

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**S. B. No. 296**

**Senator Seitz**

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

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**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
<u>(a) The petitioner has complied with division (A) of this section.</u>	442
<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>	443
<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>	444
<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>	445
<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>	446
<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>	447
	448



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.		831 832 833 834 835 836 837 838 839 840 841
..... 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, <del>or</del> 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