

As Passed by the Senate

132nd General Assembly

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Sub. H. B. No. 41

Representative Pelanda

**Cosponsors: Representatives Becker, Hambley, Seitz, Sprague, Blessing,
Brenner, Green, Kick, Landis, LaTourette, Perales, Retherford, Rezabek, Riedel,
Ryan, Scherer, Stein**

**Senators Coley, Uecker, Bacon, Eklund, Hoagland, Huffman, Obhof, Oelslager,
Peterson, Terhar, Wilson**

A BILL

To amend sections 3503.24, 3505.181, 3505.183, 1
3505.20, 3505.21, 3509.01, 3509.06, 3511.04, and 2
3511.11 and to enact section 3509.051 of the 3
Revised Code and to amend Sections 2 and 5 of 4
Am. Sub. S.B. 135 of the 132nd General Assembly 5
to modify the law concerning challenges to voter 6
registrations, the appointment of observers, and 7
absent voting, and to change the manner in which 8
counties may use reimbursements for voting 9
machine acquisitions. 10

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

Section 1. That sections 3503.24, 3505.181, 3505.183, 11
3505.20, 3505.21, 3509.01, 3509.06, 3511.04, and 3511.11 be 12
amended and section 3509.051 of the Revised Code be enacted to 13
read as follows: 14

Sec. 3503.24. (A) Application for the correction of any 15

precinct registration list or a challenge of the right to vote 16
of any registered elector may be made by any qualified elector 17
at the office of the board of elections not later than ~~twenty~~ 18
~~days prior to the thirtieth day before the day of the election.~~ 19
The applications or challenges, with the reasons for the 20
application or challenge, shall be filed with the board in 21
person or by mail on a form prescribed by the secretary of state 22
and shall be signed under penalty of election falsification. 23

(B) On receiving an application or challenge filed under 24
this section, the board of elections promptly shall review the 25
board's records. If the board is able to determine that an 26
application or challenge should be granted or denied solely on 27
the basis of the records maintained by the board, the board 28
immediately shall vote to grant or deny that application or 29
challenge. 30

If the board is not able to determine whether an 31
application or challenge should be granted or denied solely on 32
the basis of the records maintained by the board, the director 33
shall promptly set a time and date for a hearing before the 34
board. ~~Except as otherwise provided in division (D) of this~~ 35
~~section, the~~ The hearing shall be held, and the application or 36
challenge shall be decided, no later than ten days after the 37
board receives the application or challenge. The director shall 38
send written notice to any elector whose right to vote is 39
challenged and to any person whose name is alleged to have been 40
omitted from a registration list. The notice shall inform the 41
person of the time and date of the hearing, and of the person's 42
right to appear and testify, call witnesses, and be represented 43
by counsel. The notice shall be sent by first class mail no 44
later than three days before the day of any scheduled hearing. 45
Except as otherwise provided in division ~~(E)~~ (D) of this 46

section, the director shall also provide the person who filed 47
the application or challenge with such written notice of the 48
date and time of the hearing. 49

At the request of either party or any member of the board, 50
the board shall issue subpoenas to witnesses to appear and 51
testify before the board at a hearing held under this section. 52
All witnesses shall testify under oath. The board shall reach a 53
decision on all applications and challenges immediately after 54
hearing. 55

(C) If the board decides that any such person is not 56
entitled to have the person's name on the registration list, the 57
person's name shall be removed from the list and the person's 58
registration forms canceled. If the board decides that the name 59
of any such person should appear on the registration list, it 60
shall be added to the list, and the person's registration forms 61
placed in the proper registration files. All such corrections 62
and additions shall be made on a copy of the precinct lists, 63
which shall constitute the poll lists, to be furnished to the 64
respective precincts with other election supplies on the day 65
preceding the election, to be used by the election officials in 66
receiving the signatures of voters and in checking against the 67
registration forms. 68

~~(D) (1) If an application or challenge for which a hearing 69
is required to be conducted under division (B) of this section 70
is filed after the thirtieth day before the day of an election, 71
the board of elections, in its discretion, may postpone that 72
hearing and any notifications of that hearing until after the 73
day of the election. Any hearing postponed under this division 74
shall be conducted not later than ten days after the day of the 75
election. 76~~

~~(2) The board of elections shall cause the name of any registered elector whose registration is challenged and whose challenge hearing is postponed under division (D) (1) of this section to be marked in the official registration list and in the poll list or signature pollbook for that elector's precinct to indicate that the elector's registration is subject to challenge.~~ 77
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~~(3) Any elector who is the subject of an application or challenge hearing that is postponed under division (D) (1) of this section shall be permitted to vote a provisional ballot under section 3505.181 of the Revised Code. The validity of a provisional ballot cast pursuant to this section shall be determined in accordance with section 3505.183 of the Revised Code, except that no such provisional ballot shall be counted unless the hearing conducted under division (B) of this section after the day of the election results in the elector's inclusion in the official registration list.~~ 84
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~~(E)~~ If an elector who is the subject of an application or challenge hearing has a confidential voter registration record, as described in section 111.44 of the Revised Code, all of the following apply: 94
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(1) If the elector's right to vote has been challenged, the person who filed the challenge shall not receive notice of the date and time of any hearing held concerning the challenge, shall not be permitted to attend the hearing, and shall not receive notice of the disposition of the challenge. 98
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(2) If the elector is the subject of an application for the correction of the precinct registration list and the elector is not the person who filed the application, the person who filed the application shall not receive notice of the date and 103
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time of any hearing held concerning the application, shall not 107
be permitted to attend the hearing, and shall not receive notice 108
of the disposition of the application. 109

(3) Notwithstanding section 121.22 of the Revised Code, 110
any hearing held concerning the application or challenge shall 111
not be open to the public. 112

(4) Any records created as a result of the application or 113
challenge that include the elector's residence address or 114
precinct shall not be open to public inspection. 115

Sec. 3505.181. (A) All of the following individuals shall 116
be permitted to cast a provisional ballot at an election: 117

(1) An individual who declares that the individual is a 118
registered voter in the precinct in which the individual desires 119
to vote and that the individual is eligible to vote in an 120
election, but the name of the individual does not appear on the 121
official list of eligible voters for the precinct or an election 122
official asserts that the individual is not eligible to vote; 123

(2) An individual who does not have or is unable to 124
provide to the election officials any of the forms of 125
identification required under division (A) (1) of section 3505.18 126
of the Revised Code; 127

(3) An individual whose name in the poll list or signature 128
pollbook has been marked under section 3509.09 or 3511.13 of the 129
Revised Code as having requested an absent voter's ballot or a 130
uniformed services or overseas absent voter's ballot for that 131
election and who appears to vote at the polling place; 132

(4) An individual whose notification of registration has 133
been returned undelivered to the board of elections and whose 134
name in the official registration list and in the poll list or 135

signature pollbook has been marked under division (C) (2) of 136
section 3503.19 of the Revised Code; 137

(5) An individual who has been successfully challenged 138
under section 3505.20 or 3513.20 of the Revised Code ~~or whose~~ 139
~~application or challenge hearing has been postponed until after~~ 140
~~the day of the election under division (D) (1) of section 3503.24~~ 141
~~of the Revised Code;~~ 142

(6) An individual who changes the individual's name and 143
remains within the precinct without providing proof of that name 144
change under division (B) (1) (b) of section 3503.16 of the 145
Revised Code, moves from one precinct to another within a 146
county, moves from one precinct to another and changes the 147
individual's name, or moves from one county to another within 148
the state, and completes and signs the required forms and 149
statements under division (B) or (C) of section 3503.16 of the 150
Revised Code; 151

(7) An individual whose signature, in the opinion of the 152
precinct officers under section 3505.22 of the Revised Code, is 153
not that of the person who signed that name in the registration 154
forms. 155

(B) An individual who is eligible to cast a provisional 156
ballot under division (A) of this section shall be permitted to 157
cast a provisional ballot as follows: 158

(1) An election official at the polling place shall notify 159
the individual that the individual may cast a provisional ballot 160
in that election. 161

(2) Except as otherwise provided in division (F) of this 162
section, the individual shall complete and execute a written 163
affirmation before an election official at the polling place 164

stating that the individual is both of the following: 165

(a) A registered voter in the precinct in which the 166
individual desires to vote; 167

(b) Eligible to vote in that election. 168

(3) An election official at the polling place shall 169
transmit the ballot cast by the individual and the voter 170
information contained in the written affirmation executed by the 171
individual under division (B) (2) of this section to an 172
appropriate local election official for verification under 173
division (B) (4) of this section. 174

(4) If the appropriate local election official to whom the 175
ballot or voter or address information is transmitted under 176
division (B) (3) of this section determines that the individual 177
is eligible to vote, the individual's provisional ballot shall 178
be counted as a vote in that election. 179

(5) (a) At the time that an individual casts a provisional 180
ballot, the appropriate local election official shall give the 181
individual written information that states that any individual 182
who casts a provisional ballot will be able to ascertain under 183
the system established under division (B) (5) (b) of this section 184
whether the vote was counted, and, if the vote was not counted, 185
the reason that the vote was not counted. 186

(b) The appropriate state or local election official shall 187
establish a free access system, in the form of a toll-free 188
telephone number, that any individual who casts a provisional 189
ballot may access to discover whether the vote of that 190
individual was counted, and, if the vote was not counted, the 191
reason that the vote was not counted. The free access system 192
established under this division also shall provide to an 193

individual whose provisional ballot was not counted information 194
explaining how that individual may contact the board of 195
elections to register to vote or to resolve problems with the 196
individual's voter registration. 197

The appropriate state or local election official shall 198
establish and maintain reasonable procedures necessary to 199
protect the security, confidentiality, and integrity of personal 200
information collected, stored, or otherwise used by the free 201
access system established under this division. The system shall 202
permit an individual only to gain access to information about 203
the individual's own provisional ballot. 204

(6) If, at the time that an individual casts a provisional 205
ballot, the individual provides identification in the form of a 206
current and valid photo identification, a military 207
identification, or a copy of a current utility bill, bank 208
statement, government check, paycheck, or other government 209
document, other than a notice of voter registration mailed by a 210
board of elections under section 3503.19 of the Revised Code, 211
that shows the individual's name and current address, or 212
provides the individual's driver's license or state 213
identification card number or the last four digits of the 214
individual's social security number, the individual shall record 215
the type of identification provided or the driver's license, 216
state identification card, or social security number information 217
and include that information on the provisional ballot 218
affirmation under division (B) (3) of this section. 219

(7) During the seven days after the day of an election, an 220
individual who casts a provisional ballot because the individual 221
does not have or is unable to provide to the election officials 222
any of the required forms of identification or because the 223

individual has been successfully challenged under section 224
3505.20 of the Revised Code shall appear at the office of the 225
board of elections and provide to the board any additional 226
information necessary to determine the eligibility of the 227
individual who cast the provisional ballot. 228

(a) For a provisional ballot cast by an individual who 229
does not have or is unable to provide to the election officials 230
any of the required forms of identification to be eligible to be 231
counted, the individual who cast that ballot, within seven days 232
after the day of the election, shall do either of the following: 233

(i) Provide to the board of elections proof of the 234
individual's identity in the form of a current and valid photo 235
identification, a military identification, or a copy of a 236
current utility bill, bank statement, government check, 237
paycheck, or other government document, other than a notice of 238
voter registration mailed by a board of elections under section 239
3503.19 of the Revised Code, that shows the individual's name 240
and current address; or 241

(ii) Provide to the board of elections the individual's 242
driver's license or state identification card number or the last 243
four digits of the individual's social security number. 244

(b) For a provisional ballot cast by an individual who has 245
been successfully challenged under section 3505.20 of the 246
Revised Code to be eligible to be counted, the individual who 247
cast that ballot, within seven days after the day of that 248
election, shall provide to the board of elections any 249
identification or other documentation required to be provided by 250
the applicable challenge questions asked of that individual 251
under section 3505.20 of the Revised Code. 252

(C) (1) If an individual declares that the individual is 253
eligible to vote in a precinct other than the precinct in which 254
the individual desires to vote, or if, upon review of the 255
precinct voting location guide using the residential street 256
address provided by the individual, an election official at the 257
precinct at which the individual desires to vote determines that 258
the individual is not eligible to vote in that precinct, the 259
election official shall direct the individual to the precinct 260
and polling place in which the individual appears to be eligible 261
to vote, explain that the individual may cast a provisional 262
ballot at the current location but the ballot or a portion of 263
the ballot will not be counted if it is cast in the wrong 264
precinct, and provide the telephone number of the board of 265
elections in case the individual has additional questions. 266

(2) If the individual refuses to travel to the correct 267
precinct or to the office of the board of elections to cast a 268
ballot, the individual shall be permitted to vote a provisional 269
ballot at that precinct in accordance with division (B) of this 270
section. If the individual is in the correct polling location 271
for the precinct in which the individual is registered and 272
eligible to vote, the election official shall complete and sign, 273
under penalty of election falsification, a form that includes 274
all of the following, and attach the form to the individual's 275
provisional ballot affirmation: 276

(a) The name or number of the individual's correct 277
precinct; 278

(b) A statement that the election official instructed the 279
individual to travel to the correct precinct to vote; 280

(c) A statement that the election official informed the 281
individual that casting a provisional ballot in the wrong 282

precinct would result in all or a portion of the votes on the	283
ballot being rejected;	284
(d) The name or number of the precinct in which the	285
individual is casting a provisional ballot; and	286
(e) The name of the polling location in which the	287
individual is casting a provisional ballot.	288
(D) The appropriate local election official shall cause	289
voting information to be publicly posted at each polling place	290
on the day of each election.	291
(E) As used in this section and sections 3505.182 and	292
3505.183 of the Revised Code:	293
(1) "Precinct voting location guide" means either of the	294
following:	295
(a) An electronic or paper record that lists the correct	296
precinct and polling place for either each specific residential	297
street address in the county or the range of residential street	298
addresses located in each neighborhood block in the county;	299
(b) Any other method that a board of elections creates	300
that allows a precinct election official or any elector who is	301
at a polling place in that county to determine the correct	302
precinct and polling place of any qualified elector who resides	303
in the county.	304
(2) "Voting information" means all of the following:	305
(a) A sample version of the ballot that will be used for	306
that election;	307
(b) Information regarding the date of the election and the	308
hours during which polling places will be open;	309

(c) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;	310 311
(d) Instructions for mail-in registrants and first-time voters under applicable federal and state laws;	312 313
(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 to contact the appropriate officials if these rights are alleged to have been violated;	314 315 316 317 318
(f) General information on federal and state laws regarding prohibitions against acts of fraud and misrepresentation.	319 320 321
(F) Nothing in this section or section 3505.183 of the Revised Code is in derogation of section 3505.24 of the Revised Code, which permits a blind, disabled, or illiterate elector to receive assistance in the marking of the elector's ballot by two precinct election officials of different political parties. A blind, disabled, or illiterate elector may receive assistance in marking that elector's provisional ballot and in completing the required affirmation in the same manner as an elector may receive assistance on the day of an election under that section.	322 323 324 325 326 327 328 329 330
Sec. 3505.183. (A) When the ballot boxes are delivered to the board of elections from the precincts, the board shall separate the provisional ballot envelopes from the rest of the ballots. Teams of employees of the board consisting of one member of each major political party shall place the sealed provisional ballot envelopes in a secure location within the office of the board. The sealed provisional ballot envelopes shall remain in that secure location until the validity of those	331 332 333 334 335 336 337 338

ballots is determined under division (B) of this section. While 339
the provisional ballot is stored in that secure location, and 340
prior to the counting of the provisional ballots, if the board 341
receives information regarding the validity of a specific 342
provisional ballot under division (B) of this section, the board 343
may note, on the sealed provisional ballot envelope for that 344
ballot, whether the ballot is valid and entitled to be counted. 345

(B) (1) To determine whether a provisional ballot is valid 346
and entitled to be counted, the board shall examine its records 347
and determine whether the individual who cast the provisional 348
ballot is registered and eligible to vote in the applicable 349
election. The board shall examine the information contained in 350
the written affirmation executed by the individual who cast the 351
provisional ballot under division (B) (2) of section 3505.181 of 352
the Revised Code. The following information shall be included in 353
the written affirmation in order for the provisional ballot to 354
be eligible to be counted: 355

(a) The individual's printed name, signature, date of 356
birth, and current address; 357

(b) A statement that the individual is a registered voter 358
in the precinct in which the provisional ballot is being voted; 359

(c) A statement that the individual is eligible to vote in 360
the election in which the provisional ballot is being voted. 361

(2) In addition to the information required to be included 362
in an affirmation under division (B) (1) of this section, in 363
determining whether a provisional ballot is valid and entitled 364
to be counted, the board also shall examine any additional 365
information for determining ballot validity provided by the 366
provisional voter on the affirmation, provided by the 367

provisional voter to an election official under section 3505.182 368
of the Revised Code, or provided to the board of elections 369
during the seven days after the day of the election under 370
division (B) (7) of section 3505.181 of the Revised Code, to 371
assist the board in determining the individual's eligibility to 372
vote. 373

(3) If, in examining a provisional ballot affirmation and 374
additional information under divisions (B) (1) and (2) of this 375
section and comparing the information required under division 376
(B) (1) of this section with the elector's information in the 377
statewide voter registration database, the board determines that 378
all of the following apply, the provisional ballot envelope 379
shall be opened, and the ballot shall be placed in a ballot box 380
to be counted: 381

(a) The individual named on the affirmation is properly 382
registered to vote. 383

(b) The individual named on the affirmation is eligible to 384
cast a ballot in the precinct and for the election in which the 385
individual cast the provisional ballot. 386

(c) The individual provided all of the information 387
required under division (B) (1) of this section in the 388
affirmation that the individual executed at the time the 389
individual cast the provisional ballot. 390

(d) The last four digits of the elector's social security 391
number or the elector's driver's license number or state 392
identification card number are not different from the last four 393
digits of the elector's social security number or the elector's 394
driver's license number or state identification card number 395
contained in the statewide voter registration database. 396

(e) Except as otherwise provided in this division, the 397
month and day of the elector's date of birth are not different 398
from the day and month of the elector's date of birth contained 399
in the statewide voter registration database. 400

This division does not apply to an elector's provisional 401
ballot if either of the following is true: 402

(i) The elector's date of birth contained in the statewide 403
voter registration database is January 1, 1800. 404

(ii) The board of elections has found, by a vote of at 405
least three of its members, that the elector has met all other 406
requirements of division (B) (3) of this section. 407

(f) The elector's current address is not different from 408
the elector's address contained in the statewide voter 409
registration database, unless the elector indicated that the 410
elector is casting a provisional ballot because the elector has 411
moved and has not submitted a notice of change of address, as 412
described in division (A) (6) of section 3505.181 of the Revised 413
Code. 414

(g) If applicable, the individual provided any additional 415
information required under division (B) (7) of section 3505.181 416
of the Revised Code within seven days after the day of the 417
election. 418

~~(h) If applicable, the hearing conducted under division 419
(B) of section 3503.24 of the Revised Code after the day of the 420
election resulted in the individual's inclusion in the official 421
registration list. 422~~

(4) (a) Except as otherwise provided in division (D) of 423
this section, if, in examining a provisional ballot affirmation 424
and additional information under divisions (B) (1) and (2) of 425

this section and comparing the information required under 426
division (B) (1) of this section with the elector's information 427
in the statewide voter registration database, the board 428
determines that any of the following applies, the provisional 429
ballot envelope shall not be opened, and the ballot shall not be 430
counted: 431

(i) The individual named on the affirmation is not 432
qualified or is not properly registered to vote. 433

(ii) The individual named on the affirmation is not 434
eligible to cast a ballot in the precinct or for the election in 435
which the individual cast the provisional ballot. 436

(iii) The individual did not provide all of the 437
information required under division (B) (1) of this section in 438
the affirmation that the individual executed at the time the 439
individual cast the provisional ballot. 440

(iv) The individual has already cast a ballot for the 441
election in which the individual cast the provisional ballot. 442

(v) If applicable, the individual did not provide any 443
additional information required under division (B) (7) of section 444
3505.181 of the Revised Code within seven days after the day of 445
the election. 446

~~(vi) If applicable, the hearing conducted under division 447
(B) of section 3503.24 of the Revised Code after the day of the 448
election did not result in the individual's inclusion in the 449
official registration list. 450~~

~~(vii) The individual failed to provide a current and valid 451
photo identification, a military identification, a copy of a 452
current utility bill, bank statement, government check, 453
paycheck, or other government document, other than a notice of 454~~

voter registration mailed by a board of elections under section 455
3503.19 of the Revised Code, with the voter's name and current 456
address, the individual's driver's license or state 457
identification card number, or the last four digits of the 458
individual's social security number or to execute an affirmation 459
under division (B) of section 3505.181 of the Revised Code. 460

~~(viii)~~ (vii) The last four digits of the elector's social 461
security number or the elector's driver's license number or 462
state identification card number are different from the last 463
four digits of the elector's social security number or the 464
elector's driver's license number or state identification card 465
number contained in the statewide voter registration database. 466

~~(ix)~~ (viii) Except as otherwise provided in this division, 467
the month and day of the elector's date of birth are different 468
from the day and month of the elector's date of birth contained 469
in the statewide voter registration database. 470

This division does not apply to an elector's provisional 471
ballot if either of the following is true: 472

(I) The elector's date of birth contained in the statewide 473
voter registration database is January 1, 1800. 474

(II) The board of elections has found, by a vote of at 475
least three of its members, that the elector has met all of the 476
requirements of division (B) (3) of this section, other than the 477
requirements of division (B) (3) (e) of this section. 478

~~(x)~~ (ix) The elector's current address is different from 479
the elector's address contained in the statewide voter 480
registration database, unless the elector indicated that the 481
elector is casting a provisional ballot because the elector has 482
moved and has not submitted a notice of change of address, as 483

described in division (A) (6) of section 3505.181 of the Revised Code. 484
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(b) 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 is unable to determine either of the following, the provisional ballot envelope shall not be opened, and the ballot shall not be counted: 486
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(i) Whether the individual named on the affirmation is qualified or properly registered to vote; 494
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(ii) Whether the individual named on the affirmation is eligible to cast a ballot in the precinct or for the election in which the individual cast the provisional ballot. 496
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(C) For each provisional ballot rejected under division (B) (4) of this section, the board shall record the name of the provisional voter who cast the ballot, the identification number of the provisional ballot envelope, the names of the election officials who determined the validity of that ballot, the date and time that the determination was made, and the reason that the ballot was not counted, unless the board has already recorded that information in another database. 499
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(D) (1) If an individual cast a provisional ballot in a precinct in which the individual is not registered and eligible to vote, but in the correct polling location for the precinct in which the individual is registered and eligible to vote, and the election official failed to direct the individual to the correct precinct, the individual's ballot shall be remade under division 507
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(D) (2) of this section. The election official shall be deemed to 513
have directed the individual to the correct precinct if the 514
election official correctly completed the form described in 515
division (C) (2) of section 3505.181 of the Revised Code. 516

(2) A board of elections that remakes a provisional ballot 517
under division (D) (1) of this section shall remake the 518
provisional ballot on a ballot for the appropriate precinct to 519
reflect the offices, questions, and issues for which the 520
individual was eligible to cast a ballot and for which the 521
individual attempted to cast a provisional ballot. The remade 522
ballot shall be counted for each office, question, and issue for 523
which the individual was eligible to vote. 524

(3) If an individual cast a provisional ballot in a 525
precinct in which the individual is not registered and eligible 526
to vote and in the incorrect polling location for the precinct 527
in which the individual is registered and eligible to vote, the 528
provisional ballot envelope shall not be opened, and the ballot 529
shall not be counted. 530

(E) Provisional ballots that are rejected under division 531
(B) (4) of this section shall not be counted but shall be 532
preserved in their provisional ballot envelopes unopened until 533
the time provided by section 3505.31 of the Revised Code for the 534
destruction of all other ballots used at the election for which 535
ballots were provided, at which time they shall be destroyed. 536

(F) Provisional ballots that the board determines are 537
eligible to be counted under division (B) (3) or (D) of this 538
section shall be counted in the same manner as provided for 539
other ballots under section 3505.27 of the Revised Code. No 540
provisional ballots shall be counted in a particular county 541
until the board determines the eligibility to be counted of all 542

provisional ballots cast in that county under division (B) of 543
this section for that election. Observers, as provided in 544
section 3505.21 of the Revised Code, may be present at all times 545
that the board is determining the eligibility of provisional 546
ballots to be counted and counting those provisional ballots 547
determined to be eligible. No person shall recklessly disclose 548
the count or any portion of the count of provisional ballots in 549
such a manner as to jeopardize the secrecy of any individual 550
ballot. 551

(G) (1) Except as otherwise provided in division (G) (2) of 552
this section, nothing in this section shall prevent a board of 553
elections from examining provisional ballot affirmations and 554
additional information under divisions (B) (1) and (2) of this 555
section to determine the eligibility of provisional ballots to 556
be counted during the ten days after the day of an election. 557

(2) A board of elections shall not examine the provisional 558
ballot affirmation and additional information under divisions 559
(B) (1) and (2) of this section of any provisional ballot cast by 560
an individual who must provide additional information to the 561
board of elections under division (B) (7) of section 3505.181 of 562
the Revised Code for the board to determine the individual's 563
eligibility until the individual provides that information, ~~564~~
~~until any hearing required to be conducted under section 3503.24~~ 565
~~of the Revised Code with regard to the provisional voter is~~ 566
~~held,~~ or until the eleventh day after the day of the election, 567
whichever is earlier. 568

Sec. 3505.20. Any person offering to vote may be 569
challenged at the polling place by any precinct election 570
official. If the board of elections has ruled on the question 571
presented by a challenge prior to election day, its finding and 572

decision shall be final, and the voting location manager shall 573
be notified in writing. If the board has not ruled, the question 574
shall be determined as set forth in this section. If any person 575
is so challenged as unqualified to vote, the voting location 576
manager shall tender the person the following oath: "You do 577
swear or affirm under penalty of election falsification that you 578
will fully and truly answer all of the following questions put 579
to you concerning your qualifications as an elector at this 580
election." 581

(A) If the person is challenged as unqualified on the 582
ground that the person is not a citizen, the precinct election 583
officials shall put the following questions: 584

(1) Are you a citizen of the United States? 585

(2) Are you a native or naturalized citizen? 586

(3) Where were you born? 587

(4) What official documentation do you possess to prove 588
your citizenship? Please provide that documentation. 589

If the person offering to vote claims to be a naturalized 590
citizen of the United States, the person shall, before the vote 591
is received, produce for inspection of the precinct election 592
officials a certificate of naturalization and declare under oath 593
that the person is the identical person named in the 594
certificate. If the person states under oath that, by reason of 595
the naturalization of the person's parents or one of them, the 596
person has become a citizen of the United States, and when or 597
where the person's parents were naturalized, the certificate of 598
naturalization need not be produced. If the person is unable to 599
provide a certificate of naturalization on the day of the 600
election, the precinct election officials shall provide to the 601

person, and the person may vote, a provisional ballot under 602
section 3505.181 of the Revised Code. The provisional ballot 603
shall not be counted unless it is properly completed and the 604
board of elections determines that the voter is properly 605
registered and eligible to vote in the election. 606

(B) If the person is challenged as unqualified on the 607
ground that the person has not resided in this state for thirty 608
days immediately preceding the election, the precinct election 609
officials shall put the following questions: 610

(1) Have you resided in this state for thirty days 611
immediately preceding this election? If so, where have you 612
resided? 613

(2) Did you properly register to vote? 614

(3) Can you provide some form of identification containing 615
your current mailing address in this precinct? Please provide 616
that identification. 617

(4) Have you voted or attempted to vote at any other 618
location in this or in any other state at this election? 619

(5) Have you applied for an absent voter's ballot in any 620
state for this election? 621

If the precinct election officials are unable to verify 622
the person's eligibility to cast a ballot in the election, the 623
precinct election officials shall provide to the person, and the 624
person may vote, a provisional ballot under section 3505.181 of 625
the Revised Code. The provisional ballot shall not be counted 626
unless it is properly completed and the board of elections 627
determines that the voter is properly registered and eligible to 628
vote in the election. 629

(C) If the person is challenged as unqualified on the 630
ground that the person is not a resident of the precinct where 631
the person offers to vote, the precinct election officials shall 632
put the following questions: 633

(1) Do you reside in this precinct? 634

(2) When did you move into this precinct? 635

(3) When you came into this precinct, did you come for a 636
temporary purpose merely or for the purpose of making it your 637
home? 638

(4) What is your current mailing address? 639

(5) Do you have some official identification containing 640
your current address in this precinct? Please provide that 641
identification. 642

(6) Have you voted or attempted to vote at any other 643
location in this or in any other state at this election? 644

(7) Have you applied for any absent voter's ballot in any 645
state for this election? 646

The precinct election officials shall direct an individual 647
who is not in the appropriate polling place to the appropriate 648
polling place. If the individual refuses to go to the 649
appropriate polling place, or if the precinct election officials 650
are unable to verify the person's eligibility to cast a ballot 651
in the election, the precinct election officials shall provide 652
to the person, and the person may vote, a provisional ballot 653
under section 3505.181 of the Revised Code. The provisional 654
ballot shall not be counted unless it is properly completed and 655
the board of elections determines that the voter is properly 656
registered and eligible to vote in the election. 657

(D) If the person is challenged as unqualified on the 658
ground that the person is not of legal voting age, the precinct 659
election officials shall put the following questions: 660

(1) Are you eighteen years of age or more? 661

(2) What is your date of birth? 662

(3) Do you have some official identification verifying 663
your age? Please provide that identification. 664

If the precinct election officials are unable to verify 665
the person's age and eligibility to cast a ballot in the 666
election, the precinct election officials shall provide to the 667
person, and the person may vote, a provisional ballot under 668
section 3505.181 of the Revised Code. The provisional ballot 669
shall not be counted unless it is properly completed and the 670
board of elections determines that the voter is properly 671
registered and eligible to vote in the election. 672

The voting location manager shall put such other questions 673
to the person challenged as are necessary to determine the 674
person's qualifications as an elector at the election. If a 675
person challenged refuses to answer fully any question put to 676
the person, is unable to answer the questions as they were 677
answered on the registration form by the person under whose name 678
the person offers to vote, or refuses to sign the person's name 679
or make the person's mark, or if for any other reason a majority 680
of the precinct election officials believes the person is not 681
entitled to vote, the precinct election officials shall provide 682
to the person, and the person may vote, a provisional ballot 683
under section 3505.181 of the Revised Code. The provisional 684
ballot shall not be counted unless it is properly completed and 685
the board of elections determines that the voter is properly 686

registered and eligible to vote in the election. 687

A qualified citizen who has certified the citizen's 688
intention to vote for president and vice-president as provided 689
by Chapter 3504. of the Revised Code shall be eligible to 690
receive only the ballot containing presidential and vice- 691
presidential candidates. 692

However, ~~prior to~~ not later than the ~~nineteenth-thirtieth~~ 693
day before the day of an election and in accordance with section 694
3503.24 of the Revised Code, any person qualified to vote may 695
challenge the right of any other person to be registered as a 696
voter, or the right to cast an absent voter's ballot, or to make 697
application for such ballot. Such challenge shall be made in 698
accordance with section 3503.24 of the Revised Code, and the 699
board of elections of the county in which the voting residence 700
of the challenged voter is situated shall make a final 701
determination relative to the legality of such registration or 702
application. 703

Sec. 3505.21. (A) As used in this section, "during the 704
casting of the ballots" includes any of the following: 705

(1) Any time during which a board of elections permits an 706
elector to vote an absent voter's ballot in person at the office 707
of the board ~~and any~~; 708

(2) Any time ballots may be cast in a precinct polling 709
place on the day of an election; 710

(3) Any time during which a board of elections processes 711
absent voter's ballots before the time for counting those 712
ballots. 713

(B) At any primary, special, or general election, any 714
political party supporting candidates to be voted upon at such 715

election and any group of five or more candidates may appoint to 716
the board of elections or to any of the precincts in the county 717
or city one person, a qualified elector, who shall serve as 718
observer for such party or such candidates during the casting of 719
the ballots and during the counting of the ballots; provided 720
that separate observers may be appointed to serve during the 721
casting and during the counting of the ballots. No candidate, no 722
uniformed peace officer as defined by section 2935.01 of the 723
Revised Code, no uniformed state highway patrol trooper, no 724
uniformed member of any fire department, no uniformed member of 725
the armed services, no uniformed member of the organized 726
militia, no person wearing any other uniform, and no person 727
carrying a firearm or other deadly weapon shall serve as an 728
observer, nor shall any candidate be represented by more than 729
one observer at any one precinct or at the board of elections 730
except that a candidate who is a member of a party controlling 731
committee, as defined in section 3517.03 of the Revised Code, 732
may serve as an observer. 733

(C) Any political party or group of candidates appointing 734
observers shall notify the board of elections of the names and 735
addresses of its appointees and the precincts at which they 736
shall serve or that they will serve at the board of elections. 737
Notification of observers appointed to serve on the day of an 738
election shall take place not less than eleven days before the 739
day of the election on forms prescribed by the secretary of 740
state and may be amended by filing an amendment with the board 741
of elections at any time until four p.m. of the day before the 742
election. Notification of observers appointed to serve at the 743
office of the board during the time absent voter's ballots may 744
be cast in person or during the time in which the board 745
processes absent voter's ballots before the time for counting 746

those ballots shall take place not less than eleven days before 747
absent voter's ballots are required to be ready for use pursuant 748
to section 3509.01 of the Revised Code on forms prescribed by 749
the secretary of state and may be amended by filing an amendment 750
with the board of elections at any time until four p.m. of the 751
day before the observer is appointed to serve. The observer 752
serving on behalf of a political party shall be appointed in 753
writing by the chairperson and secretary of the respective 754
controlling party committee. Observers serving for any five or 755
more candidates shall have their certificates signed by those 756
candidates. Observers appointed to a precinct may file their 757
certificates of appointment with the voting location manager of 758
the precinct at the meeting on the evening prior to the 759
election, or with the voting location manager of the precinct on 760
the day of the election. Observers appointed to the office of 761
the board to observe the casting of absent voter's ballots in 762
person prior to the day of the election or the processing of 763
absent voter's ballots before the time for counting those 764
ballots may file their certificates with the director of the 765
board of elections the day before or on the day that the 766
observers are scheduled to serve at the office of the board. 767

Upon the filing of a certificate, the person named as 768
observer in the certificate shall be permitted to be in and 769
about the applicable polling place during the casting of the 770
ballots and shall be permitted to watch every proceeding of the 771
precinct election officials from the time of the opening until 772
the closing of the polls. The observer also may inspect the 773
counting of all ballots in the polling place or board of 774
elections from the time of the closing of the polls until the 775
counting is completed and the final returns are certified and 776
signed. Observers appointed to serve at the board of elections 777

on the day of an election under this section may observe at the 778
board of elections and may observe at any precinct in the 779
county. The precinct election officials shall protect such 780
observers in all of the rights and privileges granted to them by 781
Title XXXV of the Revised Code. 782

(D) No persons other than the precinct election officials, 783
the observers, a police officer, other persons who are detailed 784
to any precinct on request of the board of elections, or the 785
secretary of state or the secretary of state's legal 786
representative shall be admitted to the polling place, or any 787
room in which a board of elections is counting ballots, after 788
the closing of the polls until the counting, certifying, and 789
signing of the final returns of each election have been 790
completed. 791

(E) Not later than four p.m. of the twentieth day prior to 792
an election at which questions are to be submitted to a vote of 793
the people, any committee that in good faith advocates or 794
opposes a measure may file a petition with the board of any 795
county asking that the petitioners be recognized as the 796
committee entitled to appoint observers to the count at the 797
election. If more than one committee alleging themselves to 798
advocate or oppose the same measure file such a petition, the 799
board shall decide and announce by registered mail to each 800
committee not less than twelve days immediately preceding the 801
election which committee is recognized as being entitled to 802
appoint observers. The decision shall not be final, but any 803
aggrieved party may institute mandamus proceedings in the court 804
of common pleas of the county in which the board has 805
jurisdiction to compel the precinct election officials to accept 806
the appointees of such aggrieved party. Any such recognized 807
committee may appoint an observer to the count in each precinct. 808

Committees appointing observers shall notify the board of 809
elections of the names and addresses of its appointees and the 810
precincts at which they shall serve. Notification shall take 811
place not less than eleven days before the election on forms 812
prescribed by the secretary of state and may be amended by 813
filing an amendment with the board of elections at any time 814
until four p.m. on the day before the election. A person so 815
appointed shall file the person's certificate of appointment 816
with the voting location manager in the precinct in which the 817
person has been appointed to serve. Observers shall file their 818
certificates before the polls are closed. In no case shall more 819
than six observers be appointed for any one election in any one 820
precinct. If more than three questions are to be voted on, the 821
committees which have appointed observers may agree upon not to 822
exceed six observers, and the precinct election officials shall 823
appoint such observers. If such committees fail to agree, the 824
precinct election officials shall appoint six observers from the 825
appointees so certified, in such manner that each side of the 826
several questions shall be represented. 827

(F) No person shall serve as an observer at any precinct 828
or at the board of elections unless the board of elections of 829
the county in which such observer is to serve has first been 830
notified of the name, address, and location at which such 831
observer is to serve. Notification to the board of elections 832
shall be given by the political party, group of candidates, or 833
committee appointing such observer as prescribed in this 834
section. No such observers shall receive any compensation from 835
the county, municipal corporation, or township, and they shall 836
take the following oath, to be administered by one of the 837
precinct election officials: 838

"You do solemnly swear that you will faithfully and 839

impartially discharge the duties as an official observer, 840
assigned by law; that you will not cause any delay to persons 841
offering to vote; and that you will not disclose or communicate 842
to any person how any elector has voted at such election." 843

Sec. 3509.01. (A) The board of elections of each county 844
shall provide absent voter's ballots for use at every primary 845
and general election, or special election to be held on the day 846
specified by division (E) of section 3501.01 of the Revised Code 847
for the holding of a primary election, designated by the general 848
assembly for the purpose of submitting constitutional amendments 849
proposed by the general assembly to the voters of the state. 850
Those ballots shall be the same size, shall be printed on the 851
same kind of paper, and shall be in the same form as has been 852
approved for use at the election for which those ballots are to 853
be voted; except that, in counties using marking devices, ballot 854
cards may be used for absent voter's ballots, and those absent 855
voters shall be instructed to record the vote in the manner 856
provided on the ballot cards. 857

(B) The rotation of names of candidates and questions and 858
issues shall be substantially complied with on absent voter's 859
ballots, within the limitation of time allotted. Those ballots 860
shall be designated as "Absent Voter's Ballots." Except as 861
otherwise provided in division (D) of this section, those 862
ballots shall be printed and ready for use as follows: 863

(1) For overseas voters and absent uniformed services 864
voters eligible to vote under the Uniformed and Overseas 865
Citizens Absentee Voting Act, Pub. L. No. 99-410, 100 Stat. 924, 866
42 U.S.C. 1973ff, et seq., as amended, ballots shall be printed 867
and ready for use other than in person on the ~~forty-fifth~~ forty- 868
sixth day before the day of the election. 869

(2) For all voters, other than overseas voters and absent
uniformed services voters, who are applying to vote absent
voter's ballots other than in person, ballots shall be printed
and ready for use on the first day after the close of voter
registration before the election.

(3) For all voters who are applying to vote absent voter's
ballots in person, ballots shall be printed and ready for use
beginning on the first day after the close of voter registration
before the election.

If, at the time for the close of in-person absent voting
on a particular day, there are voters waiting in line to cast
their ballots, the in-person absent voting location shall be
kept open until such waiting voters have cast their absent
voter's ballots.

(C) Absent voter's ballots provided for use at a general
or primary election, or special election to be held on the day
specified by division (E) of section 3501.01 of the Revised Code
for the holding of a primary election, designated by the general
assembly for the purpose of submitting constitutional amendments
proposed by the general assembly to the voters of the state,
shall include only those questions, issues, and candidacies that
have been lawfully ordered submitted to the electors voting at
that election.

(D) If the laws governing the holding of a special
election on a day other than the day on which a primary or
general election is held make it impossible for absent voter's
ballots to be printed and ready for use by the deadlines
established in division (B) of this section, absent voter's
ballots for those special elections shall be ready for use as
many days before the day of the election as reasonably possible

under the laws governing the holding of that special election. 900

(E) A copy of the absent voter's ballots shall be 901
forwarded by the director of the board in each county to the 902
secretary of state at least twenty-five days before the 903
election. 904

Sec. 3509.051. Notwithstanding section 3509.05 or any 905
other provision of the Revised Code to the contrary, all of the 906
following shall apply to the casting of absent voter's ballots 907
in person: 908

(A) The absent voter shall provide identification to the 909
election officials in the same manner as one of the following: 910

(1) As a voter who casts a ballot in person on the day of 911
an election is required to provide identification under section 912
3505.18 of the Revised Code; or 913

(2) As a voter who casts an absent voter's ballot is 914
required to submit a completed written application for an absent 915
voter's ballot under section 3509.03 of the Revised Code. 916

(B) The absent voter shall not be required to complete a 917
statement of voter on an absent voter's ballot identification 918
envelope. 919

(C) The board of elections shall provide a signature book 920
to be signed by absent voters who are casting their ballots in 921
person. 922

(D) No person other than an election official shall be 923
permitted to challenge the right to vote of an absent voter who 924
is casting a ballot in person. An election official may 925
challenge the right to vote of an absent voter who is casting a 926
ballot in person in the same manner as a precinct election 927

official may challenge the right to vote of an elector on the 928
day of an election under section 3505.20 or 3513.19 of the 929
Revised Code. 930

(E) No absent voter may receive a replacement ballot after 931
the voter's absent voter's ballot has been scanned or entered 932
into automatic tabulating equipment. 933

Sec. 3509.06. (A) The board of elections shall determine 934
whether absent voter's ballots shall be processed and counted in 935
each precinct, at the office of the board, or at some other 936
location designated by the board, and shall proceed accordingly 937
under division (B), (C), or (E) of this section, as applicable. 938

(B) (1) Except as otherwise provided in division (B) (2) of 939
this section, when the board of elections determines that absent 940
voter's ballots shall be processed and counted in each precinct, 941
the director shall deliver to the voting location manager of 942
each precinct on election day identification envelopes 943
purporting to contain absent voter's ballots of electors whose 944
voting residence appears from the statement of voter on the 945
outside of each of those envelopes, to be located in that 946
manager's precinct, and which were received by the director not 947
later than the close of the polls on election day. The director 948
shall deliver to the voting location manager a list containing 949
the name and voting residence of each person whose voting 950
residence is in such precinct to whom absent voter's ballots 951
were mailed. 952

(2) The director shall not deliver to the voting location 953
manager identification envelopes cast by electors who provided a 954
program participant identification number instead of a residence 955
address on the identification envelope and shall not inform the 956
voting location manager of the names and voting residences of 957

persons who have confidential voter registration records. Those 958
identification envelopes shall be examined and processed as 959
described in division (E) of this section. 960

(C) When the board of elections determines that absent 961
voter's ballots shall be processed and counted at the office of 962
the board of elections or at another location designated by the 963
board, special election officials shall be appointed by the 964
board for that purpose having the same authority as is exercised 965
by precinct election officials. The votes so cast shall be added 966
to the vote totals by the board, and the absent voter's ballots 967
shall be preserved separately by the board, in the same manner 968
and for the same length of time as provided by section 3505.31 969
of the Revised Code. 970

(D) Each of the identification envelopes purporting to 971
contain absent voter's ballots delivered to the voting location 972
manager of the precinct or the special election official 973
appointed by the board of elections shall be handled as follows: 974

(1) The election officials shall compare the signature of 975
the elector on the outside of the identification envelope with 976
the signature of that elector on the elector's registration form 977
and verify that the absent voter's ballot is eligible to be 978
counted under section 3509.07 of the Revised Code. 979

(2) (a) Any of the precinct officials may challenge the 980
right of the elector named on the identification envelope to 981
vote the absent voter's ballots upon the ground that the 982
signature on the envelope is not the same as the signature on 983
the registration form, that the identification envelope 984
statement of voter is incomplete, or upon any other of the 985
grounds upon which the right of persons to vote may be lawfully 986
challenged. 987

(b) If the elector's name does not appear in the pollbook	988
or poll list or signature pollbook, the precinct officials shall	989
deliver the absent voter's ballots to the director of the board	990
of elections to be examined and processed in the manner	991
described in division (E) of this section.	992
(3) (a) An identification envelope statement of voter shall	993
be considered incomplete if it does not include all of the	994
following:	995
(i) The voter's name;	996
(ii) The voter's residence address or, if the voter has a	997
confidential voter registration record, as described in section	998
111.44 of the Revised Code, the voter's program participant	999
identification number;	1000
(iii) The voter's date of birth. The requirements of this	1001
division are satisfied if the voter provided a date of birth and	1002
any of the following is true:	1003
(I) The month and day of the voter's date of birth on the	1004
identification envelope statement of voter are not different	1005
from the month and day of the voter's date of birth contained in	1006
the statewide voter registration database.	1007
(II) The voter's date of birth contained in the statewide	1008
voter registration database is January 1, 1800.	1009
(III) The board of elections has found, by a vote of at	1010
least three of its members, that the voter has met the	1011
requirements of divisions (D) (3) (a) (i), (ii), (iv), and (v) of	1012
this section.	1013
(iv) The voter's signature; and	1014
(v) One of the following forms of identification:	1015

(I) The voter's driver's license number; 1016

(II) The last four digits of the voter's social security number; or 1017
1018

(III) A copy of a current and valid photo identification, 1019
a military identification, or a current utility bill, bank 1020
statement, government check, paycheck, or other government 1021
document, other than a notice of voter registration mailed by a 1022
board of elections, that shows the voter's name and address. 1023

(b) If the election officials find that the identification 1024
envelope statement of voter is incomplete or that the 1025
information contained in that statement does not conform to the 1026
information contained in the statewide voter registration 1027
database concerning the voter, the election officials shall mail 1028
a written notice to the voter, informing the voter of the nature 1029
of the defect. The notice shall inform the voter that in order 1030
for the voter's ballot to be counted, the voter must provide the 1031
necessary information to the board of elections in writing and 1032
on a form prescribed by the secretary of state not later than 1033
the seventh day after the day of the election. The voter may 1034
deliver the form to the office of the board in person or by 1035
mail. If the voter provides the necessary information to the 1036
board of elections not later than the seventh day after the day 1037
of the election and the ballot is not successfully challenged on 1038
another basis, the voter's ballot shall be processed and counted 1039
in accordance with this section. 1040

(4) If no such challenge is made, or if such a challenge 1041
is made and not sustained, the voting location manager shall 1042
open the envelope without defacing the statement of voter and 1043
without mutilating the ballots in it, and shall remove the 1044
ballots contained in it and proceed to count them. 1045

(5) (a) Except as otherwise provided in division (D) (5) (b) 1046
of this section, the name of each person voting who is entitled 1047
to vote only an absent voter's presidential ballot shall be 1048
entered in a pollbook or poll list or signature pollbook 1049
followed by the words "Absentee Presidential Ballot." The name 1050
of each person voting an absent voter's ballot, other than such 1051
persons entitled to vote only a presidential ballot, shall be 1052
entered in the pollbook or poll list or signature pollbook and 1053
the person's registration card marked to indicate that the 1054
person has voted. 1055

(b) If the person voting has a confidential voter 1056
registration record, the person's registration card shall be 1057
marked to indicate that the person has voted, but the person's 1058
name shall not be entered in the pollbook or poll list or 1059
signature pollbook. 1060

(6) The date of such election shall also be entered on the 1061
elector's registration form. If any such challenge is made and 1062
sustained, the identification envelope of such elector shall not 1063
be opened, shall be endorsed "Not Counted" with the reasons the 1064
ballots were not counted, and shall be delivered to the board. 1065

(E) (1) When the board of elections receives absent voter's 1066
ballots from an elector who has provided a program participant 1067
identification number instead of a residence address on the 1068
identification envelope statement of voter, the director and the 1069
deputy director personally shall examine and process the 1070
identification envelope statement of voter in the manner 1071
prescribed in division (D) of this section. 1072

(2) If the director and the deputy director find that the 1073
identification envelope statement of voter is incomplete or that 1074
the information contained in that statement does not conform to 1075

the information contained in the statewide voter registration 1076
database concerning the voter or to the information contained in 1077
the voter's confidential voter registration record, the director 1078
and the deputy director shall mail a written notice to the voter 1079
informing the voter of the nature of the defect. The notice 1080
shall inform the voter that in order for the voter's ballot to 1081
be counted the voter must provide the necessary information to 1082
the board of elections in writing and on a form prescribed by 1083
the secretary of state not later than the seventh day after the 1084
day of the election. The voter may deliver the form to the 1085
office of the board in person or by mail. If the voter provides 1086
the necessary information to the board of elections not later 1087
than the seventh day after the day of the election and the 1088
ballot is not successfully challenged on another basis, the 1089
voter's ballot shall be counted in accordance with this section. 1090

(3) The director or the deputy director may challenge the 1091
ballot on the ground that the signature on the envelope is not 1092
the same as the signature on the registration form, that the 1093
identification envelope statement of voter is incomplete, or 1094
upon any other of the grounds upon which the right of persons to 1095
vote may be lawfully challenged. If such a challenge is made, 1096
the board of elections shall decide whether to sustain the 1097
challenge. 1098

(4) If neither the director nor the deputy director 1099
challenges the ballot, or if such a challenge is made and not 1100
sustained, the director and the deputy director shall open the 1101
envelope without defacing the statement of voter and without 1102
mutilating the ballots in it, shall remove the ballots contained 1103
in it, and shall transmit the ballots to the election officials 1104
to be counted with other absent voter's ballots from that 1105
precinct. 1106

(F) The board of elections may process absent voter's ballots before the time for counting those ballots, but the board shall not tabulate or count the votes on those ballots before that time. As used in this section and section 3511.11 of the Revised Code, processing an absent voter's ballot means any of the following: 1107
1108
1109
1110
1111
1112

(1) Examining the identification envelope statement of voter in order to verify that the absent voter's ballot is eligible to be counted under section 3509.07 of the Revised Code; 1113
1114
1115
1116

(2) Opening the identification envelope, if the absent voter's ballot is eligible to be counted; 1117
1118

(3) Determining the validity of the absent voter's ballot under section 3509.07 of the Revised Code; 1119
1120

(4) Preparing and sorting the absent voter's ballot for scanning by automatic tabulating equipment; 1121
1122

(5) Scanning the absent voter's ballot by automatic tabulating equipment, if the equipment used by the board of elections permits an absent voter's ballot to be scanned without tabulating or counting the votes on the ballots scanned. 1123
1124
1125
1126

(G) Special election officials, employees or members of the board of elections, or observers shall not disclose the count or any portion of the count of absent voter's ballots prior to the time of the closing of the polling places. No person shall recklessly disclose the count or any portion of the count of absent voter's ballots in such a manner as to jeopardize the secrecy of any individual ballot. 1127
1128
1129
1130
1131
1132
1133

~~(G)~~ (H) (1) Except as otherwise provided in division ~~(G)~~ (H) 1134
(2) of this section, observers may be appointed under section 1135

3505.21 of the Revised Code to witness the examination and 1136
opening of identification envelopes and the processing and 1137
counting of absent voters' ballots under this section. 1138

(2) Observers shall not be permitted to witness the 1139
examination and opening of identification envelopes returned by, 1140
and the processing and counting of absent voter's ballots cast 1141
by, electors who have confidential voter registration records in 1142
a manner that would permit the observers to learn the identities 1143
or residence addresses of those electors. 1144

Sec. 3511.04. (A) If a director of a board of elections 1145
receives an application for uniformed services or overseas 1146
absent voter's ballots that does not contain all of the required 1147
information, the director promptly shall notify the applicant of 1148
the additional information required to be provided by the 1149
applicant to complete that application. 1150

(B) Not later than the ~~forty-fifth~~ forty-sixth day before 1151
the day of each general or primary election, and at the earliest 1152
possible time before the day of a special election held on a day 1153
other than the day on which a general or primary election is 1154
held, the director of the board of elections shall mail, send by 1155
facsimile machine, send by electronic mail, send through 1156
internet delivery if such delivery is offered by the board of 1157
elections or the secretary of state, or otherwise send uniformed 1158
services or overseas absent voter's ballots then ready for use 1159
as provided for in section 3511.03 of the Revised Code and for 1160
which the director has received valid applications prior to that 1161
time. Thereafter, and until twelve noon of the third day 1162
preceding the day of election, the director shall promptly, upon 1163
receipt of valid applications for them, mail, send by facsimile 1164
machine, send by electronic mail, send through internet delivery 1165

if such delivery is offered by the board of elections or the 1166
secretary of state, or otherwise send to the proper persons all 1167
uniformed services or overseas absent voter's ballots then ready 1168
for use. 1169

If, after the seventieth day before the day of a general 1170
or primary election, any other question, issue, or candidacy is 1171
lawfully ordered submitted to the electors voting at the general 1172
or primary election, the board shall promptly provide a separate 1173
official issue, special election, or other election ballot for 1174
submitting the question, issue, or candidacy to those electors, 1175
and the director shall promptly mail, send by facsimile machine, 1176
send by electronic mail, send through internet delivery if such 1177
delivery is offered by the board of elections or the secretary 1178
of state, or otherwise send each such separate ballot to each 1179
person to whom the director has previously mailed or sent other 1180
uniformed services or overseas absent voter's ballots. 1181

A board of elections that mails or otherwise delivers 1182
uniformed services or overseas absent voter's ballots to an 1183
elector under this section shall not prepay the return postage 1184
for those ballots. In mailing uniformed services or overseas 1185
absent voter's ballots, the director shall use the fastest mail 1186
service available, but the director shall not mail them by 1187
certified mail. 1188

Sec. 3511.11. (A) Upon receipt of any return envelope 1189
bearing the designation "Official Election Uniformed Services or 1190
Overseas Absent Voter's Ballot" prior to the eleventh day after 1191
the day of any election, the director of the board of elections 1192
shall open it but shall not open the identification envelope 1193
contained in it. If, upon so opening the return envelope, the 1194
director finds ballots in it that are not enclosed in and 1195

properly sealed in the identification envelope, the director 1196
shall not look at the markings upon the ballots and shall 1197
promptly place them in the identification envelope and promptly 1198
seal it. If, upon so opening the return envelope, the director 1199
finds that ballots are enclosed in the identification envelope 1200
but that it is not properly sealed, the director shall not look 1201
at the markings upon the ballots and shall promptly seal the 1202
identification envelope. 1203

(B) Uniformed services or overseas absent voter's ballots 1204
delivered to the director not later than the close of the polls 1205
on election day shall be processed and counted in the manner 1206
provided in section 3509.06 of the Revised Code. 1207

(C) A return envelope is not required to be postmarked in 1208
order for a uniformed services or overseas absent voter's ballot 1209
contained in it to be valid. Except as otherwise provided in 1210
this division, whether or not the return envelope containing the 1211
ballot is postmarked, contains a late postmark, or contains an 1212
illegible postmark, a uniformed services or overseas absent 1213
voter's ballot that is received after the close of the polls on 1214
election day through the tenth day after the election day shall 1215
be processed and counted on the eleventh day after the election 1216
day at the office of the board of elections in the manner 1217
provided in ~~divisions (C) and (D) of~~ section 3509.06 of the 1218
Revised Code ~~or in the manner provided in division (E) of that~~ 1219
~~section, as applicable,~~ if the voter signed the identification 1220
envelope by the time specified in section 3511.09 of the Revised 1221
Code. However, if a return envelope containing a uniformed 1222
services or overseas absent voter's ballot is so received and so 1223
indicates, but the identification envelope in it is signed after 1224
the close of the polls on election day, the uniformed services 1225
or overseas absent voter's ballot shall not be counted. 1226

(D) The following types of uniformed services or overseas
absent voter's ballots shall not be counted: 1227
1228

(1) Uniformed services or overseas absent voter's ballots 1229
contained in return envelopes that bear the designation 1230
"Official Election Uniformed Services or Overseas Absent Voter's 1231
Ballots," that are received by the director after the close of 1232
the polls on the day of the election, and that contain an 1233
identification envelope that is signed after the time specified 1234
in section 3511.09 of the Revised Code; 1235

(2) Uniformed services or overseas absent voter's ballots 1236
contained in return envelopes that bear that designation and 1237
that are received after the tenth day following the election. 1238

The uncounted ballots shall be preserved in their 1239
identification envelopes unopened until the time provided by 1240
section 3505.31 of the Revised Code for the destruction of all 1241
other ballots used at the election for which ballots were 1242
provided, at which time they shall be destroyed. 1243

Section 2. That existing sections 3503.24, 3505.181, 1244
3505.183, 3505.20, 3505.21, 3509.01, 3509.06, 3511.04, and 1245
3511.11 of the Revised Code are hereby repealed. 1246

Section 3. That Sections 2 and 5 of Am. Sub. S.B. 135 of 1247
the 132nd General Assembly be amended to read as follows: 1248

Sec. 2. All items in this section are appropriated as 1249
designated out of any moneys in the state treasury to the credit 1250
of the designated fund. For all operating appropriations made in 1251
~~this act~~ Am. Sub. S.B. 135 of the 132nd General Assembly, those 1252
in the first column are for fiscal year 2018 and those in the 1253
second column are for fiscal year 2019. The operating 1254
appropriations made in ~~this act~~ Am. Sub. S.B. 135 of the 132nd 1255

<u>General Assembly</u> are in addition to any other operating	1256
appropriations made for the FY 2018-FY 2019 biennium.	1257
CEB CONTROLLING BOARD	1258
General Revenue Fund Group	1259
GRF 911917 Voting and Tabulation \$ 10,000,000 \$ 0	1260
Equipment	1261
Reimbursement	1262
TOTAL GRF General Revenue Fund Group \$ 10,000,000 \$ 0	1263
TOTAL ALL BUDGET FUND GROUPS \$ 10,000,000 \$ 0	1264
VOTING AND TABULATION EQUIPMENT REIMBURSEMENT	1265
Upon requests submitted by the Secretary of State, the	1266
Controlling Board shall approve transfers of appropriation from	1267
the foregoing appropriation item 911917, Voting and Tabulation	1268
Equipment Reimbursement, to GRF appropriation item 050508,	1269
Statewide Voting and Tabulation Equipment, to reimburse counties	1270
in an amount up to but not exceeding the county's allocated	1271
funding amount for expenditures related to the acquisition or	1272
lease of voting systems that were made on or after January 1,	1273
2014, and prior to the effective date of this act. <u>Any</u>	1274
<u>additional acquisitions made by counties from this funding must</u>	1275
<u>be made in accordance with Section 5 of Am. Sub. S.B. 135 of the</u>	1276
<u>132nd General Assembly.</u>	1277
The unexpended, unencumbered portion of the foregoing	1278
appropriation item 911917, Voting and Tabulation Equipment	1279
Reimbursement, at the end of fiscal year 2018 is hereby	1280
reappropriated in fiscal year 2019 for the same purposes.	1281
Sec. 5. (A) The Secretary of State shall allocate the	1282

funding authorized in Sections 2 and 4 of ~~this act~~ Am. Sub. S.B. 135 of the 132nd General Assembly to each county in the following manner:

(1) For those counties with fewer than 19,999 registered voters: a base allocation of \$205,000 and an additional allocation to be determined by the actual number of registered voters in that county as of July 1, 2017.

(2) For those counties with between 20,000 and 99,999 registered voters: a base allocation of \$250,000 and an additional allocation to be determined by the actual number of registered voters in that county as of July 1, 2017.

(3) For those counties with 100,000 or more registered voters: a base allocation of \$406,000 and an additional allocation to be determined by the actual number of registered voters in that county as of July 1, 2017.

The Secretary of State shall use these allocated funding amounts in accordance with the following:

(B) For voting systems purchased on or after the effective date of ~~this act~~ Am. Sub. S.B. 135 of the 132nd General Assembly, upon request by a board of elections, the Secretary of State shall provide a list of the vendors and voting machines certified in accordance with section 3506.05 of the Revised Code, including related services and equipment. The board of elections shall select voting machines and related services from this list.

The Secretary of State and each board of county commissioners shall enter into an agreement concerning this selection and acquisition. The Secretary of State shall be the owner of such voting system during the period for which the

obligations representing fractionalized interests set forth in 1312
Section 3 of ~~this act~~ Am. Sub. S.B. 135 of the 132nd General 1313
Assembly are outstanding. Upon the maturity of such obligations, 1314
the ownership interest of the voting systems shall transfer to 1315
the board of county commissioners. Under such written agreement, 1316
the board of county commissioners shall: 1317

(1) Identify its selection and identify a breakdown of the 1318
total costs that enable identification of the costs of voting 1319
machines and associated allowable expenditures; 1320

(2) Have the right to possess such voting systems; and 1321

(3) Be responsible for all operation, servicing, 1322
maintenance, and insurance costs of and all claims and 1323
liabilities relating to such voting systems. 1324

Following the execution of the above acquisition 1325
agreement, the board of county commissioners shall enter into 1326
all necessary contracts or agreements with the selected vendor. 1327
The Secretary of State shall confirm the allowable voting system 1328
costs for that county and arrange for payment of that amount 1329
directly to the selected vendor. The allowable voting system 1330
costs would be an amount up to but not exceeding the county's 1331
allocated funding amount. If a board of county commissioners 1332
determines to purchase voting systems, the cost of which is 1333
greater than the allocated funding amount, the board of county 1334
commissioners shall be responsible to pay directly to the vendor 1335
those costs that exceed its allocated funding amount. 1336

(C) For voting system acquisitions or lease expenditures 1337
made on or after January 1, 2014, ~~and prior to the effective~~ 1338
~~date of this act,~~ the board of elections shall submit written 1339
documentation of its costs to the Secretary of State, including 1340

a breakdown of the total costs that enables identification of 1341
the costs of voting machines and associated allowable 1342
expenditures. Pursuant to Section 2 of ~~this act~~ Am. Sub. S.B. 1343
135 of the 132nd General Assembly, the Secretary of State shall 1344
reimburse the county for expenditures associated with the 1345
acquisition or lease of a voting system in an amount up to but 1346
not exceeding the county's allocated funding amount, in a timely 1347
manner after receiving the required documentation from a county 1348
board of elections. The reimbursements shall be paid to the 1349
county's general fund. 1350

Section 4. That existing Sections 2 and 5 of Am. Sub. S.B. 1351
135 of the 132nd General Assembly are hereby repealed. 1352

Section 5. Section 3509.01 of the Revised Code is 1353
presented in this act as a composite of the section as amended 1354
by Am. S.B. 10, Am. Sub. S.B. 109, and Am. S.B. 238, all of the 1355
130th General Assembly. The General Assembly, applying the 1356
principle stated in division (B) of section 1.52 of the Revised 1357
Code that amendments are to be harmonized if reasonably capable 1358
of simultaneous operation, finds that the composite is the 1359
resulting version of the section in effect prior to the 1360
effective date of the section as presented in this act. 1361