 1102
election official failed to direct the individual to the correct 1103
precinct, the individual's ballot shall be remade under division 1104
(D) (2) of this section. The election official shall be deemed to 1105
have directed the individual to the correct precinct if the 1106
election official correctly completed the form described in 1107
division (C) (2) of section 3505.181 of the Revised Code. 1108

(2) A board of elections that remakes a provisional ballot 1109

under division (D) (1) of this section shall remake the 1110
provisional ballot on a ballot for the appropriate precinct to 1111
reflect the offices, questions, and issues for which the 1112
individual was eligible to cast a ballot and for which the 1113
individual attempted to cast a provisional ballot. The remade 1114
ballot shall be counted for each office, question, and issue for 1115
which the individual was eligible to vote. 1116

(3) If an individual cast a provisional ballot in a 1117
precinct in which the individual is not registered and eligible 1118
to vote and in the incorrect polling location for the precinct 1119
in which the individual is registered and eligible to vote, the 1120
provisional ballot envelope shall not be opened, and the ballot 1121
shall not be counted. 1122

(E) Provisional ballots that are rejected under division 1123
(B) (4) of this section shall not be counted but shall be 1124
preserved in their provisional ballot envelopes unopened until 1125
the time provided by section 3505.31 of the Revised Code for the 1126
destruction of all other ballots used at the election for which 1127
ballots were provided, at which time they shall be destroyed. 1128

(F) Provisional ballots that the board determines are 1129
eligible to be counted under division (B) (3) or (D) of this 1130
section shall be counted in the same manner as provided for 1131
other ballots under section 3505.27 of the Revised Code. No 1132
provisional ballots shall be counted in a particular county 1133
until the board determines the eligibility to be counted of all 1134
provisional ballots cast in that county under division (B) of 1135
this section for that election. Observers, as provided in 1136
section 3505.21 of the Revised Code, may be present at all times 1137
that the board is determining the eligibility of provisional 1138
ballots to be counted and counting those provisional ballots 1139

determined to be eligible. No person shall recklessly disclose 1140
the count or any portion of the count of provisional ballots in 1141
such a manner as to jeopardize the secrecy of any individual 1142
ballot. 1143

(G) (1) Except as otherwise provided in ~~division~~divisions 1144
(G) (2) and (3) of this section, nothing in this section shall 1145
prevent a board of elections from examining provisional ballot 1146
affirmations and additional information under divisions (B) (1) 1147
and (2) of this section to determine the eligibility of 1148
provisional ballots to be counted during the ten days after the 1149
day of an election. 1150

(2) A board of elections shall not examine the provisional 1151
ballot affirmation and additional information under divisions 1152
(B) (1) and (2) of this section of any provisional ballot cast by 1153
an individual who must provide additional information to the 1154
board of elections under division (B) (7) of section 3505.181 of 1155
the Revised Code for the board to determine the individual's 1156
eligibility until the individual provides that information, 1157
until any hearing required to be conducted under section 3503.24 1158
of the Revised Code with regard to the provisional voter is 1159
held, or until the eleventh day after the day of the election, 1160
whichever is earlier. 1161

(3) A board of elections shall not examine the provisional 1162
ballot affirmation and additional information under divisions 1163
(B) (1) and (2) of this section of any provisional ballot cast by 1164
an individual after the time for the closing of the polls 1165
pursuant to a court order until the eleventh day after the day 1166
of the election. 1167

Section 2. That existing sections 3501.17, 3501.28, 1168
3501.32, 3505.18, 3505.181, 3505.182, and 3505.183 of the 1169

Revised Code are hereby repealed. 1170

Section 3. Section 3505.18 of the Revised Code is 1171
presented in this act as a composite of the section as amended 1172
by Sub. S.B. 47, Am. Sub. S.B. 109, and Sub. S.B. 216, all of 1173
the 130th General Assembly. The General Assembly, applying the 1174
principle stated in division (B) of section 1.52 of the Revised 1175
Code that amendments are to be harmonized if reasonably capable 1176
of simultaneous operation, finds that the composite is the 1177
resulting version of the section in effect prior to the 1178
effective date of the section as presented in this act. 1179