

As Passed by the House

133rd General Assembly

Regular Session

2019-2020

Sub. S. B. No. 194

Senator Rulli

**Cosponsors: Senators Schaffer, Schuring, Antonio, Blessing, Brenner, Burke, Coley, Craig, Dolan, Eklund, Fedor, Gavarone, Hackett, Hoagland, Hottinger, Huffman, M., Huffman, S., Johnson, Kunze, Lehner, Maharath, Manning, McColley, Obhof, O'Brien, Peterson, Roegner, Sykes, Thomas, Williams, Wilson, Yuko
Representatives Wiggam, Hambley, Holmes, A., LaRe, Miller, A., Miller, J., Perales, Reineke, Richardson, Seitz, Stein, Stephens, Sweeney**

A BILL

To amend sections 109.32, 109.572, 2915.01, 1
2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2
2915.093, 2915.095, 2915.10, 2915.101, 2915.12, 3
2915.13, 3506.01, 3506.04, 3506.05, 3506.06, 4
3506.07, 3506.10, 3513.041, 3513.05, 3513.262, 5
and 3513.263 and to enact sections 2915.14, 6
2915.15, and 3506.16 of the Revised Code to 7
rename the Board of Voting Machine Examiners as 8
the Board of Voting Systems Examiners, to 9
require the Board to approve voter registration 10
systems for use in Ohio, to require a board of 11
elections to decide a protest against a 12
candidate filing by a particular deadline, to 13
allow veteran's and fraternal organizations to 14
conduct electronic instant bingo, and to make 15
other changes to the law governing bingo. 16

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

Section 1. That sections 3506.01, 3506.04, 3506.05, 17
3506.06, 3506.07, 3506.10, 3513.041, 3513.05, 3513.262, and 18
3513.263 be amended and section 3506.16 of the Revised Code be 19
enacted to read as follows: 20

Sec. 3506.01. As used in this chapter and Chapters 3501., 21
3503., 3505., 3509., 3511., 3513., 3515., 3517., 3519., 3521., 22
3523., and 3599. of the Revised Code: 23

(A) "Marking device" means an apparatus operated by a 24
voter to record the voter's choices through the marking of 25
ballots enabling them to be examined and counted by automatic 26
tabulating equipment. 27

(B) "Ballot" means the official election presentation of 28
offices and candidates, including write-in candidates, and of 29
questions and issues, and the means by which votes are recorded. 30

(C) "Automatic tabulating equipment" means a machine or 31
electronic device, or interconnected or interrelated machines or 32
electronic devices, that will automatically examine and count 33
votes recorded on ballots. Automatic tabulating equipment may 34
allow for the voter's selections to be indicated by marks made 35
on a paper record by an electronic marking device. 36

(D) "Central counting station" means a location, or one of 37
a number of locations, designated by the board of elections for 38
the automatic examining, sorting, or counting of ballots. 39

(E) "Voting machines" means mechanical or electronic 40
equipment for the direct recording and tabulation of votes. 41

(F) "Direct recording electronic voting machine" means a 42
voting machine that records votes by means of a ballot display 43
provided with mechanical or electro-optical components that can 44
be actuated by the voter, that processes the data by means of a 45

computer program, and that records voting data and ballot images 46
in internal or external memory components. A "direct recording 47
electronic voting machine" produces a tabulation of the voting 48
data stored in a removable memory component and in printed copy. 49
"Direct recording electronic voting machine" does not include a 50
voting machine that captures votes by means of a ballot display 51
but that transfers those votes onto an optical scan ballot or 52
other paper record for tabulation. 53

(G) "Help America Vote Act of 2002" means the "Help 54
America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666. 55

(H) "Voter verified paper audit trail" means a physical 56
paper printout on which the voter's ballot choices, as 57
registered by a direct recording electronic voting machine, are 58
recorded. The voter shall be permitted to visually or audibly 59
inspect the contents of the physical paper printout. The 60
physical paper printout shall be securely retained at the 61
polling place until the close of the polls on the day of the 62
election; the secretary of state shall adopt rules under Chapter 63
119. of the Revised Code specifying the manner of storing the 64
physical paper printout at the polling place. After the physical 65
paper printout is produced, but before the voter's ballot is 66
recorded, the voter shall have an opportunity to accept or 67
reject the contents of the printout as matching the voter's 68
ballot choices. If a voter rejects the contents of the physical 69
paper printout, the system that produces the voter verified 70
paper audit trail shall invalidate the printout and permit the 71
voter to recast the voter's ballot. On and after the first 72
federal election that occurs after January 1, 2006, unless 73
required sooner by the Help America Vote Act of 2002, any system 74
that produces a voter verified paper audit trail shall be 75
accessible to disabled voters, including visually impaired 76

voters, in the same manner as the direct recording electronic 77
voting machine that produces it. 78

(I) "Voter registration system" means software and any 79
related equipment used by a board of elections or the secretary 80
of state to process, store, organize, maintain, or retrieve 81
voter registration records. 82

Sec. 3506.04. (A) If it is impracticable to supply each 83
election precinct with voting machines or marking devices for 84
use at the next election following the adoption of such 85
equipment, as many shall be supplied for that election and the 86
succeeding elections as it is practicable to procure either by 87
purchase or lease, or by a combination of both, and such 88
equipment may be used in election precincts within the county as 89
the board of elections directs until such time as it is 90
practicable to provide the total number of voting machines or 91
marking devices necessary to supply all precincts within the 92
county, provided that the total number of voting machines or 93
marking devices necessary to supply all precincts shall be 94
procured by purchase or lease, or by a combination of both as 95
soon as practicable after their adoption. 96

(B) The board of elections shall be charged with the 97
custody of all equipment acquired by the county, and shall see 98
that all such equipment is kept in proper working order and in 99
good repair. The board of county commissioners of any county or 100
the board of elections, upon recommendation of the board of 101
elections, may, prior to the adoption of such equipment, acquire 102
by purchase or lease or by loan, for the experimental use in a 103
limited number of precincts, such equipment, and such 104
experimental use shall be valid for all purposes as if such 105
equipment had been formally adopted, provided that such 106

equipment has been approved by the board of voting ~~machine-~~ 107
systems examiners for experimental use. 108

(C) All equipment acquired by any county by any of the 109
methods provided for in this section shall be exempt from levy 110
and taxation. 111

Sec. 3506.05. (A) As used in this section: 112

(1) "Electronic pollbook" means an electronic list of 113
registered voters for a particular precinct or polling location 114
that may be transported to a polling location. 115

(2) Except when used as part of the phrase "tabulating 116
equipment" or "automatic tabulating equipment," "equipment" 117
means a voting machine, marking device, automatic tabulating 118
equipment, software, ~~or~~ an electronic pollbook, or a voter 119
registration system. 120

(3) "Vendor" means the person that owns, manufactures, 121
distributes, or has the legal right to control the use of 122
equipment, or the person's agent. 123

(B) ~~No voting machine, marking device, automatic-~~ 124
~~tabulating equipment, or software for the purpose of casting or~~ 125
~~tabulating votes or for communications among systems involved in~~ 126
~~the tabulation, storage, or casting of votes, and no electronic~~ 127
~~pollbook, Except as otherwise provided in division (B) of~~ 128
section 3505.16 of the Revised Code, none of the following shall 129
be purchased, leased, put in use, or continued to be used, 130
except for experimental use as provided in division (B) of 131
section 3506.04 of the Revised Code, unless it, a manual of 132
procedures governing its use, and training materials, service, 133
and other support arrangements have been certified by the 134
secretary of state and unless ~~the~~ any board of elections ~~of each~~ 135

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| county where that will use the equipment will be used has | 136 |
| assured that a demonstration of the use of the equipment has | 137 |
| been made available to all interested electors <u>of the county:</u> | 138 |
| <u>(1) A voting machine;</u> | 139 |
| <u>(2) A marking device;</u> | 140 |
| <u>(3) Automatic tabulating equipment;</u> | 141 |
| <u>(4) Software used for the purpose of casting or tabulating</u> | 142 |
| <u>votes or for communication among systems involved in the</u> | 143 |
| <u>tabulation, storage, or casting of votes;</u> | 144 |
| <u>(5) An electronic pollbook;</u> | 145 |
| <u>(6) A voter registration system. The</u> | 146 |
| <u>(C) (1) The secretary of state shall appoint a board of</u> | 147 |
| voting machine systems examiners to examine and approve | 148 |
| equipment and its related manuals and support arrangements. The | 149 |
| <u>(2) (a) The board shall consist of four voting members, who</u> | 150 |
| shall be appointed as follows: | 151 |
| (1) (i) Two members appointed by the secretary of state; | 152 |
| (2) (ii) One member appointed by either the speaker of the | 153 |
| house of representatives or the minority leader of the house of | 154 |
| representatives, whichever is a member of the opposite political | 155 |
| party from the one to which the secretary of state belongs; | 156 |
| (3) (iii) One member appointed by either the president of | 157 |
| the senate or the minority leader of the senate, whichever is a | 158 |
| member of the opposite political party from the one to which the | 159 |
| secretary of state belongs. | 160 |
| <u>(b) The secretary of state also shall appoint a</u> | 161 |
| <u>cybersecurity expert, who shall serve as a nonvoting member of</u> | 162 |

the board. 163

(3) In all cases of a tie vote or a disagreement in the 164
board, if no decision can be arrived at, the board shall submit 165
the matter in controversy to the secretary of state, who shall 166
summarily decide the question, and the secretary of state's 167
decision shall be final. Each member of the board shall be a 168
competent and experienced election officer or a person who is 169
knowledgeable about the operation of voting equipment and shall 170
serve during the secretary of state's term. Any vacancy on the 171
board shall be filled in the same manner as the original 172
appointment. The secretary of state shall provide staffing 173
assistance to the board, at the board's request. 174

(4) For the member's service, each member of the board 175
shall receive three hundred dollars per day for each combination 176
of marking device, tabulating equipment, voting machine, ~~or~~ 177
electronic pollbook, or voter registration system examined and 178
reported, but in no event shall a member receive more than six 179
hundred dollars to examine and report on any one marking device, 180
item of tabulating equipment, voting machine, ~~or~~ electronic 181
pollbook, or voter registration system. Each member of the board 182
shall be reimbursed for expenses the member incurs during an 183
examination or during the performance of any related duties that 184
may be required by the secretary of state. Reimbursement of 185
these expenses shall be made in accordance with, and shall not 186
exceed, the rates provided for under section 126.31 of the 187
Revised Code. 188

(5) Neither the secretary of state nor the board, nor any 189
public officer who participates in the authorization, 190
examination, testing, or purchase of equipment, shall have any 191
pecuniary interest in the equipment or any affiliation with the 192

vendor. 193

~~(C) (1) (D) (1)~~ A vendor who desires to have the secretary 194
of state certify equipment shall first submit the equipment, all 195
current related procedural manuals, and a current description of 196
all related support arrangements to the board of voting ~~machine-~~ 197
systems examiners for examination, testing, and approval. The 198
submission shall be accompanied by a fee of two thousand four 199
hundred dollars and a detailed explanation of the construction 200
and method of operation of the equipment, a full statement of 201
its advantages, and a list of the patents and copyrights used in 202
~~operations essential to the processes of vote recording and~~ 203
~~tabulating, vote storage, system security, pollbook storage and~~ 204
~~security, and other crucial operations of the equipment as may-~~ 205
~~be~~ determined by the board. An additional fee, in an amount to 206
be set by rules promulgated by the board, may be imposed to pay 207
for the costs of alternative testing or testing by persons other 208
than board members, record-keeping, and other extraordinary 209
costs incurred in the examination process. Moneys not used shall 210
be returned to the person or entity submitting the equipment for 211
examination. 212

(2) Fees collected by the secretary of state under this 213
section shall be deposited into the state treasury to the credit 214
of the board of voting ~~machine-~~systems examiners fund, which is 215
hereby created. All moneys credited to this fund shall be used 216
solely for the purpose of paying for the services and expenses 217
of each member of the board or for other expenses incurred 218
relating to the examination, testing, reporting, or 219
certification of equipment, the performance of any related 220
duties as required by the secretary of state, or the 221
reimbursement of any person submitting an examination fee as 222
provided in this chapter. 223

~~(D)~~ (E) Within sixty days after the submission of the 224
equipment and payment of the fee, or as soon thereafter as is 225
reasonably practicable, but in any event within not more than 226
ninety days after the submission and payment, the board of 227
voting ~~machine~~ systems examiners shall examine the equipment and 228
file with the secretary of state a written report on the 229
equipment with its recommendations and, if applicable, its 230
determination or condition of approval regarding whether the 231
equipment, manual, and other related materials or arrangements 232
meet the applicable criteria ~~set forth in sections 3506.07 and~~ 233
~~3506.10 of the Revised Code~~ and can be safely used by the voters 234
at elections under the conditions prescribed in Title XXXV of 235
the Revised Code, or a written statement of reasons for which 236
testing requires a longer period. The board may grant temporary 237
approval for the purpose of allowing experimental use of 238
equipment. If the board finds that the equipment meets any the 239
applicable criteria ~~set forth in sections 3506.06, 3506.07, and~~ 240
~~3506.10 of the Revised Code~~, can be used safely and, if 241
applicable, can be depended upon to record and count accurately 242
and continuously the votes of electors, and has the capacity to 243
be warranted, maintained, and serviced, it shall approve the 244
equipment and recommend that the secretary of state certify the 245
equipment. The secretary of state shall notify all boards of 246
elections of any such certification. Equipment of the same model 247
and make, if it operates in an identical manner, may then be 248
adopted for use ~~at elections~~. 249

~~(E)~~ (F) The vendor shall notify the secretary of state, 250
who shall then notify the board of voting ~~machine~~ systems 251
examiners, of any enhancement and any significant adjustment to 252
the hardware or software that could result in a patent or 253
copyright change or that significantly alters the ~~methods of~~ 254

~~recording voter intent, system security, voter privacy,~~ 255
~~retention of the vote, communication of records, and connections~~ 256
~~between the system and other systems~~ crucial operations of the 257
equipment as determined by the board. The vendor shall provide 258
the secretary of state with an updated operations manual for the 259
equipment, and the secretary of state shall forward the manual 260
to the board. Upon receiving such a notification and manual, the 261
board may require the vendor to submit the equipment to an 262
examination and test in order for the equipment to remain 263
certified. The board or the secretary of state shall 264
periodically examine, test, and inspect certified equipment to 265
determine continued compliance with ~~the~~ all applicable 266
~~requirements of this chapter~~ and the initial certification. Any 267
examination, test, or inspection conducted for the purpose of 268
continuing certification of any equipment in which a significant 269
problem has been uncovered or in which a record of continuing 270
problems exists shall be performed pursuant to divisions ~~(C)~~ (D) 271
and ~~(D)~~ (E) of this section, in the same manner as the 272
examination, test, or inspection is performed for initial 273
approval and certification. 274

~~(F)~~ (G) If, at any time after the certification of 275
equipment, the board of voting ~~machine~~ systems examiners or the 276
secretary of state is notified by a board of elections of any 277
significant problem with the equipment or determines that the 278
equipment fails to meet the requirements necessary for approval 279
or continued compliance with ~~the~~ all applicable requirements ~~of~~ 280
~~this chapter~~, or if the board of voting ~~machine~~ systems 281
examiners determines that there are significant enhancements or 282
adjustments to the hardware or software, or if notice of such 283
enhancements or adjustments has not been given as required by 284
division ~~(E)~~ (F) of this section, the secretary of state shall 285

notify the users and vendors of that equipment that 286
certification of the equipment may be withdrawn. 287

~~(G) (1)~~ (H) (1) The notice given by the secretary of state 288
under division ~~(F)~~ (G) of this section shall be in writing and 289
shall specify both of the following: 290

(a) The reasons why the certification may be withdrawn; 291

(b) The date on which certification will be withdrawn 292
unless the vendor takes satisfactory corrective measures or 293
explains why there are no problems with the equipment or why the 294
enhancements or adjustments to the equipment are not 295
significant. 296

(2) A vendor who receives a notice under division ~~(F)~~ (G) 297
of this section shall, within thirty days after receiving it, 298
submit to the board of voting ~~machine~~ systems examiners in 299
writing a description of the corrective measures taken and the 300
date on which they were taken, or the explanation required under 301
division ~~(G) (1) (b)~~ (H) (1) (b) of this section. 302

(3) Not later than fifteen days after receiving a written 303
description or explanation under division ~~(G) (2)~~ (H) (2) of this 304
section from a vendor, the board shall determine whether the 305
corrective measures taken or the explanation is satisfactory to 306
allow continued certification of the equipment, and the 307
secretary of state shall send the vendor a written notice of the 308
board's determination, specifying the reasons for it. If the 309
board has determined that the measures taken or the explanation 310
given is unsatisfactory, the notice shall include the effective 311
date of withdrawal of the certification. This date may be 312
different from the date originally specified in division ~~(G) (1)~~ 313
~~(b)~~ (H) (1) (b) of this section. 314

(4) A vendor who receives a notice under division ~~(G) (3)~~ 315
(H) (3) of this section indicating a decision to withdraw 316
certification may, within thirty days after receiving it, 317
request in writing that the board hold a hearing to reconsider 318
its decision. Any interested party shall be given the 319
opportunity to submit testimony or documentation in support of 320
or in opposition to the board's recommendation to withdraw 321
certification. Failure of the vendor to take appropriate steps 322
as described in division ~~(G) (1) (b)~~ (H) (1) (b) or to comply with 323
division ~~(G) (2)~~ (H) (2) of this section results in a waiver of 324
the vendor's rights under division ~~(G) (4)~~ (H) (4) of this 325
section. 326

~~(H) (1)~~ (I) (1) The secretary of state, in consultation with 327
the board of voting ~~machine systems~~ examiners, shall establish, 328
by rule, guidelines for the approval, certification, and 329
continued certification of the ~~voting machines, marking devices,~~ 330
~~tabulating equipment, and electronic pollbooks~~ to be used under 331
Title XXXV of the Revised Code. The guidelines shall establish 332
procedures requiring vendors or computer software developers to 333
place in escrow with an independent escrow agent approved by the 334
secretary of state a copy of all source code and related 335
documentation, together with periodic updates as they become 336
known or available. The secretary of state shall require that 337
the documentation include a system configuration and that the 338
source code include all relevant program statements in low- or 339
high-level languages. As used in this division, "source code" 340
does not include variable codes created for specific elections. 341

(2) Nothing in any rule adopted under division ~~(H)~~ (I) of 342
this section shall be construed to limit the ability of the 343
secretary of state to follow or adopt, or to preclude the 344
secretary of state from following or adopting, any guidelines 345

proposed by the federal election commission, any entity 346
authorized by the federal election commission to propose 347
guidelines, the election assistance commission, or any entity 348
authorized by the election assistance commission to propose 349
guidelines. 350

(3) (a) Before the initial certification of any direct 351
recording electronic voting machine with a voter verified paper 352
audit trail, and as a condition for the continued certification 353
and use of those machines, the secretary of state shall 354
establish, by rule, standards for the certification of those 355
machines. Those standards shall include, but are not limited to, 356
all of the following: 357

(i) A definition of a voter verified paper audit trail as 358
a paper record of the voter's choices that is verified by the 359
voter prior to the casting of the voter's ballot and that is 360
securely retained by the board of elections; 361

(ii) Requirements that the voter verified paper audit 362
trail shall not be retained by any voter and shall not contain 363
individual voter information; 364

(iii) A prohibition against the production by any direct 365
recording electronic voting machine of anything that legally 366
could be removed by the voter from the polling place, such as a 367
receipt or voter confirmation; 368

(iv) A requirement that paper used in producing a voter 369
verified paper audit trail be sturdy, clean, and resistant to 370
degradation; 371

(v) A requirement that the voter verified paper audit 372
trail shall be capable of being optically scanned for the 373
purpose of conducting a recount or other audit of the voting 374

machine and shall be readable in a manner that makes the voter's 375
ballot choices obvious to the voter without the use of computer 376
or electronic codes; 377

(vi) A requirement, for office-type ballots, that the 378
voter verified paper audit trail include the name of each 379
candidate selected by the voter; 380

(vii) A requirement, for questions and issues ballots, 381
that the voter verified paper audit trail include the title of 382
the question or issue, the name of the entity that placed the 383
question or issue on the ballot, and the voter's ballot 384
selection on that question or issue, but not the entire text of 385
the question or issue. 386

(b) The secretary of state, by rule adopted under Chapter 387
119. of the Revised Code, may waive the requirement under 388
division ~~(H) (3) (a) (v)~~ (I) (3) (a) (v) of this section, if the 389
secretary of state determines that the requirement is cost 390
prohibitive. 391

(4) (a) Except as otherwise provided in divisions ~~(H) (4) (b)~~ 392
(I) (4) (b) and (c) of this section, any ~~voting machine, marking-~~ 393
~~device, or automatic tabulating~~ equipment used in this state 394
shall meet, as a condition of continued certification and use, 395
the voting system standards adopted by the federal election 396
commission in 2002 or the voluntary voting system guidelines 397
most recently adopted by the federal election assistance 398
commission. ~~A voting machine, marking device, or automatic-~~ 399
~~tabulating equipment~~ Equipment initially certified or acquired 400
on or after December 1, 2008, also shall have the most recent 401
federal certification number issued by the election assistance 402
commission. 403

(b) Division ~~(H) (4) (a)~~ (I) (4) (a) of this section does not 404
apply to any ~~voting machine, marking device, or automatic~~ 405
~~tabulating~~ equipment that the federal election assistance 406
commission does not certify as part of its testing and 407
certification program. 408

(c) A county that acquires additional voting machines, 409
marking devices, or automatic tabulating equipment on or after 410
December 1, 2008, shall not be considered to have acquired those 411
machines, devices, or equipment on or after December 1, 2008, 412
for the purpose of division ~~(H) (4) (a)~~ (I) (4) (a) of this section 413
if all of the following apply: 414

(i) The voting machines, marking devices, or automatic 415
tabulating equipment acquired are the same as the machines, 416
devices, or equipment currently used in that county. 417

(ii) The acquisition of the voting machines, marking 418
devices, or automatic tabulating equipment does not replace or 419
change the primary voting system used in that county. 420

(iii) The acquisition of the voting machines, marking 421
devices, or automatic tabulating equipment is for the purpose of 422
replacing inoperable machines, devices, or equipment or for the 423
purpose of providing additional machines, devices, or equipment 424
required to meet the allocation requirements established 425
pursuant to division (I) of section 3501.11 of the Revised Code. 426

Sec. 3506.06. No marking device shall be approved by the 427
board of voting ~~machine systems~~ examiners or certified by the 428
secretary of state, or be purchased, rented, or otherwise 429
acquired, or used, unless it fulfills the following 430
requirements: 431

(A) It shall permit and require voting in absolute 432

secrecy, and shall be so constructed that no person can see or 433
know for whom any other elector has voted or is voting, except 434
an elector who is assisting a voter as prescribed by section 435
3505.24 of the Revised Code. 436

(B) It shall permit each elector to vote at any election 437
for all persons and offices for whom and for which the elector 438
is lawfully entitled to vote, whether or not the name of any 439
such person appears on a ballot as a candidate; to vote for as 440
many persons for an office as the elector is entitled to vote 441
for; and to vote for or against any question upon which the 442
elector is entitled to vote. 443

(C) It shall permit each elector to write in the names of 444
persons for whom the elector desires to vote, whose names do not 445
appear upon the ballot, if such write-in candidates are 446
permitted by law. 447

(D) It shall permit each elector, at all presidential 448
elections, by one mark to vote for candidates of one party for 449
president, vice president, and presidential electors. 450

(E) It shall be durably constructed of material of good 451
quality in a neat and workerlike manner, and in form that shall 452
make it safely transportable. 453

(F) It shall be so constructed that a voter may readily 454
learn the method of operating it and may expeditiously cast the 455
voter's vote for all candidates of the voter's choice. 456

(G) It shall not provide to a voter any type of receipt or 457
voter confirmation that the voter legally may retain after 458
leaving the polling place. 459

Sec. 3506.07. No automatic tabulating equipment shall be 460
approved by the board of voting ~~machine~~-systems examiners or 461

certified by the secretary of state, or be purchased, rented, or 462
otherwise acquired, or used, unless it has been or is capable of 463
being manufactured for use and distribution beyond a prototype 464
and can be set by election officials, to examine ballots and to 465
count votes accurately for each candidate, question, and issue, 466
excluding any ballots marked contrary to the instructions 467
printed on such ballots, provided that such equipment shall not 468
be required to count write-in votes or the votes on any ballots 469
that have been voted other than at the regular polling place on 470
election day. 471

Sec. 3506.10. No voting machine shall be approved by the 472
board of voting ~~machine~~-systems examiners or certified by the 473
secretary of state, or be purchased, rented, or otherwise 474
acquired, or used, except when specifically allowed for 475
experimental use, as provided in section 3506.04 of the Revised 476
Code, unless it fulfills the following requirements: 477

(A) It shall permit and require voting in absolute 478
secrecy, and shall be so constructed that no person can see or 479
know for whom any other elector has voted or is voting, except 480
an elector who is assisting a voter as prescribed by section 481
3505.24 of the Revised Code. 482

(B) It shall permit each elector to vote at any election 483
for all persons and offices for whom and for which the elector 484
is lawfully entitled to vote, whether or not the name of any 485
such person appears on a ballot label as a candidate; to vote 486
for as many persons for an office as the elector is entitled to 487
vote for; and to vote for or against any question upon which the 488
elector is entitled to vote. 489

(C) It shall preclude each elector from voting for any 490
candidate or upon any question for whom or upon which the 491

elector is not entitled to vote, from voting for more persons 492
for any office than the elector is entitled to vote for, and 493
from voting for any candidates for the same office or upon any 494
question more than once. 495

(D) It shall permit each voter to deposit, write in, or 496
affix, upon devices provided for that purpose, ballots 497
containing the names of persons for whom the voter desires to 498
vote, whose names do not appear upon the voting machine. Those 499
devices shall be susceptible of identification as to party 500
affiliations when used at a primary election. 501

(E) It shall permit each elector to change the elector's 502
vote for any candidate or upon any question appearing upon the 503
ballot labels, up to the time the elector starts to register the 504
elector's vote. 505

(F) It shall permit each elector, at all presidential 506
elections, by one device to vote for candidates of one party for 507
president, vice-president, and presidential electors. 508

(G) It shall be capable of adjustment by election officers 509
so as to permit each elector, at a primary election, to vote 510
only for the candidates of the party with which the elector has 511
declared the elector's affiliation and shall preclude the 512
elector from voting for any candidate seeking nomination by any 513
other political party; and to vote for the candidates for 514
nonpartisan nomination or election. 515

(H) It shall have separate voting devices for candidates 516
and questions, which shall be arranged in separate rows or 517
columns. It shall be so arranged that one or more adjacent rows 518
or columns may be assigned to the candidates of each political 519
party at primary elections. 520

(I) It shall have a counter, or other device, the register 521
of which is visible from the outside of the machine, and which 522
will show at any time during the voting the total number of 523
electors who have voted; and also a protective counter, or other 524
device, the register of which cannot be reset, which will record 525
the cumulative total number of movements of the internal 526
counters. 527

(J) It shall be provided with locks and seals by the use 528
of which, immediately after the polls are closed or the 529
operation of the machine for an election is completed, no 530
further changes to the internal counters can be allowed. 531

(K) It shall have the capacity to contain the names of 532
candidates constituting the tickets of at least five political 533
parties, and independent groups and such number of questions not 534
exceeding fifteen as the secretary of state shall specify. 535

(L) It shall be durably constructed of material of good 536
quality in a neat and workerlike manner, and in form that shall 537
make it safely transportable. 538

(M) It shall be so constructed that a voter may readily 539
learn the method of operating it, may expeditiously cast a vote 540
for all candidates of the voter's choice, and when operated 541
properly shall register and record correctly and accurately 542
every vote cast. 543

(N) It shall be provided with a screen, hood, or curtain, 544
which will conceal the voter while voting. During the voting, it 545
shall preclude every person from seeing or knowing the number of 546
votes registered for any candidate or question and from 547
tampering with any of the internal counters. 548

(O) It shall not provide to a voter any type of receipt or 549

voter confirmation that the voter legally may retain after 550
leaving the polling place. 551

(P) On and after the first federal election that occurs 552
after January 1, 2006, unless required sooner by the Help 553
America Vote Act of 2002, if the voting machine is a direct 554
recording electronic voting machine, it shall include a voter 555
verified paper audit trail. 556

Before any voting machine is purchased, rented, or 557
otherwise acquired, or used, the person or corporation owning or 558
manufacturing that machine or having the legal right to control 559
the use of that machine shall give an adequate guarantee in 560
writing and post a bond in an amount sufficient to cover the 561
cost of any recount or new election resulting from or directly 562
related to the use or malfunction of the equipment, accompanied 563
by satisfactory surety, all as determined by the secretary of 564
state, with the board of county commissioners, guaranteeing and 565
securing that those machines have been and continue to be 566
certified by the secretary of state in accordance with section 567
3506.05 of the Revised Code, comply fully with the requirements 568
of this section, and will correctly, accurately, and 569
continuously register and record every vote cast, and further 570
guaranteeing those machines against defects in workmanship and 571
materials for a period of five years from the date of their 572
acquisition. 573

Sec. 3506.16. (A) The secretary of state shall adopt 574
standards for the security and integrity of voter registration 575
systems. Except as otherwise provided in division (B) of this 576
section, no voter registration system shall be approved by the 577
board of voting systems examiners, certified by the secretary of 578
state, or acquired by the secretary of state or a board of 579

elections, unless it meets those standards. 580

(B) Notwithstanding any contrary provision of this 581
chapter, a county that used a voter registration system before 582
the effective date of this section may continue to use that 583
system until the county acquires a new voter registration 584
system, which shall meet the requirements of this chapter. 585

Sec. 3513.041. A write-in space shall be provided on the 586
ballot for every office, except in an election for which the 587
board of elections has received no valid declarations of intent 588
to be a write-in candidate under this section. Write-in votes 589
shall not be counted for any candidate who has not filed a 590
declaration of intent to be a write-in candidate pursuant to 591
this section. A qualified person who has filed a declaration of 592
intent may receive write-in votes at either a primary or general 593
election. Any candidate shall file a declaration of intent to be 594
a write-in candidate before four p.m. of the seventy-second day 595
preceding the election at which such candidacy is to be 596
considered. If the election is to be determined by electors of a 597
county or a district or subdivision within the county, such 598
declaration shall be filed with the board of elections of that 599
county. If the election is to be determined by electors of a 600
subdivision located in more than one county, such declaration 601
shall be filed with the board of elections of the county in 602
which the major portion of the population of such subdivision is 603
located. If the election is to be determined by electors of a 604
district comprised of more than one county but less than all of 605
the counties of the state, such declaration shall be filed with 606
the board of elections of the most populous county in such 607
district. Any candidate for an office to be voted upon by 608
electors throughout the entire state shall file a declaration of 609
intent to be a write-in candidate with the secretary of state 610

before four p.m. of the seventy-second day preceding the 611
election at which such candidacy is to be considered. In 612
addition, candidates for president and vice-president of the 613
United States shall also file with the secretary of state by 614
that seventy-second day a slate of presidential electors 615
sufficient in number to satisfy the requirements of the United 616
States constitution. 617

A board of elections shall not accept for filing the 618
declaration of intent to be a write-in candidate of a person 619
seeking to become a candidate if that person, for the same 620
election, has already filed a declaration of candidacy, a 621
declaration of intent to be a write-in candidate, or a 622
nominating petition, or has become a candidate through party 623
nomination at a primary election or by the filling of a vacancy 624
under section 3513.30 or 3513.31 of the Revised Code, for any 625
federal, state, or county office, if the declaration of intent 626
to be a write-in candidate is for a state or county office, or 627
for any municipal or township office, for member of a city, 628
local, or exempted village board of education, or for member of 629
a governing board of an educational service center, if the 630
declaration of intent to be a write-in candidate is for a 631
municipal or township office, or for member of a city, local, or 632
exempted village board of education, or for member of a 633
governing board of an educational service center. 634

No person shall file a declaration of intent to be a 635
write-in candidate for the office of governor unless the 636
declaration also shows the intent of another person to be a 637
write-in candidate for the office of lieutenant governor. No 638
person shall file a declaration of intent to be a write-in 639
candidate for the office of lieutenant governor unless the 640
declaration also shows the intent of another person to be a 641

write-in candidate for the office of governor. No person shall 642
file a declaration of intent to be a write-in candidate for the 643
office of governor or lieutenant governor if the person has 644
previously filed a declaration of intent to be a write-in 645
candidate to the office of governor or lieutenant governor at 646
the same primary or general election. A write-in vote for the 647
two candidates who file such a declaration shall be counted as a 648
vote for them as joint candidates for the offices of governor 649
and lieutenant governor. 650

The secretary of state shall not accept for filing the 651
declaration of intent to be a write-in candidate of a person for 652
the office of governor unless the declaration also shows the 653
intent of another person to be a write-in candidate for the 654
office of lieutenant governor, shall not accept for filing the 655
declaration of intent to be a write-in candidate of a person for 656
the office of lieutenant governor unless the declaration also 657
shows the intent of another person to be a write-in candidate 658
for the office of governor, and shall not accept for filing the 659
declaration of intent to be a write-in candidate of a person to 660
the office of governor or lieutenant governor if that person, 661
for the same election, has already filed a declaration of 662
candidacy, a declaration of intent to be a write-in candidate, 663
or a nominating petition, or has become a candidate through 664
party nomination at a primary election or by the filling of a 665
vacancy under section 3513.30 or 3513.31 of the Revised Code, 666
for any other state office or any federal or county office. 667

Protests against the candidacy of any person filing a 668
declaration of intent to be a write-in candidate may be filed by 669
any qualified elector who is eligible to vote in the election at 670
which the candidacy is to be considered. The protest shall be in 671
writing and shall be filed not later than four p.m. of the 672

sixty-seventh day before the day of the election. The protest 673
shall be filed with the ~~board of elections~~ election officials 674
with ~~which whom~~ the declaration of intent to be a write-in 675
candidate was filed. Upon the filing of the protest, the ~~board~~ 676
election officials with ~~which whom~~ it is filed shall promptly 677
fix the time for hearing it and shall proceed in regard to the 678
hearing in the same manner as for hearings set for protests 679
filed under section 3513.05 of the Revised Code. At the time 680
fixed, the ~~board~~ election officials shall hear the protest and 681
shall determine the validity or invalidity of the declaration of 682
intent to be a write-in candidate not later than the fifty- 683
seventh day before the day of the election. If the ~~board finds~~ 684
election officials find that the candidate is not an elector of 685
the state, district, county, or political subdivision in which 686
the candidate seeks election to office or has not fully complied 687
with the requirements of Title XXXV of the Revised Code in 688
regard to the candidate's candidacy, the candidate's declaration 689
of intent to be a write-in candidate shall be determined to be 690
invalid and shall be rejected; otherwise, it shall be determined 691
to be valid. The determination of the ~~board~~ election officials 692
is final. 693

The secretary of state shall prescribe the form of the 694
declaration of intent to be a write-in candidate. 695

Sec. 3513.05. Each person desiring to become a candidate 696
for a party nomination at a primary election or for election to 697
an office or position to be voted for at a primary election, 698
except persons desiring to become joint candidates for the 699
offices of governor and lieutenant governor and except as 700
otherwise provided in section 3513.051 of the Revised Code, 701
shall, not later than four p.m. of the ninetieth day before the 702
day of the primary election, file a declaration of candidacy and 703

petition and pay the fees required under divisions (A) and (B) 704
of section 3513.10 of the Revised Code. The declaration of 705
candidacy and all separate petition papers shall be filed at the 706
same time as one instrument. When the offices are to be voted 707
for at a primary election, persons desiring to become joint 708
candidates for the offices of governor and lieutenant governor 709
shall, not later than four p.m. of the ninetieth day before the 710
day of the primary election, comply with section 3513.04 of the 711
Revised Code. The prospective joint candidates' declaration of 712
candidacy and all separate petition papers of candidacies shall 713
be filed at the same time as one instrument. The secretary of 714
state or a board of elections shall not accept for filing a 715
declaration of candidacy and petition of a person seeking to 716
become a candidate if that person, for the same election, has 717
already filed a declaration of candidacy or a declaration of 718
intent to be a write-in candidate, or has become a candidate by 719
the filling of a vacancy under section 3513.30 of the Revised 720
Code for any federal, state, or county office, if the 721
declaration of candidacy is for a state or county office, or for 722
any municipal or township office, if the declaration of 723
candidacy is for a municipal or township office. 724

If the declaration of candidacy declares a candidacy which 725
is to be submitted to electors throughout the entire state, the 726
petition, including a petition for joint candidates for the 727
offices of governor and lieutenant governor, shall be signed by 728
at least one thousand qualified electors who are members of the 729
same political party as the candidate or joint candidates, and 730
the declaration of candidacy and petition shall be filed with 731
the secretary of state; provided that the secretary of state 732
shall not accept or file any such petition appearing on its face 733
to contain signatures of more than three thousand electors. 734

Except as otherwise provided in this paragraph, if the 735
declaration of candidacy is of one that is to be submitted only 736
to electors within a district, political subdivision, or portion 737
thereof, the petition shall be signed by not less than fifty 738
qualified electors who are members of the same political party 739
as the political party of which the candidate is a member. If 740
the declaration of candidacy is for party nomination as a 741
candidate for member of the legislative authority of a municipal 742
corporation elected by ward, the petition shall be signed by not 743
less than twenty-five qualified electors who are members of the 744
political party of which the candidate is a member. 745

No such petition, except the petition for a candidacy that 746
is to be submitted to electors throughout the entire state, 747
shall be accepted for filing if it appears to contain on its 748
face signatures of more than three times the minimum number of 749
signatures. When a petition of a candidate has been accepted for 750
filing by a board of elections, the petition shall not be deemed 751
invalid if, upon verification of signatures contained in the 752
petition, the board of elections finds the number of signatures 753
accepted exceeds three times the minimum number of signatures 754
required. A board of elections may discontinue verifying 755
signatures on petitions when the number of verified signatures 756
equals the minimum required number of qualified signatures. 757

If the declaration of candidacy declares a candidacy for 758
party nomination or for election as a candidate of a minor 759
party, the minimum number of signatures on such petition is one- 760
half the minimum number provided in this section, except that, 761
when the candidacy is one for election as a member of the state 762
central committee or the county central committee of a political 763
party, the minimum number shall be the same for a minor party as 764
for a major party. 765

If a declaration of candidacy is one for election as a member of the state central committee or the county central committee of a political party, the petition shall be signed by five qualified electors of the district, county, ward, township, or precinct within which electors may vote for such candidate. The electors signing such petition shall be members of the same political party as the political party of which the candidate is a member.

For purposes of signing or circulating a petition of candidacy for party nomination or election, an elector is considered to be a member of a political party if the elector voted in that party's primary election within the preceding two calendar years, or if the elector did not vote in any other party's primary election within the preceding two calendar years.

If the declaration of candidacy is of one that is to be submitted only to electors within a county, or within a district or subdivision or part thereof smaller than a county, the petition shall be filed with the board of elections of the county. If the declaration of candidacy is of one that is to be submitted only to electors of a district or subdivision or part thereof that is situated in more than one county, the petition shall be filed with the board of elections of the county within which the major portion of the population thereof, as ascertained by the next preceding federal census, is located.

A petition shall consist of separate petition papers, each of which shall contain signatures of electors of only one county. Petitions or separate petition papers containing signatures of electors of more than one county shall not thereby be declared invalid. In case petitions or separate petition

papers containing signatures of electors of more than one county 796
are filed, the board shall determine the county from which the 797
majority of signatures came, and only signatures from such 798
county shall be counted. Signatures from any other county shall 799
be invalid. 800

Each separate petition paper shall be circulated by one 801
person only, who shall be the candidate or a joint candidate or 802
a member of the same political party as the candidate or joint 803
candidates, and each separate petition paper shall be governed 804
by the rules set forth in section 3501.38 of the Revised Code. 805

The secretary of state shall promptly transmit to each 806
board such separate petition papers of each petition 807
accompanying a declaration of candidacy filed with the secretary 808
of state as purport to contain signatures of electors of the 809
county of such board. The board of the most populous county of a 810
district shall promptly transmit to each board within such 811
district such separate petition papers of each petition 812
accompanying a declaration of candidacy filed with it as purport 813
to contain signatures of electors of the county of each such 814
board. The board of a county within which the major portion of 815
the population of a subdivision, situated in more than one 816
county, is located, shall promptly transmit to the board of each 817
other county within which a portion of such subdivision is 818
located such separate petition papers of each petition 819
accompanying a declaration of candidacy filed with it as purport 820
to contain signatures of electors of the portion of such 821
subdivision in the county of each such board. 822

All petition papers so transmitted to a board and all 823
petitions accompanying declarations of candidacy filed with a 824
board shall, under proper regulations, be open to public 825

inspection until four p.m. of the eightieth day before the day 826
of the next primary election. Each board shall, not later than 827
the seventy-eighth day before the day of that primary election, 828
examine and determine the validity or invalidity of the 829
signatures on the petition papers so transmitted to or filed 830
with it and shall return to the secretary of state all petition 831
papers transmitted to it by the secretary of state, together 832
with its certification of its determination as to the validity 833
or invalidity of signatures thereon, and shall return to each 834
other board all petition papers transmitted to it by such board, 835
together with its certification of its determination as to the 836
validity or invalidity of the signatures thereon. All other 837
matters affecting the validity or invalidity of such petition 838
papers shall be determined by the secretary of state or the 839
board with whom such petition papers were filed. 840

Protests against the candidacy of any person filing a 841
declaration of candidacy for party nomination or for election to 842
an office or position, as provided in this section, may be filed 843
by any qualified elector who is a member of the same political 844
party as the candidate and who is eligible to vote at the 845
primary election for the candidate whose declaration of 846
candidacy the elector objects to, or by the controlling 847
committee of that political party. The protest shall be in 848
writing, and shall be filed not later than four p.m. of the 849
seventy-fourth day before the day of the primary election. The 850
protest shall be filed with the election officials with whom the 851
declaration of candidacy and petition was filed. Upon the filing 852
of the protest, the election officials with whom it is filed 853
shall promptly fix the time for hearing it, and shall forthwith 854
mail notice of the filing of the protest and the time fixed for 855
hearing to the person whose candidacy is so protested. They 856

shall also forthwith mail notice of the time fixed for such 857
hearing to the person who filed the protest. At the time fixed, 858
such election officials shall hear the protest and shall 859
determine the validity or invalidity of the declaration of 860
candidacy and petition not later than the sixty-fourth day 861
before the day of the primary election. If they find that such 862
candidate is not an elector of the state, district, county, or 863
political subdivision in which the candidate seeks a party 864
nomination or election to an office or position, or has not 865
fully complied with this chapter, the candidate's declaration of 866
candidacy and petition shall be determined to be invalid and 867
shall be rejected; otherwise, it shall be determined to be 868
valid. That determination shall be final. 869

A protest against the candidacy of any persons filing a 870
declaration of candidacy for joint party nomination to the 871
offices of governor and lieutenant governor shall be filed, 872
heard, and determined in the same manner as a protest against 873
the candidacy of any person filing a declaration of candidacy 874
singly. 875

The secretary of state shall, on the seventieth day before 876
the day of a primary election, certify to each board in the 877
state the forms of the official ballots to be used at the 878
primary election, together with the names of the candidates to 879
be printed on the ballots whose nomination or election is to be 880
determined by electors throughout the entire state and who filed 881
valid declarations of candidacy and petitions. 882

The board of the most populous county in a district 883
comprised of more than one county but less than all of the 884
counties of the state shall, on the seventieth day before the 885
day of a primary election, certify to the board of each county 886

in the district the names of the candidates to be printed on the 887
official ballots to be used at the primary election, whose 888
nomination or election is to be determined only by electors 889
within the district and who filed valid declarations of 890
candidacy and petitions. 891

The board of a county within which the major portion of 892
the population of a subdivision smaller than the county and 893
situated in more than one county is located shall, on the 894
seventieth day before the day of a primary election, certify to 895
the board of each county in which a portion of that subdivision 896
is located the names of the candidates to be printed on the 897
official ballots to be used at the primary election, whose 898
nomination or election is to be determined only by electors 899
within that subdivision and who filed valid declarations of 900
candidacy and petitions. 901

Sec. 3513.262. The nominating petitions of all candidates 902
required to be filed before four p.m. of the day before the day 903
of the primary election immediately preceding the general 904
election shall be processed as follows: 905

If such petition is filed with the secretary of state, the 906
secretary of state shall, not later than the fifteenth day of 907
June following the filing of such petition, or if the primary 908
election was a presidential primary election, not later than the 909
end of the sixth week after the day of that election, transmit 910
to each board such separate petition papers as purport to 911
contain signatures of electors of the county of such board. If 912
such petition is filed with the board of the most populous 913
county of a district or of a county in which the major portion 914
of the population of a subdivision is located, such board shall, 915
not later than the fifteenth day of June, or if the primary 916

election was a presidential primary election, not later than the 917
end of the sixth week after the day of that election, transmit 918
to each board within such district such separate petition papers 919
of the petition as purport to contain signatures of electors of 920
the county of such board. 921

All petition papers so transmitted to a board and all 922
nominating petitions filed with a board shall, under proper 923
regulations, be open to public inspection from the fifteenth day 924
of June until four p.m. of the thirtieth day of that month, or 925
if the primary election was a presidential primary election, 926
from the end of the sixth week after the election until four 927
p.m. of the end of the seventh week after the election. Each 928
board shall, not later than the next fifteenth day of July, or 929
if the primary election was a presidential primary election, not 930
later than the end of the tenth week after the day of that 931
election, examine and determine the sufficiency of the 932
signatures on the petition papers transmitted to or filed with 933
it, and the validity of the petitions filed with it, and shall 934
return to the secretary of state all petition papers transmitted 935
to it by the secretary of state, together with its certification 936
of its determination as to the validity or invalidity of 937
signatures thereon, and shall return to each other board all 938
petition papers transmitted to it by such other board, as 939
provided in this section, together with its certification of its 940
determination as to the validity or invalidity of signatures 941
thereon. A signature on a nominating petition is not valid if it 942
is dated more than one year before the date the nominating 943
petition was filed. All other matters affecting the validity or 944
invalidity of such petition papers shall be determined by the 945
secretary of state or the board with whom such petition papers 946
were filed. 947

Written protests against nominating petitions may be filed 948
by any qualified elector eligible to vote for the candidate 949
whose nominating petition the elector objects to, not later than 950
four p.m. of the thirtieth day of July, or if the primary 951
election was a presidential primary election, not later than the 952
end of the twelfth week after the day of that election. Such 953
protests shall be filed with the election officials with whom 954
the nominating petition was filed. Upon the filing of such 955
protest, the election officials with whom it is filed shall 956
promptly fix the time and place for hearing it, and shall 957
forthwith mail notice of the filing of such protest and the time 958
and place for hearing it to the person whose nomination is 959
protested. They shall also forthwith mail notice of the time and 960
place fixed for the hearing to the person who filed the protest. 961
At the time fixed, such election officials shall hear the 962
protest and shall determine the validity or invalidity of the 963
petition not later than the tenth day after the deadline to file 964
a protest against the petition. Such determination shall be 965
final. 966

A protest against the nominating petition filed by joint 967
candidates for the offices of governor and lieutenant governor 968
shall be filed, heard, and determined in the same manner as a 969
protest against the nominating petition of a candidate who files 970
individually. 971

Sec. 3513.263. The nominating petitions of all candidates 972
required to be filed before four p.m. of the ninetieth day 973
before the day of the general election, shall be processed as 974
follows: 975

If such petition is filed with the secretary of state, the 976
secretary of state shall promptly transmit to each board such 977

separate petition papers as purports to contain signatures of 978
electors of the county of such board. 979

If such petition is filed with the board of a county in 980
which the major portion of the population of a subdivision is 981
located, such board shall promptly transmit to the board of each 982
county in which other portions of such subdivision are located 983
such separate petition papers of the petition as purport to 984
contain signatures of electors of such county. 985

All petition papers so transmitted to a board of 986
elections, and all nominating petitions filed with a board of 987
elections shall, under proper regulation, be open to public 988
inspection until four p.m. of the eightieth day before the day 989
of such general election. Each board shall, not later than the 990
seventy-eighth day before the day of such general election 991
examine and determine the sufficiency of the signatures on the 992
petition papers transmitted to or filed with it and the validity 993
or invalidity of petitions filed with it, and shall return to 994
each other board all petition papers transmitted to it by such 995
other board, together with its certification of its 996
determination as to the validity or invalidity of signatures 997
thereon. A signature on a nominating petition is not valid if it 998
is dated more than one year before the date the nominating 999
petition was filed. All other matters affecting the validity or 1000
invalidity of such petition papers shall be determined by the 1001
board with whom such petition papers were filed. 1002

Written protests against such nominating petitions may be 1003
filed by any qualified elector eligible to vote for the 1004
candidate whose nominating petition the elector objects to, not 1005
later than the seventy-fourth day before the general election. 1006
Such protests shall be filed with the election officials with 1007

whom the nominating petition was filed. Upon the filing of such 1008
protests, the election officials with whom it is filed shall 1009
promptly fix the time and place for hearing it, and shall 1010
forthwith mail notice of the filing of such protest and the time 1011
and place for hearing it to the person whose nomination is 1012
protested. They shall also forthwith mail notice of the time and 1013
place fixed for the hearing to the person who filed the protest. 1014
At the time and place fixed, such election officials shall hear 1015
the protest and shall determine the validity or invalidity of 1016
the petition not later than the sixty-fourth day before the day 1017
of the general election. Such determination shall be final. 1018

Section 2. That existing sections 3506.01, 3506.04, 1019
3506.05, 3506.06, 3506.07, 3506.10, 3513.041, 3513.05, 3513.262, 1020
and 3513.263 of the Revised Code are hereby repealed. 1021

Section 3. That sections 109.32, 109.572, 2915.01, 1022
2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.093, 1023
2915.095, 2915.10, 2915.101, 2915.12, and 2915.13 be amended and 1024
sections 2915.14 and 2915.15 of the Revised Code be enacted to 1025
read as follows: 1026

Sec. 109.32. (A) All annual filing fees obtained by the 1027
attorney general pursuant to section 109.31 of the Revised Code, 1028
all receipts obtained from the sale of the charitable 1029
foundations directory, all registration fees received by the 1030
attorney general, bond forfeitures, awards of costs and 1031
attorney's fees, and civil penalties assessed under Chapter 1032
1716. of the Revised Code, all license fees received by the 1033
attorney general under section 2915.08, 2915.081, or 2915.082 of 1034
the Revised Code, all fees received by the attorney general 1035
under section 2915.15 of the Revised Code, and all filing fees 1036
received by the attorney general under divisions (F) and (G) of 1037

section 2915.02 of the Revised Code, shall be paid into the 1038
state treasury to the credit of the charitable law fund. ~~The~~ 1039

(B) (1) Except as otherwise provided in divisions (B) (2) 1040
and (3) of this section, the charitable law fund shall be used 1041
insofar as its moneys are available for the expenses of the 1042
charitable law section of the office of the attorney general, ~~—~~ 1043
~~except that all.~~ 1044

(2) All annual license fees that are received by the 1045
attorney general under section 2915.08, 2915.081, or 2915.082 of 1046
the Revised Code, and all filing fees received by the attorney 1047
general under divisions (F) and (G) of section 2915.02 of the 1048
Revised Code, that are credited to the fund shall be used by the 1049
attorney general, or any law enforcement agency in cooperation 1050
with the attorney general, for the purposes specified in 1051
division (H) of section 2915.10 of the Revised Code and to 1052
administer and enforce Chapter 2915. of the Revised Code. ~~The~~ 1053

(3) All fees received by the attorney general under 1054
section 2915.15 of the Revised Code that are credited to the 1055
fund shall be used for the purposes specified in that section. 1056

(C) The expenses of the charitable law section in excess 1057
of moneys available in the charitable law fund shall be paid out 1058
of regular appropriations to the office of the attorney general. 1059

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 1060
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 1061
Code, a completed form prescribed pursuant to division (C) (1) of 1062
this section, and a set of fingerprint impressions obtained in 1063
the manner described in division (C) (2) of this section, the 1064
superintendent of the bureau of criminal identification and 1065
investigation shall conduct a criminal records check in the 1066

manner described in division (B) of this section to determine 1067
whether any information exists that indicates that the person 1068
who is the subject of the request previously has been convicted 1069
of or pleaded guilty to any of the following: 1070

(a) A violation of section 2903.01, 2903.02, 2903.03, 1071
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1072
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1073
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1074
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 1075
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 1076
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 1077
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 1078
sexual penetration in violation of former section 2907.12 of the 1079
Revised Code, a violation of section 2905.04 of the Revised Code 1080
as it existed prior to July 1, 1996, a violation of section 1081
2919.23 of the Revised Code that would have been a violation of 1082
section 2905.04 of the Revised Code as it existed prior to July 1083
1, 1996, had the violation been committed prior to that date, or 1084
a violation of section 2925.11 of the Revised Code that is not a 1085
minor drug possession offense; 1086

(b) A violation of an existing or former law of this 1087
state, any other state, or the United States that is 1088
substantially equivalent to any of the offenses listed in 1089
division (A)(1)(a) of this section; 1090

(c) If the request is made pursuant to section 3319.39 of 1091
the Revised Code for an applicant who is a teacher, any offense 1092
specified in section 3319.31 of the Revised Code. 1093

(2) On receipt of a request pursuant to section 3712.09 or 1094
3721.121 of the Revised Code, a completed form prescribed 1095
pursuant to division (C)(1) of this section, and a set of 1096

fingerprint impressions obtained in the manner described in 1097
division (C) (2) of this section, the superintendent of the 1098
bureau of criminal identification and investigation shall 1099
conduct a criminal records check with respect to any person who 1100
has applied for employment in a position for which a criminal 1101
records check is required by those sections. The superintendent 1102
shall conduct the criminal records check in the manner described 1103
in division (B) of this section to determine whether any 1104
information exists that indicates that the person who is the 1105
subject of the request previously has been convicted of or 1106
pleaded guilty to any of the following: 1107

(a) A violation of section 2903.01, 2903.02, 2903.03, 1108
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1109
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1110
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1111
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1112
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 1113
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 1114
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 1115
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 1116

(b) An existing or former law of this state, any other 1117
state, or the United States that is substantially equivalent to 1118
any of the offenses listed in division (A) (2) (a) of this 1119
section. 1120

(3) On receipt of a request pursuant to section 173.27, 1121
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 1122
5123.081, or 5123.169 of the Revised Code, a completed form 1123
prescribed pursuant to division (C) (1) of this section, and a 1124
set of fingerprint impressions obtained in the manner described 1125
in division (C) (2) of this section, the superintendent of the 1126

bureau of criminal identification and investigation shall 1127
conduct a criminal records check of the person for whom the 1128
request is made. The superintendent shall conduct the criminal 1129
records check in the manner described in division (B) of this 1130
section to determine whether any information exists that 1131
indicates that the person who is the subject of the request 1132
previously has been convicted of, has pleaded guilty to, or 1133
(except in the case of a request pursuant to section 5164.34, 1134
5164.341, or 5164.342 of the Revised Code) has been found 1135
eligible for intervention in lieu of conviction for any of the 1136
following, regardless of the date of the conviction, the date of 1137
entry of the guilty plea, or (except in the case of a request 1138
pursuant to section 5164.34, 5164.341, or 5164.342 of the 1139
Revised Code) the date the person was found eligible for 1140
intervention in lieu of conviction: 1141

(a) A violation of section 959.13, 959.131, 2903.01, 1142
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 1143
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 1144
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 1145
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1146
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 1147
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 1148
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 1149
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 1150
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 1151
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 1152
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 1153
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 1154
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 1155
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 1156
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 1157

2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 1158
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 1159
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 1160

(b) Felonious sexual penetration in violation of former 1161
section 2907.12 of the Revised Code; 1162

(c) A violation of section 2905.04 of the Revised Code as 1163
it existed prior to July 1, 1996; 1164

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 1165
the Revised Code when the underlying offense that is the object 1166
of the conspiracy, attempt, or complicity is one of the offenses 1167
listed in divisions (A) (3) (a) to (c) of this section; 1168

(e) A violation of an existing or former municipal 1169
ordinance or law of this state, any other state, or the United 1170
States that is substantially equivalent to any of the offenses 1171
listed in divisions (A) (3) (a) to (d) of this section. 1172

(4) On receipt of a request pursuant to section 2151.86 or 1173
2151.904 of the Revised Code, a completed form prescribed 1174
pursuant to division (C) (1) of this section, and a set of 1175
fingerprint impressions obtained in the manner described in 1176
division (C) (2) of this section, the superintendent of the 1177
bureau of criminal identification and investigation shall 1178
conduct a criminal records check in the manner described in 1179
division (B) of this section to determine whether any 1180
information exists that indicates that the person who is the 1181
subject of the request previously has been convicted of or 1182
pleaded guilty to any of the following: 1183

(a) A violation of section 959.13, 2903.01, 2903.02, 1184
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 1185
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 1186

2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1187
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 1188
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 1189
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 1190
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 1191
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1192
2927.12, or 3716.11 of the Revised Code, a violation of section 1193
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1194
a violation of section 2919.23 of the Revised Code that would 1195
have been a violation of section 2905.04 of the Revised Code as 1196
it existed prior to July 1, 1996, had the violation been 1197
committed prior to that date, a violation of section 2925.11 of 1198
the Revised Code that is not a minor drug possession offense, 1199
two or more OVI or OVUAC violations committed within the three 1200
years immediately preceding the submission of the application or 1201
petition that is the basis of the request, or felonious sexual 1202
penetration in violation of former section 2907.12 of the 1203
Revised Code; 1204

(b) A violation of an existing or former law of this 1205
state, any other state, or the United States that is 1206
substantially equivalent to any of the offenses listed in 1207
division (A) (4) (a) of this section. 1208

(5) Upon receipt of a request pursuant to section 5104.013 1209
of the Revised Code, a completed form prescribed pursuant to 1210
division (C) (1) of this section, and a set of fingerprint 1211
impressions obtained in the manner described in division (C) (2) 1212
of this section, the superintendent of the bureau of criminal 1213
identification and investigation shall conduct a criminal 1214
records check in the manner described in division (B) of this 1215
section to determine whether any information exists that 1216
indicates that the person who is the subject of the request has 1217

been convicted of or pleaded guilty to any of the following: 1218

(a) A violation of section 2151.421, 2903.01, 2903.02, 1219
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1220
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 1221
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1222
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 1223
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1224
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 1225
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 1226
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 1227
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 1228
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 1229
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 1230
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 1231
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 1232
3716.11 of the Revised Code, felonious sexual penetration in 1233
violation of former section 2907.12 of the Revised Code, a 1234
violation of section 2905.04 of the Revised Code as it existed 1235
prior to July 1, 1996, a violation of section 2919.23 of the 1236
Revised Code that would have been a violation of section 2905.04 1237
of the Revised Code as it existed prior to July 1, 1996, had the 1238
violation been committed prior to that date, a violation of 1239
section 2925.11 of the Revised Code that is not a minor drug 1240
possession offense, a violation of section 2923.02 or 2923.03 of 1241
the Revised Code that relates to a crime specified in this 1242
division, or a second violation of section 4511.19 of the 1243
Revised Code within five years of the date of application for 1244
licensure or certification. 1245

(b) A violation of an existing or former law of this 1246
state, any other state, or the United States that is 1247
substantially equivalent to any of the offenses or violations 1248

described in division (A) (5) (a) of this section. 1249

(6) Upon receipt of a request pursuant to section 5153.111 1250
of the Revised Code, a completed form prescribed pursuant to 1251
division (C) (1) of this section, and a set of fingerprint 1252
impressions obtained in the manner described in division (C) (2) 1253
of this section, the superintendent of the bureau of criminal 1254
identification and investigation shall conduct a criminal 1255
records check in the manner described in division (B) of this 1256
section to determine whether any information exists that 1257
indicates that the person who is the subject of the request 1258
previously has been convicted of or pleaded guilty to any of the 1259
following: 1260

(a) A violation of section 2903.01, 2903.02, 2903.03, 1261
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1262
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1263
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1264
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 1265
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 1266
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 1267
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 1268
Code, felonious sexual penetration in violation of former 1269
section 2907.12 of the Revised Code, a violation of section 1270
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1271
a violation of section 2919.23 of the Revised Code that would 1272
have been a violation of section 2905.04 of the Revised Code as 1273
it existed prior to July 1, 1996, had the violation been 1274
committed prior to that date, or a violation of section 2925.11 1275
of the Revised Code that is not a minor drug possession offense; 1276

(b) A violation of an existing or former law of this 1277
state, any other state, or the United States that is 1278

substantially equivalent to any of the offenses listed in 1279
division (A) (6) (a) of this section. 1280

(7) On receipt of a request for a criminal records check 1281
from an individual pursuant to section 4749.03 or 4749.06 of the 1282
Revised Code, accompanied by a completed copy of the form 1283
prescribed in division (C) (1) of this section and a set of 1284
fingerprint impressions obtained in a manner described in 1285
division (C) (2) of this section, the superintendent of the 1286
bureau of criminal identification and investigation shall 1287
conduct a criminal records check in the manner described in 1288
division (B) of this section to determine whether any 1289
information exists indicating that the person who is the subject 1290
of the request has been convicted of or pleaded guilty to a 1291
felony in this state or in any other state. If the individual 1292
indicates that a firearm will be carried in the course of 1293
business, the superintendent shall require information from the 1294
federal bureau of investigation as described in division (B) (2) 1295
of this section. Subject to division (F) of this section, the 1296
superintendent shall report the findings of the criminal records 1297
check and any information the federal bureau of investigation 1298
provides to the director of public safety. 1299

(8) On receipt of a request pursuant to section 1321.37, 1300
1321.53, or 4763.05 of the Revised Code, a completed form 1301
prescribed pursuant to division (C) (1) of this section, and a 1302
set of fingerprint impressions obtained in the manner described 1303
in division (C) (2) of this section, the superintendent of the 1304
bureau of criminal identification and investigation shall 1305
conduct a criminal records check with respect to any person who 1306
has applied for a license, permit, or certification from the 1307
department of commerce or a division in the department. The 1308
superintendent shall conduct the criminal records check in the 1309

manner described in division (B) of this section to determine 1310
whether any information exists that indicates that the person 1311
who is the subject of the request previously has been convicted 1312
of or pleaded guilty to any of the following: a violation of 1313
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 1314
Revised Code; any other criminal offense involving theft, 1315
receiving stolen property, embezzlement, forgery, fraud, passing 1316
bad checks, money laundering, or drug trafficking, or any 1317
criminal offense involving money or securities, as set forth in 1318
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 1319
the Revised Code; or any existing or former law of this state, 1320
any other state, or the United States that is substantially 1321
equivalent to those offenses. 1322

(9) On receipt of a request for a criminal records check 1323
from the treasurer of state under section 113.041 of the Revised 1324
Code or from an individual under section 928.03, 4701.08, 1325
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 1326
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 1327
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 1328
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 1329
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 1330
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 1331
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 1332
Code, accompanied by a completed form prescribed under division 1333
(C) (1) of this section and a set of fingerprint impressions 1334
obtained in the manner described in division (C) (2) of this 1335
section, the superintendent of the bureau of criminal 1336
identification and investigation shall conduct a criminal 1337
records check in the manner described in division (B) of this 1338
section to determine whether any information exists that 1339
indicates that the person who is the subject of the request has 1340

been convicted of or pleaded guilty to any criminal offense in 1341
this state or any other state. Subject to division (F) of this 1342
section, the superintendent shall send the results of a check 1343
requested under section 113.041 of the Revised Code to the 1344
treasurer of state and shall send the results of a check 1345
requested under any of the other listed sections to the 1346
licensing board specified by the individual in the request. 1347

(10) On receipt of a request pursuant to section 124.74, 1348
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 1349
Code, a completed form prescribed pursuant to division (C) (1) of 1350
this section, and a set of fingerprint impressions obtained in 1351
the manner described in division (C) (2) of this section, the 1352
superintendent of the bureau of criminal identification and 1353
investigation shall conduct a criminal records check in the 1354
manner described in division (B) of this section to determine 1355
whether any information exists that indicates that the person 1356
who is the subject of the request previously has been convicted 1357
of or pleaded guilty to any criminal offense under any existing 1358
or former law of this state, any other state, or the United 1359
States. 1360

(11) On receipt of a request for a criminal records check 1361
from an appointing or licensing authority under section 3772.07 1362
of the Revised Code, a completed form prescribed under division 1363
(C) (1) of this section, and a set of fingerprint impressions 1364
obtained in the manner prescribed in division (C) (2) of this 1365
section, the superintendent of the bureau of criminal 1366
identification and investigation shall conduct a criminal 1367
records check in the manner described in division (B) of this 1368
section to determine whether any information exists that 1369
indicates that the person who is the subject of the request 1370
previously has been convicted of or pleaded guilty or no contest 1371

to any offense under any existing or former law of this state, 1372
any other state, or the United States that is a disqualifying 1373
offense as defined in section 3772.07 of the Revised Code or 1374
substantially equivalent to such an offense. 1375

(12) On receipt of a request pursuant to section 2151.33 1376
or 2151.412 of the Revised Code, a completed form prescribed 1377
pursuant to division (C)(1) of this section, and a set of 1378
fingerprint impressions obtained in the manner described in 1379
division (C)(2) of this section, the superintendent of the 1380
bureau of criminal identification and investigation shall 1381
conduct a criminal records check with respect to any person for 1382
whom a criminal records check is required under that section. 1383
The superintendent shall conduct the criminal records check in 1384
the manner described in division (B) of this section to 1385
determine whether any information exists that indicates that the 1386
person who is the subject of the request previously has been 1387
convicted of or pleaded guilty to any of the following: 1388

(a) A violation of section 2903.01, 2903.02, 2903.03, 1389
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1390
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1391
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1392
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1393
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 1394
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 1395
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 1396
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 1397

(b) An existing or former law of this state, any other 1398
state, or the United States that is substantially equivalent to 1399
any of the offenses listed in division (A)(12)(a) of this 1400
section. 1401

(13) On receipt of a request pursuant to section 3796.12 1402
of the Revised Code, a completed form prescribed pursuant to 1403
division (C)(1) of this section, and a set of fingerprint 1404
impressions obtained in a manner described in division (C)(2) of 1405
this section, the superintendent of the bureau of criminal 1406
identification and investigation shall conduct a criminal 1407
records check in the manner described in division (B) of this 1408
section to determine whether any information exists that 1409
indicates that the person who is the subject of the request 1410
previously has been convicted of or pleaded guilty to the 1411
following: 1412

(a) A disqualifying offense as specified in rules adopted 1413
under division (B)(2)(b) of section 3796.03 of the Revised Code 1414
if the person who is the subject of the request is an 1415
administrator or other person responsible for the daily 1416
operation of, or an owner or prospective owner, officer or 1417
prospective officer, or board member or prospective board member 1418
of, an entity seeking a license from the department of commerce 1419
under Chapter 3796. of the Revised Code; 1420

(b) A disqualifying offense as specified in rules adopted 1421
under division (B)(2)(b) of section 3796.04 of the Revised Code 1422
if the person who is the subject of the request is an 1423
administrator or other person responsible for the daily 1424
operation of, or an owner or prospective owner, officer or 1425
prospective officer, or board member or prospective board member 1426
of, an entity seeking a license from the state board of pharmacy 1427
under Chapter 3796. of the Revised Code. 1428

(14) On receipt of a request required by section 3796.13 1429
of the Revised Code, a completed form prescribed pursuant to 1430
division (C)(1) of this section, and a set of fingerprint 1431

impressions obtained in a manner described in division (C) (2) of 1432
this section, the superintendent of the bureau of criminal 1433
identification and investigation shall conduct a criminal 1434
records check in the manner described in division (B) of this 1435
section to determine whether any information exists that 1436
indicates that the person who is the subject of the request 1437
previously has been convicted of or pleaded guilty to the 1438
following: 1439

(a) A disqualifying offense as specified in rules adopted 1440
under division (B) (8) (a) of section 3796.03 of the Revised Code 1441
if the person who is the subject of the request is seeking 1442
employment with an entity licensed by the department of commerce 1443
under Chapter 3796. of the Revised Code; 1444

(b) A disqualifying offense as specified in rules adopted 1445
under division (B) (14) (a) of section 3796.04 of the Revised Code 1446
if the person who is the subject of the request is seeking 1447
employment with an entity licensed by the state board of 1448
pharmacy under Chapter 3796. of the Revised Code. 1449

(15) On receipt of a request pursuant to section 4768.06 1450
of the Revised Code, a completed form prescribed under division 1451
(C) (1) of this section, and a set of fingerprint impressions 1452
obtained in the manner described in division (C) (2) of this 1453
section, the superintendent of the bureau of criminal 1454
identification and investigation shall conduct a criminal 1455
records check in the manner described in division (B) of this 1456
section to determine whether any information exists indicating 1457
that the person who is the subject of the request has been 1458
convicted of or pleaded guilty to a felony in this state or in 1459
any other state. 1460

(16) On receipt of a request pursuant to division (B) of 1461

section 4764.07 or division (A) of section 4735.143 of the Revised Code, a completed form prescribed under division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to any crime of moral turpitude, a felony, or an equivalent offense in any other state or the United States.

(17) On receipt of a request for a criminal records check under section 147.022 of the Revised Code, a completed form prescribed under division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner prescribed in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty or no contest to any disqualifying offense, as defined in section 147.011 of the Revised Code, or to any offense under any existing or former law of this state, any other state, or the United States that is substantially equivalent to such a disqualifying offense.

(18) Upon receipt of a request pursuant to division (F) of section 2915.081 or division (E) of section 2915.082 of the Revised Code, a completed form prescribed under division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the

superintendent of the bureau of criminal identification and 1493
investigation shall conduct a criminal records check in the 1494
manner described in division (B) of this section to determine 1495
whether any information exists indicating that the person who is 1496
the subject of the request has been convicted of or pleaded 1497
guilty or no contest to any offense that is a violation of 1498
Chapter 2915. of the Revised Code or to any offense under any 1499
existing or former law of this state, any other state, or the 1500
United States that is substantially equivalent to such an 1501
offense. 1502

(B) Subject to division (F) of this section, the 1503
superintendent shall conduct any criminal records check to be 1504
conducted under this section as follows: 1505

(1) The superintendent shall review or cause to be 1506
reviewed any relevant information gathered and compiled by the 1507
bureau under division (A) of section 109.57 of the Revised Code 1508
that relates to the person who is the subject of the criminal 1509
records check, including, if the criminal records check was 1510
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 1511
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1512
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 1513
3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 1514
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 1515
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 1516
5153.111 of the Revised Code, any relevant information contained 1517
in records that have been sealed under section 2953.32 of the 1518
Revised Code; 1519

(2) If the request received by the superintendent asks for 1520
information from the federal bureau of investigation, the 1521
superintendent shall request from the federal bureau of 1522

investigation any information it has with respect to the person 1523
who is the subject of the criminal records check, including 1524
fingerprint-based checks of national crime information databases 1525
as described in 42 U.S.C. 671 if the request is made pursuant to 1526
section 2151.86 or 5104.013 of the Revised Code or if any other 1527
Revised Code section requires fingerprint-based checks of that 1528
nature, and shall review or cause to be reviewed any information 1529
the superintendent receives from that bureau. If a request under 1530
section 3319.39 of the Revised Code asks only for information 1531
from the federal bureau of investigation, the superintendent 1532
shall not conduct the review prescribed by division (B) (1) of 1533
this section. 1534

(3) The superintendent or the superintendent's designee 1535
may request criminal history records from other states or the 1536
federal government pursuant to the national crime prevention and 1537
privacy compact set forth in section 109.571 of the Revised 1538
Code. 1539

(4) The superintendent shall include in the results of the 1540
criminal records check a list or description of the offenses 1541
listed or described in the relevant provision of division (A) 1542
~~(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12),~~ 1543
~~(13), (14), (15), (16), or (17)~~ of this section, ~~whichever~~ 1544
~~division requires the superintendent to conduct the criminal~~ 1545
~~records check.~~ The superintendent shall exclude from the results 1546
any information the dissemination of which is prohibited by 1547
federal law. 1548

(5) The superintendent shall send the results of the 1549
criminal records check to the person to whom it is to be sent 1550
not later than the following number of days after the date the 1551
superintendent receives the request for the criminal records 1552

check, the completed form prescribed under division (C) (1) of 1553
this section, and the set of fingerprint impressions obtained in 1554
the manner described in division (C) (2) of this section: 1555

(a) If the superintendent is required by division (A) of 1556
this section (other than division (A) (3) of this section) to 1557
conduct the criminal records check, thirty; 1558

(b) If the superintendent is required by division (A) (3) 1559
of this section to conduct the criminal records check, sixty. 1560

(C) (1) The superintendent shall prescribe a form to obtain 1561
the information necessary to conduct a criminal records check 1562
from any person for whom a criminal records check is to be 1563
conducted under this section. The form that the superintendent 1564
prescribes pursuant to this division may be in a tangible 1565
format, in an electronic format, or in both tangible and 1566
electronic formats. 1567

(2) The superintendent shall prescribe standard impression 1568
sheets to obtain the fingerprint impressions of any person for 1569
whom a criminal records check is to be conducted under this 1570
section. Any person for whom a records check is to be conducted 1571
under this section shall obtain the fingerprint impressions at a 1572
county sheriff's office, municipal police department, or any 1573
other entity with the ability to make fingerprint impressions on 1574
the standard impression sheets prescribed by the superintendent. 1575
The office, department, or entity may charge the person a 1576
reasonable fee for making the impressions. The standard 1577
impression sheets the superintendent prescribes pursuant to this 1578
division may be in a tangible format, in an electronic format, 1579
or in both tangible and electronic formats. 1580

(3) Subject to division (D) of this section, the 1581

superintendent shall prescribe and charge a reasonable fee for 1582
providing a criminal records check under this section. The 1583
person requesting the criminal records check shall pay the fee 1584
prescribed pursuant to this division. In the case of a request 1585
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1586
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 1587
fee shall be paid in the manner specified in that section. 1588

(4) The superintendent of the bureau of criminal 1589
identification and investigation may prescribe methods of 1590
forwarding fingerprint impressions and information necessary to 1591
conduct a criminal records check, which methods shall include, 1592
but not be limited to, an electronic method. 1593

(D) The results of a criminal records check conducted 1594
under this section, other than a criminal records check 1595
specified in division (A) (7) of this section, are valid for the 1596
person who is the subject of the criminal records check for a 1597
period of one year from the date upon which the superintendent 1598
completes the criminal records check. If during that period the 1599
superintendent receives another request for a criminal records 1600
check to be conducted under this section for that person, the 1601
superintendent shall provide the results from the previous 1602
criminal records check of the person at a lower fee than the fee 1603
prescribed for the initial criminal records check. 1604

(E) When the superintendent receives a request for 1605
information from a registered private provider, the 1606
superintendent shall proceed as if the request was received from 1607
a school district board of education under section 3319.39 of 1608
the Revised Code. The superintendent shall apply division (A) (1) 1609
(c) of this section to any such request for an applicant who is 1610
a teacher. 1611

(F) (1) Subject to division (F) (2) of this section, all 1612
information regarding the results of a criminal records check 1613
conducted under this section that the superintendent reports or 1614
sends under division (A) (7) or (9) of this section to the 1615
director of public safety, the treasurer of state, or the 1616
person, board, or entity that made the request for the criminal 1617
records check shall relate to the conviction of the subject 1618
person, or the subject person's plea of guilty to, a criminal 1619
offense. 1620

(2) Division (F) (1) of this section does not limit, 1621
restrict, or preclude the superintendent's release of 1622
information that relates to the arrest of a person who is 1623
eighteen years of age or older, to an adjudication of a child as 1624
a delinquent child, or to a criminal conviction of a person 1625
under eighteen years of age in circumstances in which a release 1626
of that nature is authorized under division (E) (2), (3), or (4) 1627
of section 109.57 of the Revised Code pursuant to a rule adopted 1628
under division (E) (1) of that section. 1629

(G) As used in this section: 1630

(1) "Criminal records check" means any criminal records 1631
check conducted by the superintendent of the bureau of criminal 1632
identification and investigation in accordance with division (B) 1633
of this section. 1634

(2) "Minor drug possession offense" has the same meaning 1635
as in section 2925.01 of the Revised Code. 1636

(3) "OVI or OVUAC violation" means a violation of section 1637
4511.19 of the Revised Code or a violation of an existing or 1638
former law of this state, any other state, or the United States 1639
that is substantially equivalent to section 4511.19 of the 1640

Revised Code. 1641

(4) "Registered private provider" means a nonpublic school 1642
or entity registered with the superintendent of public 1643
instruction under section 3310.41 of the Revised Code to 1644
participate in the autism scholarship program or section 3310.58 1645
of the Revised Code to participate in the Jon Peterson special 1646
needs scholarship program. 1647

Sec. 2915.01. As used in this chapter: 1648

(A) "Bookmaking" means the business of receiving or paying 1649
off bets. 1650

(B) "Bet" means the hazarding of anything of value upon 1651
the result of an event, undertaking, or contingency, but does 1652
not include a bona fide business risk. 1653

(C) "Scheme of chance" means a slot machine unless 1654
authorized under Chapter 3772. of the Revised Code, lottery 1655
unless authorized under Chapter 3770. of the Revised Code, 1656
numbers game, pool conducted for profit, or other scheme in 1657
which a participant gives a valuable consideration for a chance 1658
to win a prize, but does not include bingo, a skill-based 1659
amusement machine, or a pool not conducted for profit. "Scheme 1660
of chance" includes the use of an electronic device to reveal 1661
the results of a game entry if valuable consideration is paid, 1662
directly or indirectly, for a chance to win a prize. Valuable 1663
consideration is deemed to be paid for a chance to win a prize 1664
in the following instances: 1665

(1) Less than fifty per cent of the goods or services sold 1666
by a scheme of chance operator in exchange for game entries are 1667
used or redeemed by participants at any one location; 1668

(2) Less than fifty per cent of participants who purchase 1669

goods or services at any one location do not accept, use, or 1670
redeem the goods or services sold or purportedly sold; 1671

(3) More than fifty per cent of prizes at any one location 1672
are revealed to participants through an electronic device 1673
simulating a game of chance or a "casino game" as defined in 1674
section 3772.01 of the Revised Code; 1675

(4) The good or service sold by a scheme of chance 1676
operator in exchange for a game entry cannot be used or redeemed 1677
in the manner advertised; 1678

(5) A participant pays more than fair market value for 1679
goods or services offered by a scheme of chance operator in 1680
order to receive one or more game entries; 1681

(6) A participant may use the electronic device to 1682
purchase additional game entries; 1683

(7) A participant may purchase additional game entries by 1684
using points or credits won as prizes while using the electronic 1685
device; 1686

(8) A scheme of chance operator pays out in prize money 1687
more than twenty per cent of the gross revenue received at one 1688
location; or 1689

(9) A participant makes a purchase or exchange in order to 1690
obtain any good or service that may be used to facilitate play 1691
on the electronic device. 1692

As used in this division, "electronic device" means a 1693
mechanical, video, digital, or electronic machine or device that 1694
is capable of displaying information on a screen or other 1695
mechanism and that is owned, leased, or otherwise possessed by 1696
any person conducting a scheme of chance, or by that person's 1697

partners, affiliates, subsidiaries, or contractors. "Electronic device" does not include an electronic instant bingo system. 1698
1699

(D) "Game of chance" means poker, craps, roulette, or 1700
other game in which a player gives anything of value in the hope 1701
of gain, the outcome of which is determined largely by chance, 1702
but does not include bingo. 1703

(E) "Game of chance conducted for profit" means any game 1704
of chance designed to produce income for the person who conducts 1705
or operates the game of chance, but does not include bingo. 1706

(F) "Gambling device" means any of the following: 1707

(1) A book, totalizer, or other equipment for recording 1708
bets; 1709

(2) A ticket, token, or other device representing a 1710
chance, share, or interest in a scheme of chance or evidencing a 1711
bet; 1712

(3) A deck of cards, dice, gaming table, roulette wheel, 1713
slot machine, or other apparatus designed for use in connection 1714
with a game of chance; 1715

(4) Any equipment, device, apparatus, or paraphernalia 1716
specially designed for gambling purposes; 1717

(5) Bingo supplies sold or otherwise provided, or used, in 1718
violation of this chapter. 1719

(G) "Gambling offense" means any of the following: 1720

(1) A violation of ~~section 2915.02, 2915.03, 2915.04,~~ 1721
~~2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09,~~ 1722
~~2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code~~ this 1723
chapter; 1724

(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any ~~section listed in division (G)~~ (1) provision of this section chapter or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996;

(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;

(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G) (1), (2), or (3) of this section.

(H) Except as otherwise provided in this chapter, "charitable organization" means either of the following:

(1) An organization that is, ~~and has received from the internal revenue service a determination letter that currently is in effect stating that the organization is,~~ exempt from federal income taxation under subsection 501(a) and described in subsection 501(c) (3) of the Internal Revenue Code;

(2) A volunteer rescue service organization, volunteer firefighter's organization, veteran's organization, fraternal organization, or sporting organization that is exempt from federal income taxation under subsection 501(c) (4), (c) (7), (c) (8), (c) (10), or (c) (19) of the Internal Revenue Code.

To qualify as a "charitable organization," an organization shall have been in continuous existence as such in this state for a period of two years immediately preceding either the making of an application for a bingo license under section 2915.08 of the Revised Code or the conducting of any game of chance as provided in division (D) of section 2915.02 of the

Revised Code. 1754

(I) "Religious organization" means any church, body of 1755
communicants, or group that is not organized or operated for 1756
profit and that gathers in common membership for regular worship 1757
and religious observances. 1758

(J) "Veteran's organization" means any individual post or 1759
state headquarters of a national veteran's association or an 1760
auxiliary unit of any individual post of a national veteran's 1761
association, which post, state headquarters, or auxiliary unit 1762
is incorporated as a nonprofit corporation and either has 1763
received a letter from the state headquarters of the national 1764
veteran's association indicating that the individual post or 1765
auxiliary unit is in good standing with the national veteran's 1766
association or has received a letter from the national veteran's 1767
association indicating that the state headquarters is in good 1768
standing with the national veteran's association. As used in 1769
this division, "national veteran's association" means any 1770
veteran's association that has been in continuous existence as 1771
such for a period of at least five years and either is 1772
incorporated by an act of the United States congress or has a 1773
national dues-paying membership of at least five thousand 1774
persons. 1775

(K) "Volunteer firefighter's organization" means any 1776
organization of volunteer firefighters, as defined in section 1777
146.01 of the Revised Code, that is organized and operated 1778
exclusively to provide financial support for a volunteer fire 1779
department or a volunteer fire company and that is recognized or 1780
ratified by a county, municipal corporation, or township. 1781

(L) "Fraternal organization" means any society, order, 1782
state headquarters, or association within this state, except a 1783

college or high school fraternity, that is not organized for 1784
profit, that is a branch, lodge, or chapter of a national or 1785
state organization, that exists exclusively for the common 1786
business or sodality of its members. 1787

(M) "Volunteer rescue service organization" means any 1788
organization of volunteers organized to function as an emergency 1789
medical service organization, as defined in section 4765.01 of 1790
the Revised Code. 1791

(N) "Charitable bingo game" means any bingo game described 1792
in division (O) (1) or (2) of this section that is conducted by a 1793
charitable organization that has obtained a license pursuant to 1794
section 2915.08 of the Revised Code and the proceeds of which 1795
are used for a charitable purpose. 1796

(O) "Bingo" means either of the following: 1797

(1) A game with all of the following characteristics: 1798

(a) The participants use bingo cards or sheets, including 1799
paper formats and electronic representation or image formats, 1800
that are divided into twenty-five spaces arranged in five 1801
horizontal and five vertical rows of spaces, with each space, 1802
except the central space, being designated by a combination of a 1803
letter and a number and with the central space being designated 1804
as a free space. 1805

(b) The participants cover the spaces on the bingo cards 1806
or sheets that correspond to combinations of letters and numbers 1807
that are announced by a bingo game operator. 1808

(c) A bingo game operator announces combinations of 1809
letters and numbers that appear on objects that a bingo game 1810
operator selects by chance, either manually or mechanically, 1811
from a receptacle that contains seventy-five objects at the 1812

beginning of each game, each object marked by a different 1813
combination of a letter and a number that corresponds to one of 1814
the seventy-five possible combinations of a letter and a number 1815
that can appear on the bingo cards or sheets. 1816

(d) The winner of the bingo game includes any participant 1817
who properly announces during the interval between the 1818
announcements of letters and numbers as described in division 1819
(O) (1) (c) of this section, that a predetermined and preannounced 1820
pattern of spaces has been covered on a bingo card or sheet 1821
being used by the participant. 1822

(2) Instant bingo, ~~punch boards~~ electronic instant bingo, 1823
and raffles. 1824

(P) "Conduct" means to back, promote, organize, manage, 1825
carry on, sponsor, or prepare for the operation of bingo or a 1826
game of chance, a scheme of chance, or a sweepstakes. 1827

(Q) "Bingo game operator" means any person, except 1828
security personnel, who performs work or labor at the site of 1829
bingo, including, but not limited to, collecting money from 1830
participants, handing out bingo cards or sheets or objects to 1831
cover spaces on bingo cards or sheets, selecting from a 1832
receptacle the objects that contain the combination of letters 1833
and numbers that appear on bingo cards or sheets, calling out 1834
the combinations of letters and numbers, distributing prizes, 1835
selling or redeeming instant bingo tickets or cards, selling or 1836
redeeming electronic instant bingo tickets, credits, or 1837
vouchers, accessing an electronic instant bingo system other 1838
than as a participant, supervising the operation of a punch 1839
board, selling raffle tickets, selecting raffle tickets from a 1840
receptacle and announcing the winning numbers in a raffle, and 1841
preparing, selling, and serving food or beverages. "Bingo game 1842

operator" does not include a person who is maintaining, 1843
updating, or repairing an electronic instant bingo system. 1844

(R) "Participant" means any person who plays bingo. 1845

(S) "Bingo session" means a period that includes both of 1846
the following: 1847

(1) Not to exceed five continuous hours for the conduct of 1848
one or more games described in division (O) (1) of this section, 1849
instant bingo, and ~~seal cards~~ electronic instant bingo; 1850

(2) A period for the conduct of instant bingo and ~~seal~~ 1851
~~cards~~ electronic instant bingo for not more than two hours 1852
before and not more than two hours after the period described in 1853
division (S) (1) of this section. 1854

(T) "Gross receipts" means all money or assets, including 1855
admission fees, that a person receives from bingo without the 1856
deduction of any amounts for prizes paid out or for the expenses 1857
of conducting bingo. "Gross receipts" does not include any money 1858
directly taken in from the sale of food or beverages by a 1859
charitable organization conducting bingo, or by a bona fide 1860
auxiliary unit or society of a charitable organization 1861
conducting bingo, provided all of the following apply: 1862

(1) The auxiliary unit or society has been in existence as 1863
a bona fide auxiliary unit or society of the charitable 1864
organization for at least two years prior to conducting bingo. 1865

(2) The person who purchases the food or beverage receives 1866
nothing of value except the food or beverage and items 1867
customarily received with the purchase of that food or beverage. 1868

(3) The food and beverages are sold at customary and 1869
reasonable prices. 1870

(U) "Security personnel" includes any person who either is 1871
a sheriff, deputy sheriff, marshal, deputy marshal, township 1872
constable, or member of an organized police department of a 1873
municipal corporation or has successfully completed a peace 1874
officer's training course pursuant to sections 109.71 to 109.79 1875
of the Revised Code and who is hired to provide security for the 1876
premises on which bingo is conducted. 1877

(V) "Charitable purpose" means that the net profit of 1878
bingo, other than instant bingo or electronic instant bingo, is 1879
used by, or is given, donated, or otherwise transferred to, any 1880
of the following: 1881

(1) Any organization that is described in subsection 1882
509(a) (1), 509(a) (2), or 509(a) (3) of the Internal Revenue Code 1883
and is either a governmental unit or an organization that is tax 1884
exempt under subsection 501(a) and described in subsection 1885
501(c) (3) of the Internal Revenue Code; 1886

(2) A veteran's organization that is a post, chapter, or 1887
organization of veterans, or an auxiliary unit or society of, or 1888
a trust or foundation for, any such post, chapter, or 1889
organization organized in the United States or any of its 1890
possessions, at least seventy-five per cent of the members of 1891
which are veterans and substantially all of the other members of 1892
which are individuals who are spouses, widows, or widowers of 1893
veterans, or such individuals, provided that no part of the net 1894
earnings of such post, chapter, or organization inures to the 1895
benefit of any private shareholder or individual, and further 1896
provided that the net profit is used by the post, chapter, or 1897
organization for the charitable purposes set forth in division 1898
(B) (12) of section 5739.02 of the Revised Code, is used for 1899
awarding scholarships to or for attendance at an institution 1900

mentioned in division (B)(12) of section 5739.02 of the Revised Code, is donated to a governmental agency, or is used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups, or other bona fide nonprofit organizations, promotion of patriotism, or disaster relief;

(3) A fraternal organization that has been in continuous existence in this state for fifteen years and that uses the net profit exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, if contributions for such use would qualify as a deductible charitable contribution under subsection 170 of the Internal Revenue Code;

(4) A volunteer firefighter's organization that uses the net profit for the purposes set forth in division (K) of this section.

(W) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter amended.

(X) "Youth athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are twenty-one years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.

(Y) "Youth athletic park organization" means any organization, not organized for profit, that satisfies both of the following:

(1) It owns, operates, and maintains playing fields that 1930
satisfy both of the following: 1931

(a) The playing fields are used ~~at least one hundred days~~ 1932
~~per year~~ for athletic activities by one or more organizations, 1933
not organized for profit, each of which is organized and 1934
operated exclusively to provide financial support to, or to 1935
operate, athletic activities for persons who are eighteen years 1936
of age or younger by means of sponsoring, organizing, operating, 1937
or contributing to the support of an athletic team, club, 1938
league, or association. 1939

(b) The playing fields are not used for any profit-making 1940
activity at any time during the year. 1941

(2) It uses the proceeds of bingo it conducts exclusively 1942
for the operation, maintenance, and improvement of its playing 1943
fields of the type described in division (Y)(1) of this section. 1944

(Z) "Bingo supplies" means bingo cards or sheets; instant 1945
bingo tickets or cards; electronic bingo aids; raffle tickets; 1946
punch boards; seal cards; instant bingo ticket dispensers; 1947
electronic instant bingo systems; and devices for selecting or 1948
displaying the combination of bingo letters and numbers or 1949
raffle tickets. Items that are "bingo supplies" are not gambling 1950
devices if sold or otherwise provided, and used, in accordance 1951
with this chapter. For purposes of this chapter, "bingo 1952
supplies" are not to be considered equipment used to conduct a 1953
bingo game. 1954

(AA) "Instant bingo" means a form of bingo that shall use 1955
folded or banded tickets or paper cards with perforated break- 1956
open tabs, a face of which is covered or otherwise hidden from 1957
view to conceal a number, letter, or symbol, or set of numbers, 1958

letters, or symbols, some of which have been designated in 1959
advance as prize winners, and may ~~also~~ include games in which 1960
some winners are determined by the random selection of one or 1961
more bingo numbers by the use of a seal card or bingo blower. 1962
"Instant bingo" also includes a punch board game. In all 1963
"instant bingo" the prize amount and structure shall be 1964
predetermined. "Instant bingo" does not include electronic 1965
instant bingo or any device that is activated by the insertion 1966
of a coin, currency, token, or an equivalent, and that contains 1967
as one of its components a video display monitor that is capable 1968
of displaying numbers, letters, symbols, or characters in 1969
winning or losing combinations. 1970

(BB) "Seal card" means a form of instant bingo that uses 1971
instant bingo tickets in conjunction with a board or placard 1972
that contains one or more seals that, when removed or opened, 1973
reveal predesignated winning numbers, letters, or symbols. 1974

(CC) "Raffle" means a form of bingo in which the one or 1975
more prizes are won by one or more persons who have purchased a 1976
raffle ticket. The one or more winners of the raffle are 1977
determined by drawing a ticket stub or other detachable section 1978
from a receptacle containing ticket stubs or detachable sections 1979
corresponding to all tickets sold for the raffle. "Raffle" does 1980
not include the drawing of a ticket stub or other detachable 1981
section of a ticket purchased to attend a professional sporting 1982
event if both of the following apply: 1983

(1) The ticket stub or other detachable section is used to 1984
select the winner of a free prize given away at the professional 1985
sporting event; and 1986

(2) The cost of the ticket is the same as the cost of a 1987
ticket to the professional sporting event on days when no free 1988

| | |
|--|------|
| prize is given away. | 1989 |
| (DD) "Punch board" means <u>a form of instant bingo that uses</u> | 1990 |
| a board containing a number of holes or receptacles of uniform | 1991 |
| size in which are placed, mechanically and randomly, serially | 1992 |
| numbered slips of paper that may be punched or drawn from the | 1993 |
| hole or receptacle when used in conjunction with instant bingo. | 1994 |
| A player may punch or draw the numbered slips of paper from the | 1995 |
| holes or receptacles and obtain the prize established for the | 1996 |
| game if the number drawn corresponds to a winning number or, if | 1997 |
| the punch board includes the use of a seal card, a potential | 1998 |
| winning number. | 1999 |
| (EE) "Gross profit" means gross receipts minus the amount | 2000 |
| actually expended for the payment of prize awards. | 2001 |
| (FF) "Net profit" means gross profit minus expenses. | 2002 |
| (GG) "Expenses" means the reasonable amount of gross | 2003 |
| profit actually expended for all of the following: | 2004 |
| (1) The purchase or lease of bingo supplies; | 2005 |
| (2) The annual license fee required under section 2915.08 | 2006 |
| of the Revised Code; | 2007 |
| (3) Bank fees and service charges for a bingo session or | 2008 |
| game account described in section 2915.10 of the Revised Code; | 2009 |
| (4) Audits and accounting services; | 2010 |
| (5) Safes; | 2011 |
| (6) Cash registers; | 2012 |
| (7) Hiring security personnel; | 2013 |
| (8) Advertising bingo; | 2014 |

| | |
|---|--------------------------------------|
| (9) Renting premises in which to conduct a bingo session; | 2015 |
| (10) Tables and chairs; | 2016 |
| (11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen; | 2017 2018 2019 2020 2021 |
| (12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted; | 2022 2023 |
| (13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (B) (1) of section 2915.08 of the Revised Code. | 2024 2025 2026 2027 |
| (HH) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized. | 2028 2029 2030 |
| (II) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction. | 2031 2032 2033 2034 |
| (JJ) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction. | 2035 2036 2037 2038 |
| (KK) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following: | 2039 2040 |
| (1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use | 2041 2042 |

in this state; 2043

(2) Modifies, converts, adds to, or removes parts from the 2044
bingo supplies to further their promotion or sale for use in 2045
this state. 2046

(LL) "Manufacturer" means any person who assembles 2047
completed bingo supplies from raw materials, other items, or 2048
subparts or who modifies, converts, adds to, or removes parts 2049
from bingo supplies to further their promotion or sale. 2050

(MM) "Gross annual revenues" means the annual gross 2051
receipts derived from the conduct of bingo described in division 2052
(O) (1) of this section plus the annual net profit derived from 2053
the conduct of bingo described in division (O) (2) of this 2054
section. 2055

(NN) "Instant bingo ticket dispenser" means a mechanical 2056
device that dispenses an instant bingo ticket or card as the 2057
sole item of value dispensed and that has the following 2058
characteristics: 2059

(1) It is activated upon the insertion of United States 2060
currency. 2061

(2) It performs no gaming functions. 2062

(3) It does not contain a video display monitor or 2063
generate noise. 2064

(4) It is not capable of displaying any numbers, letters, 2065
symbols, or characters in winning or losing combinations. 2066

(5) It does not simulate or display rolling or spinning 2067
reels. 2068

(6) It is incapable of determining whether a dispensed 2069

bingo ticket or card is a winning or nonwinning ticket or card 2070
and requires a winning ticket or card to be paid by a bingo game 2071
operator. 2072

(7) It may provide accounting and security features to aid 2073
in accounting for the instant bingo tickets or cards it 2074
dispenses. 2075

(8) It is not part of an electronic network and is not 2076
interactive. 2077

(OO) (1) "Electronic bingo aid" means an electronic device 2078
used by a participant to monitor bingo cards or sheets purchased 2079
at the time and place of a bingo session and that does all of 2080
the following: 2081

(a) It provides a means for a participant to input numbers 2082
and letters announced by a bingo caller. 2083

(b) It compares the numbers and letters entered by the 2084
participant to the bingo faces previously stored in the memory 2085
of the device. 2086

(c) It identifies a winning bingo pattern. 2087

(2) "Electronic bingo aid" does not include any device 2088
into which a coin, currency, token, or an equivalent is inserted 2089
to activate play. 2090

(PP) "~~Deal of instant bingo tickets~~" means a single game 2091
of instant bingo tickets, or a single game of electronic instant 2092
bingo tickets, all with the same serial number. 2093

(QQ) (1) "Slot machine" means either of the following: 2094

(a) Any mechanical, electronic, video, or digital device 2095
that is capable of accepting anything of value, directly or 2096

indirectly, from or on behalf of a player who gives the thing of 2097
value in the hope of gain; 2098

(b) Any mechanical, electronic, video, or digital device 2099
that is capable of accepting anything of value, directly or 2100
indirectly, from or on behalf of a player to conduct bingo or a 2101
scheme or game of chance. 2102

(2) "Slot machine" does not include a skill-based 2103
amusement machine ~~or, an instant bingo ticket dispenser, or an~~ 2104
electronic instant bingo system. 2105

(RR) "Net profit from the proceeds of the sale of instant 2106
bingo or electronic instant bingo" means gross profit minus the 2107
ordinary, necessary, and reasonable expense expended for the 2108
purchase of ~~instant bingo supplies~~ for the purpose of conducting 2109
instant bingo or electronic instant bingo, and, in the case of 2110
instant bingo or electronic instant bingo conducted by a 2111
veteran's, fraternal, or sporting organization, minus the 2112
payment by that organization of real property taxes and 2113
assessments levied on a premises on which instant bingo or 2114
electronic instant bingo is conducted. 2115

(SS) "Charitable instant bingo organization" means an 2116
organization that is exempt from federal income taxation under 2117
subsection 501(a) and described in subsection 501(c)(3) of the 2118
Internal Revenue Code and is a charitable organization as 2119
defined in this section. A "charitable instant bingo 2120
organization" does not include a charitable organization that is 2121
exempt from federal income taxation under subsection 501(a) and 2122
described in subsection 501(c)(3) of the Internal Revenue Code 2123
and that is created by a veteran's organization, a fraternal 2124
organization, or a sporting organization in regards to bingo 2125
conducted or assisted by a veteran's organization, a fraternal 2126

organization, or a sporting organization pursuant to section 2127
2915.13 of the Revised Code. 2128

(TT) "Game flare" means the board or placard, or 2129
electronic representation of a board or placard, that 2130
accompanies each deal of instant bingo or electronic instant 2131
bingo tickets and that ~~has printed on or affixed to it~~ includes 2132
the following information for the game: 2133

(1) The name of the game; 2134

(2) The manufacturer's name or distinctive logo; 2135

(3) The form number; 2136

(4) The ticket count; 2137

(5) The prize structure, including the number of winning 2138
~~instant bingo~~ tickets by denomination and the respective winning 2139
symbol or number combinations for the winning ~~instant bingo~~ 2140
tickets; 2141

(6) The cost per play; 2142

(7) The serial number of the game. 2143

(UU) (1) "Skill-based amusement machine" means a 2144
mechanical, video, digital, or electronic device that rewards 2145
the player or players, if at all, only with merchandise prizes 2146
or with redeemable vouchers redeemable only for merchandise 2147
prizes, provided that with respect to rewards for playing the 2148
game all of the following apply: 2149

(a) The wholesale value of a merchandise prize awarded as 2150
a result of the single play of a machine does not exceed ten 2151
dollars; 2152

(b) Redeemable vouchers awarded for any single play of a 2153

machine are not redeemable for a merchandise prize with a 2154
wholesale value of more than ten dollars; 2155

(c) Redeemable vouchers are not redeemable for a 2156
merchandise prize that has a wholesale value of more than ten 2157
dollars times the fewest number of single plays necessary to 2158
accrue the redeemable vouchers required to obtain that prize; 2159
and 2160

(d) Any redeemable vouchers or merchandise prizes are 2161
distributed at the site of the skill-based amusement machine at 2162
the time of play. 2163

A card for the purchase of gasoline is a redeemable 2164
voucher for purposes of division (UU) (1) of this section even if 2165
the skill-based amusement machine for the play of which the card 2166
is awarded is located at a place where gasoline may not be 2167
legally distributed to the public or the card is not redeemable 2168
at the location of, or at the time of playing, the skill-based 2169
amusement machine. 2170

(2) A device shall not be considered a skill-based 2171
amusement machine and shall be considered a slot machine if it 2172
pays cash or one or more of the following apply: 2173

(a) The ability of a player to succeed at the game is 2174
impacted by the number or ratio of prior wins to prior losses of 2175
players playing the game. 2176

(b) Any reward of redeemable vouchers is not based solely 2177
on the player achieving the object of the game or the player's 2178
score; 2179

(c) The outcome of the game, or the value of the 2180
redeemable voucher or merchandise prize awarded for winning the 2181
game, can be controlled by a source other than any player 2182

playing the game. 2183

(d) The success of any player is or may be determined by a 2184
chance event that cannot be altered by player actions. 2185

(e) The ability of any player to succeed at the game is 2186
determined by game features not visible or known to the player. 2187

(f) The ability of the player to succeed at the game is 2188
impacted by the exercise of a skill that no reasonable player 2189
could exercise. 2190

(3) All of the following apply to any machine that is 2191
operated as described in division (UU) (1) of this section: 2192

(a) As used in division (UU) of this section, "game" and 2193
"play" mean one event from the initial activation of the machine 2194
until the results of play are determined without payment of 2195
additional consideration. An individual utilizing a machine that 2196
involves a single game, play, contest, competition, or 2197
tournament may be awarded redeemable vouchers or merchandise 2198
prizes based on the results of play. 2199

(b) Advance play for a single game, play, contest, 2200
competition, or tournament participation may be purchased. The 2201
cost of the contest, competition, or tournament participation 2202
may be greater than a single noncontest, competition, or 2203
tournament play. 2204

(c) To the extent that the machine is used in a contest, 2205
competition, or tournament, that contest, competition, or 2206
tournament has a defined starting and ending date and is open to 2207
participants in competition for scoring and ranking results 2208
toward the awarding of redeemable vouchers or merchandise prizes 2209
that are stated prior to the start of the contest, competition, 2210
or tournament. 2211

(4) For purposes of division (UU) (1) of this section, the mere presence of a device, such as a pin-setting, ball-releasing, or scoring mechanism, that does not contribute to or affect the outcome of the play of the game does not make the device a skill-based amusement machine.

(VV) "Merchandise prize" means any item of value, but shall not include any of the following:

(1) Cash, gift cards, or any equivalent thereof;

(2) Plays on games of chance, state lottery tickets, or bingo, ~~or instant bingo~~;

(3) Firearms, tobacco, or alcoholic beverages; or

(4) A redeemable voucher that is redeemable for any of the items listed in division (VV) (1), (2), or (3) of this section.

(WW) "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value.

(XX) "Pool not conducted for profit" means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.

(YY) "Sporting organization" means a hunting, fishing, or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to, the league of Ohio sportsmen, and that has been in continuous existence in this state for a period of three years.

(ZZ) "Community action agency" has the same meaning as in section 122.66 of the Revised Code.

(AAA) (1) "Sweepstakes terminal device" means a mechanical, 2240
video, digital, or electronic machine or device that is owned, 2241
leased, or otherwise possessed by any person conducting a 2242
sweepstakes, or by that person's partners, affiliates, 2243
subsidiaries, or contractors, that is intended to be used by a 2244
sweepstakes participant, and that is capable of displaying 2245
information on a screen or other mechanism. A device is a 2246
sweepstakes terminal device if any of the following apply: 2247

(a) The device uses a simulated game terminal as a 2248
representation of the prizes associated with the results of the 2249
sweepstakes entries. 2250

(b) The device utilizes software such that the simulated 2251
game influences or determines the winning of or value of the 2252
prize. 2253

(c) The device selects prizes from a predetermined finite 2254
pool of entries. 2255

(d) The device utilizes a mechanism that reveals the 2256
content of a predetermined sweepstakes entry. 2257

(e) The device predetermines the prize results and stores 2258
those results for delivery at the time the sweepstakes entry 2259
results are revealed. 2260

(f) The device utilizes software to create a game result. 2261

(g) The device reveals the prize incrementally, even 2262
though the device does not influence the awarding of the prize 2263
or the value of any prize awarded. 2264

(h) The device determines and associates the prize with an 2265
entry or entries at the time the sweepstakes is entered. 2266

(2) As used in this division and in section 2915.02 of the 2267

| | |
|--|--|
| Revised Code: | 2268 |
| (a) "Enter" means the act by which a person becomes eligible to receive any prize offered in a sweepstakes. | 2269 2270 |
| (b) "Entry" means one event from the initial activation of the sweepstakes terminal device until all the sweepstakes prize results from that activation are revealed. | 2271 2272 2273 |
| (c) "Prize" means any gift, award, gratuity, good, service, credit, reward, or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize. | 2274 2275 2276 2277 2278 |
| (d) "Sweepstakes terminal device facility" means any location in this state where a sweepstakes terminal device is provided to a sweepstakes participant, except as provided in division (G) of section 2915.02 of the Revised Code. | 2279 2280 2281 2282 |
| (BBB) "Sweepstakes" means any game, contest, advertising scheme or plan, or other promotion where consideration is not required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance. "Sweepstakes" does not include bingo as authorized under this chapter, pari-mutuel wagering as authorized by Chapter 3769. of the Revised Code, lotteries conducted by the state lottery commission as authorized by Chapter 3770. of the Revised Code, and casino gaming as authorized by Chapter 3772. of the Revised Code. | 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 |
| <u>(CCC) "Electronic instant bingo" means a form of bingo that consists of an electronic or digital representation of instant bingo in which a participant wins a prize if the participant's electronic instant bingo ticket contains a</u> | 2293 2294 2295 2296 |

combination of numbers or symbols that was designated in advance 2297
as a winning combination, and to which all of the following 2298
apply: 2299

(1) Each deal has a predetermined, finite number of 2300
winning and losing tickets and a predetermined prize amount and 2301
deal structure, provided that there may be multiple winning 2302
combinations in each deal and multiple winning tickets. 2303

(2) Each electronic instant bingo ticket within a deal has 2304
a unique serial number that is not regenerated. 2305

(3) Each electronic instant bingo ticket within a deal is 2306
sold for the same price. 2307

(4) After a participant purchases an electronic instant 2308
bingo ticket, the combination of numbers or symbols on the 2309
ticket is revealed to the participant. 2310

(5) The reveal of numbers or symbols on the ticket may 2311
incorporate an entertainment or bonus theme, provided that the 2312
reveal does not include spinning reels that resemble a slot 2313
machine. 2314

(6) The reveal theme, if any, does not require additional 2315
consideration or award any prize other than any predetermined 2316
prize associated with the electronic instant bingo ticket. 2317

(DDD) "Electronic instant bingo system" means a 2318
mechanical, electronic, digital, or video device that is used to 2319
play electronic instant bingo and any associated equipment or 2320
software used to conduct, manage, monitor, or document any 2321
aspect of electronic instant bingo. 2322

Sec. 2915.08. (A) ~~(1) Annually~~ Except as otherwise 2323
permitted under section 2915.092 of the Revised Code, annually 2324

before the first day of January, a charitable organization that 2325
desires to conduct bingo, ~~instant bingo at a bingo session, or~~ 2326
~~instant bingo other than at a bingo session shall make out, upon~~ 2327
~~a form to be furnished by the attorney general for that purpose,~~ 2328
~~an application for a license~~ apply to the attorney general for 2329
one or more of the following types of licenses to conduct bingo, 2330
as appropriate: 2331

(1) A type I license to conduct bingo as described in 2332
division (O)(1) of section 2915.01 of the Revised Code; 2333

(2) A type II license to conduct instant bingo, electronic 2334
instant bingo, or both at a bingo session, ~~or;~~ 2335

(3) A type III license to conduct instant bingo, 2336
electronic instant bingo, or both other than at a bingo session 2337
~~and deliver that,~~ in accordance with sections 2915.093 to 2338
2915.095 or section 2915.13 of the Revised Code, as applicable. 2339

(B) The application to the attorney general together with 2340
shall be accompanied by a license fee as follows: 2341

~~(a) Except as otherwise provided in this division, for (1)~~ 2342
If the charitable organization was not licensed to conduct bingo 2343
under this chapter before July 1, 2003, a fee established by the 2344
attorney general by rule adopted pursuant to section 111.15 of 2345
the Revised Code. 2346

(2) If the charitable organization was licensed to conduct 2347
bingo under this chapter before July 1, 2003, the following 2348
applicable fee: 2349

(a) For a type I license for the a charitable organization 2350
that wishes to conduct of bingo during twenty-six or more weeks 2351
in any calendar year, a license fee of two hundred dollars; 2352

(b) For a type II or type III license for the a charitable 2353
organization that previously has not been licensed under this 2354
chapter to conduct ~~of~~ instant bingo at a bingo session or 2355
electronic instant bingo other than at a bingo session for a 2356
charitable organization that previously has not been licensed 2357
under this chapter to conduct instant bingo at a bingo session 2358
or instant bingo other than at a bingo session and that wishes 2359
to conduct bingo during twenty-six or more weeks in any calendar 2360
year, a license fee of five hundred dollars, and for any other; 2361

(c) For a type II or type III license for a charitable 2362
organization that previously has been licensed under this 2363
chapter to conduct instant bingo or electronic instant bingo and 2364
that desires to conduct bingo during twenty-six or more weeks in 2365
any calendar year, a license fee that is based upon the gross 2366
profits received by the charitable organization from the 2367
operation of instant bingo ~~at a bingo session or~~ electronic 2368
instant bingo ~~other than at a bingo session,~~ during the one-year 2369
period ending on the thirty-first day of October of the year 2370
immediately preceding the year for which the license is sought, 2371
and that is one of the following: 2372

(i) Five hundred dollars, if the total is fifty thousand 2373
dollars or less; 2374

(ii) One thousand two hundred fifty dollars plus one- 2375
fourth per cent of the gross profit, if the total is more than 2376
fifty thousand dollars but less than two hundred fifty thousand 2377
one dollars; 2378

(iii) Two thousand two hundred fifty dollars plus one-half 2379
per cent of the gross profit, if the total is more than two 2380
hundred fifty thousand dollars but less than five hundred 2381
thousand one dollars; 2382

(iv) Three thousand five hundred dollars plus one per cent 2383
of the gross profit, if the total is more than five hundred 2384
thousand dollars but less than one million one dollars; 2385

(v) Five thousand dollars plus one per cent of the gross 2386
profit, if the total is one million one dollars or more+. 2387

~~(e) A (d) For a type I, type II, or type III license for a 2388
charitable organization that desires to conduct bingo during 2389
fewer than twenty-six weeks in any calendar year, a reduced 2390
license fee established by the attorney general by rule adopted 2391
pursuant to division (G) of this section 111.15 of the Revised 2392
Code. 2393~~

~~(d) For a license to conduct bingo for a charitable 2394
organization that prior to July 1, 2003, has not been licensed 2395
under this chapter to conduct bingo, instant bingo at a bingo 2396
session, or instant bingo other than at a bingo session, a 2397
license fee established by rule by the attorney general in 2398
accordance with division (H) of this section. 2399~~

~~(2) (C) The application shall be in the form prescribed by 2400
the attorney general, shall be signed and sworn to by the 2401
applicant, and shall contain all of the following: 2402~~

~~(a) (1) The name and post-office address of the applicant; 2403~~

~~(b) (2) A statement that the applicant is a charitable 2404
organization and that it has been in continuous existence as a 2405
charitable organization in this state for two years immediately 2406
preceding the making of the application; 2407~~

~~(e) (3) The location at which the organization will 2408
conduct bingo, which location shall be within the county in 2409
which the principal place of business of the applicant is 2410
located, the days of the week and the times on each of those 2411~~

days when bingo will be conducted, whether the organization 2412
owns, leases, or subleases the premises, and a copy of the 2413
rental agreement if it leases or subleases the premises; 2414

~~(d)~~ (4) A statement of the applicant's previous history, 2415
record, and association that is sufficient to establish that the 2416
applicant is a charitable organization, and a copy of a 2417
determination letter that is issued by the Internal Revenue 2418
Service and states that the organization is tax exempt under 2419
subsection 501(a) and described in subsection 501(c) (3), 501(c) 2420
(4), 501(c) (7), 501(c) (8), 501(c) (10), or 501(c) (19) of the 2421
Internal Revenue Code; 2422

~~(e)~~ (5) A statement as to whether the applicant has ever 2423
had any previous application refused, whether it previously has 2424
had a license revoked or suspended, and the reason stated by the 2425
attorney general for the refusal, revocation, or suspension; 2426

~~(f)~~ (6) A statement of the charitable purposes for which 2427
the net profit derived from bingo, ~~other than instant bingo,~~ 2428
described in division (O) (1) of section 2915.01 of the Revised 2429
Code will be used, and or a statement of how the net profit 2430
derived from instant bingo or electronic instant bingo will be 2431
distributed in accordance with section 2915.101 of the Revised 2432
Code, as applicable; 2433

~~(g)~~ (7) Other necessary and reasonable information that 2434
the attorney general may require by rule adopted pursuant to 2435
section 111.15 of the Revised Code; 2436

~~(h)~~ (8) If the applicant is a charitable trust as defined 2437
in section 109.23 of the Revised Code, a statement as to whether 2438
it has registered with the attorney general pursuant to section 2439
109.26 of the Revised Code or filed annual reports pursuant to 2440

section 109.31 of the Revised Code, and, if it is not required 2441
to do either, the exemption in section 109.26 or 109.31 of the 2442
Revised Code that applies to it; 2443

~~(i)~~ (9) If the applicant is a charitable organization as 2444
defined in section 1716.01 of the Revised Code, a statement as 2445
to whether it has filed with the attorney general a registration 2446
statement pursuant to section 1716.02 of the Revised Code and a 2447
financial report pursuant to section 1716.04 of the Revised 2448
Code, and, if it is not required to do both, the exemption in 2449
section 1716.03 of the Revised Code that applies to it; 2450

~~(j)~~ (10) In the case of an applicant seeking to qualify as 2451
a youth athletic park organization, a statement issued by a 2452
board or body vested with authority under Chapter 755. of the 2453
Revised Code for the supervision and maintenance of recreation 2454
facilities in the territory in which the organization is 2455
located, certifying that the playing fields owned by the 2456
organization ~~were used for at least one hundred days during the~~ 2457
~~year in which the statement is issued, and were open for use to~~ 2458
all residents of that territory, regardless of race, color, 2459
creed, religion, sex, or national origin, for athletic 2460
activities by youth athletic organizations that do not 2461
discriminate on the basis of race, color, creed, religion, sex, 2462
or national origin; and that the fields were not used for any 2463
profit-making activity at any time during the year. That type of 2464
board or body is authorized to issue the statement upon request 2465
and shall issue the statement if it finds that the applicant's 2466
playing fields were so used. 2467

~~(3)~~ (D) The attorney general, within thirty days after 2468
receiving a timely filed application from a charitable 2469
organization that has been issued a license under this section 2470

that has not expired and has not been revoked or suspended, 2471
shall send a temporary permit to the applicant specifying the 2472
date on which the application was filed with the attorney 2473
general and stating that, pursuant to section 119.06 of the 2474
Revised Code, the applicant may continue to conduct bingo until 2475
a new license is granted or, if the application is rejected, 2476
until fifteen days after notice of the rejection is mailed to 2477
the applicant. The temporary permit does not affect the validity 2478
of the applicant's application and does not grant any rights to 2479
the applicant except those rights specifically granted in 2480
section 119.06 of the Revised Code. The issuance of a temporary 2481
permit by the attorney general pursuant to this division does 2482
not prohibit the attorney general from rejecting the applicant's 2483
application because of acts that the applicant committed, or 2484
actions that the applicant failed to take, before or after the 2485
issuance of the temporary permit. 2486

~~(4)~~ (E) Within thirty days after receiving an initial 2487
license application from a charitable organization to conduct 2488
bingo, ~~instant bingo at a bingo session, or instant bingo other~~ 2489
~~than at a bingo session,~~ the attorney general shall conduct a 2490
preliminary review of the application and notify the applicant 2491
regarding any deficiencies. Once an application is deemed 2492
complete, or beginning on the thirtieth day after the 2493
application is filed, if the attorney general failed to notify 2494
the applicant of any deficiencies, the attorney general shall 2495
have an additional sixty days to conduct an investigation and 2496
either grant, grant with limits, restrictions, or probationary 2497
conditions, or deny the application based on findings 2498
established and communicated in accordance with divisions ~~(B)~~ 2499
(F) and ~~(E)~~ (I) of this section. As an option to granting, 2500
granting with limits, restrictions, or probationary conditions, 2501

or denying an initial license application, the attorney general 2502
may grant a temporary license and request additional time to 2503
conduct the investigation if the attorney general has cause to 2504
believe that additional time is necessary to complete the 2505
investigation and has notified the applicant in writing about 2506
the specific concerns raised during the investigation. 2507

~~(B) (1) (F) (1)~~ The attorney general shall adopt rules to 2508
enforce sections 2915.01, 2915.02, and 2915.07 to ~~2915.13~~ 2509
2915.15 of the Revised Code to ensure that bingo ~~or instant~~ 2510
~~bingo~~ is conducted in accordance with those sections and to 2511
maintain proper control over the conduct of bingo ~~or instant~~ 2512
~~bingo~~. The Except as otherwise provided in this section, the 2513
rules, except rules adopted pursuant to divisions (A) (2) (g) and 2514
(G) of this section, shall be adopted pursuant to Chapter 119. 2515
of the Revised Code. The attorney general shall license 2516
charitable organizations to conduct bingo, ~~instant bingo at a~~ 2517
~~bingo session, or instant bingo other than at a bingo session in~~ 2518
conformance with this chapter and with the licensing provisions 2519
of Chapter 119. of the Revised Code. 2520

(2) ~~The attorney general may refuse to grant a license to~~ 2521
~~any~~ If any of the following applies to an organization, or 2522
~~revoke or suspend the license of any organization, that does any~~ 2523
~~of the following or to which any of the following applies~~ the 2524
attorney general may refuse to grant a license to the 2525
organization, may revoke or suspend the organization's license, 2526
or may place limits, restrictions, or probationary conditions on 2527
the organization's license for a limited or indefinite period, 2528
as determined by the attorney general: 2529

(a) ~~Fails~~ The organization fails or has failed at any time 2530
to meet any requirement of section 109.26, 109.31, or 1716.02, 2531

or sections 2915.07 to ~~2915.11~~2915.15 of the Revised Code, or 2532
violates or has violated any provision of sections 2915.02 or 2533
2915.07 to 2915.13 of the Revised Code or any rule adopted by 2534
the attorney general pursuant to this ~~section~~chapter. 2535

(b) ~~Makes~~The organization makes or has made an incorrect 2536
or false statement that is material to the granting of the 2537
license in an application filed ~~pursuant to division (A) of~~ 2538
under this section~~.~~ 2539

(c) ~~Submits~~The organization submits or has submitted any 2540
incorrect or false information relating to an application if the 2541
information is material to the granting of the license~~.~~ 2542

(d) ~~Maintains~~The organization maintains or has maintained 2543
any incorrect or false information that is material to the 2544
granting of the license in the records required to be kept 2545
pursuant to ~~divisions (A) and (C) of~~ section 2915.10 of the 2546
Revised Code, if applicable~~.~~ 2547

(e) The attorney general has good cause to believe that 2548
the organization will not conduct bingo, ~~instant bingo at a~~ 2549
~~bingo session, or instant bingo other than at a bingo session~~ in 2550
accordance with sections 2915.07 to ~~2915.13~~2915.15 of the 2551
Revised Code or with any rule adopted by the attorney general 2552
pursuant to this ~~section~~chapter. 2553

(3) If the attorney general has good cause to believe that 2554
any director or officer of the organization has breached the 2555
director's or officer's fiduciary duty to, or committed theft or 2556
any other type of misconduct related to, the organization or any 2557
other charitable organization that has been issued a bingo 2558
license under this chapter, the attorney general may refuse to 2559
grant a license to the organization, may impose limits, 2560

restrictions, or probationary conditions on the license, or may 2561
revoke or suspend the organization's license for a period not to 2562
exceed five years. 2563

(4) The attorney general may impose a civil fine on an 2564
organization licensed or permitted under this chapter for 2565
failure to comply with any restrictions, limits, or probationary 2566
conditions on its license, and for failure to comply with this 2567
chapter or any rule adopted under this chapter, according to a 2568
schedule of fines that the attorney general shall adopt in 2569
accordance with Chapter 119. of the Revised Code. 2570

(5) For the purposes of division ~~(B)~~~~(F)~~ of this section, 2571
any action of an officer, trustee, agent, representative, or 2572
bingo game operator of an organization is an action of the 2573
organization. 2574

~~(C)~~(G) The attorney general may grant licenses to 2575
charitable organizations that are branches, lodges, or chapters 2576
of national charitable organizations. 2577

~~(D)~~(H) The attorney general shall send notice of any of 2578
the following actions in writing to the prosecuting attorney and 2579
sheriff of the county in which the charitable organization will 2580
conduct bingo, instant bingo at a bingo session, or instant 2581
bingo other than at a bingo session, as stated in its 2582
application for a license or amended license, is located and to 2583
any other law enforcement agency in that county that so 2584
requests, of all of the following: 2585

(1) The issuance of ~~the~~ a license under this section; 2586

(2) The issuance of ~~the~~ an amended license under this 2587
section; 2588

(3) The rejection of an application for and refusal to 2589

grant a license under this section; 2590

(4) The revocation of any license previously issued under 2591
this section; 2592

(5) The suspension of any license previously issued under 2593
this section; 2594

(6) The placing of any limits, restrictions, or 2595
probationary conditions placed on a license issued under this 2596
section. 2597

~~(E)~~ (I) A license issued by the attorney general under 2598
this section shall set forth the information contained on the 2599
application of the charitable organization that the attorney 2600
general determines is relevant, including, but not limited to, 2601
the location at which the organization will conduct bingo, 2602
~~instant bingo at a bingo session, or instant bingo other than at~~ 2603
~~a bingo session~~ whether the license is a type I, type II, or 2604
type III license, and the days of the week and the times on each 2605
of those days when bingo will be conducted. If the attorney 2606
general refuses to grant, places limits, restrictions, or 2607
probationary conditions on, or revokes or suspends a license, 2608
the attorney general shall notify the applicant in writing and 2609
specifically identify the reason for the refusal, revocation, 2610
limit, restriction, probationary condition, or suspension in 2611
narrative form and, if applicable, by identifying the section of 2612
the Revised Code violated. The failure of the attorney general 2613
to give the written notice of the reasons for the refusal, 2614
revocation, limit, restriction, probationary condition, or 2615
suspension or a mistake in the written notice does not affect 2616
the validity of the attorney general's refusal to grant, or the 2617
revocation or suspension of, or limit, restriction, or 2618
probationary condition on, a license. If the attorney general 2619

fails to give the written notice or if there is a mistake in the 2620
written notice, the applicant may bring an action to compel the 2621
attorney general to comply with this division or to correct the 2622
mistake, but the attorney general's order refusing to grant, or 2623
placing a limit, restriction, or probationary condition on, or 2624
revoking or suspending, a license shall not be enjoined during 2625
the pendency of the action. 2626

~~(F)~~ (J) A charitable organization that has been issued a 2627
license pursuant to division ~~(B)~~ of under this section but that 2628
cannot conduct bingo ~~or instant bingo~~ at the location, or on the 2629
day of the week or at the time, specified on the license due to 2630
circumstances that make it impractical to do so, or that desires 2631
to conduct instant bingo, electronic instant bingo, or both 2632
other than at a bingo session at additional locations not 2633
identified on the license, may apply in writing, together with 2634
an application fee of two hundred fifty dollars, to the attorney 2635
general, at least thirty days prior to a change in or addition 2636
of a location, day of the week, or time, and request an amended 2637
license. As applicable, the application shall describe the 2638
causes making it impractical for the organization to conduct 2639
bingo ~~or instant bingo~~ in conformity with its license and shall 2640
indicate the location, days of the week, and times on each of 2641
those days when it desires to conduct bingo ~~or instant bingo~~ 2642
and, as applicable, shall indicate the additional locations at 2643
which it desires to conduct instant bingo, electronic instant 2644
bingo, or both other than at a bingo session. Except as 2645
otherwise provided in this division, the attorney general shall 2646
issue the amended license in accordance with division ~~(E)~~ (I) of 2647
this section, and the organization shall surrender its original 2648
license to the attorney general. The attorney general may refuse 2649
to grant an amended license according to the terms of division 2650

~~(B)-(F)~~ of this section. 2651

~~(G) The attorney general, by rule adopted pursuant to~~ 2652
~~section 111.15 of the Revised Code, shall establish a schedule~~ 2653
~~of reduced license fees for charitable organizations that desire~~ 2654
~~to conduct bingo or instant bingo during fewer than twenty-six~~ 2655
~~weeks in any calendar year.~~ 2656

~~(H) The attorney general, by rule adopted pursuant to~~ 2657
~~section 111.15 of the Revised Code, shall establish license fees~~ 2658
~~for the conduct of bingo, instant bingo at a bingo session, or~~ 2659
~~instant bingo other than at a bingo session for charitable~~ 2660
~~organizations that prior to July 1, 2003, have not been licensed~~ 2661
~~to conduct bingo, instant bingo at a bingo session, or instant~~ 2662
~~bingo other than at a bingo session under this chapter.~~ 2663

~~(I)-(K)~~ The attorney general may enter into a written 2664
contract with any other state agency to delegate to that state 2665
agency the powers prescribed to the attorney general under 2666
Chapter 2915. of the Revised Code. 2667

~~(J)-(L)~~ The attorney general, by rule adopted pursuant to 2668
section 111.15 of the Revised Code, may adopt rules to determine 2669
the requirements for a charitable organization that is exempt 2670
from federal income taxation under subsection 501(a) and 2671
described in subsection 501(c) (3) of the Internal Revenue Code 2672
to be in good standing in the state. 2673

Sec. 2915.081. (A) No distributor shall sell, offer to 2674
sell, or otherwise provide or offer to provide bingo supplies to 2675
another person, or modify, convert, add to, or remove parts from 2676
bingo supplies to further their promotion or sale, for use in 2677
this state without having obtained a license from the attorney 2678
general under this section. 2679

(B) (1) The attorney general may issue a distributor 2680
license to any person that meets the requirements of this 2681
section. The application for the license shall be on a form 2682
prescribed by the attorney general and be accompanied by the 2683
annual fee prescribed by this section. The license is valid for 2684
a period of one year, and the annual fee for the license is five 2685
thousand dollars. 2686

(2) Upon applying for or renewing a license under this 2687
section, an applicant shall file with and have approved by the 2688
attorney general a bond in which the applicant shall be the 2689
principal obligor, in the sum of fifty thousand dollars, with 2690
one or more sureties authorized to do business in this state. 2691
The applicant shall maintain the bond in effect as long as the 2692
license is valid; however, the liability of the surety under the 2693
bond shall not exceed an all-time aggregate liability of fifty 2694
thousand dollars. The bond, which may be in the form of a rider 2695
to a larger blanket liability bond, shall run to the state and 2696
to any person who may have a cause of action against the 2697
principal obligor of the bond for any liability arising out of a 2698
violation by the obligor of any provision of this chapter or any 2699
rule adopted pursuant to this chapter. 2700

(C) The attorney general may refuse to issue a distributor 2701
license to any person to which any of the following applies, or 2702
to any person that has an officer, partner, or other person who 2703
has an ownership interest of ten per cent or more and to whom 2704
any of the following applies: 2705

(1) The person, officer, or partner has been convicted of 2706
a felony under the laws of this state, another state, or the 2707
United States. 2708

(2) The person, officer, or partner has been convicted of 2709

| | |
|---|------|
| any gambling offense. | 2710 |
| (3) The person, officer, or partner has made an incorrect | 2711 |
| or false statement that is material to the granting of a license | 2712 |
| in an application submitted to the attorney general under this | 2713 |
| section or in a similar application submitted to a gambling | 2714 |
| licensing authority in another jurisdiction if the statement | 2715 |
| resulted in license revocation through administrative action in | 2716 |
| the other jurisdiction. | 2717 |
| (4) The person, officer, or partner has submitted any | 2718 |
| incorrect or false information relating to the application to | 2719 |
| the attorney general under this section, if the information is | 2720 |
| material to the granting of the license. | 2721 |
| (5) The person, officer, or partner has failed to correct | 2722 |
| any incorrect or false information that is material to the | 2723 |
| granting of the license in the records required to be maintained | 2724 |
| under division (E) (F) of section 2915.10 of the Revised Code. | 2725 |
| (6) The person, officer, or partner has had a license | 2726 |
| related to gambling revoked or suspended under the laws of this | 2727 |
| state, another state, or the United States. | 2728 |
| <u>(7) The attorney general has good cause to believe that a</u> | 2729 |
| <u>person, officer, or partner has committed a breach of fiduciary</u> | 2730 |
| <u>duty, theft, or other type of misconduct related to a charitable</u> | 2731 |
| <u>organization that has obtained a bingo license issued under this</u> | 2732 |
| <u>chapter.</u> | 2733 |
| (D) The attorney general shall not issue a distributor | 2734 |
| license to any person that is involved in the conduct of bingo | 2735 |
| on behalf of a charitable organization or that is a lessor of | 2736 |
| premises used for the conduct of bingo. This division does not | 2737 |
| prohibit a distributor from advising charitable organizations on | 2738 |

the use and benefit of specific bingo supplies or prohibit a 2739
distributor from advising a customer on operational methods to 2740
improve bingo profitability. 2741

(E) (1) No distributor shall sell, offer to sell, or 2742
otherwise provide or offer to provide bingo supplies to any 2743
person, or modify, convert, add to, or remove parts from bingo 2744
supplies to further their promotion or sale, for use in this 2745
state except to or for the use of a charitable organization that 2746
has been issued a license under section 2915.08 of the Revised 2747
Code or to another distributor that has been issued a license 2748
under this section. No distributor shall accept payment for the 2749
sale or other provision of bingo supplies other than by check or 2750
electronic fund transfer. 2751

(2) No distributor may donate, give, loan, lease, or 2752
otherwise provide any bingo supplies or equipment, or modify, 2753
convert, add to, or remove parts from bingo supplies to further 2754
their promotion or sale, to or for the use of a charitable 2755
organization for use in a bingo session conditioned on or in 2756
consideration for an exclusive right to provide bingo supplies 2757
to the charitable organization. A distributor may provide a 2758
licensed charitable organization with free samples of the 2759
distributor's products to be used as prizes or to be used for 2760
the purpose of sampling. 2761

(3) No distributor shall purchase bingo supplies for use 2762
in this state from any person except from a manufacturer issued 2763
a license under section 2915.082 of the Revised Code or from 2764
another distributor issued a license under this section. Subject 2765
to division (D) of section 2915.082 of the Revised Code, no 2766
distributor shall pay for purchased bingo supplies other than by 2767
check or electronic fund transfer. 2768

(4) No distributor shall participate in the conduct of bingo on behalf of a charitable organization or have any direct or indirect ownership interest in a premises used for the conduct of bingo.

(5) No distributor shall knowingly solicit, offer, pay, or receive any kickback, bribe, or undocumented rebate, directly or indirectly, overtly or covertly, in cash or in kind, in return for providing bingo supplies to any person in this state.

(F)(1) No distributor shall knowingly sell, offer to sell, or otherwise provide or offer to provide an electronic instant bingo system to any person for use in this state, or maintain, update, or repair an electronic instant bingo system, without first obtaining an electronic instant bingo distributor endorsement to the person's distributor license issued under this section. An applicant for a distributor license under this section may apply simultaneously for an electronic instant bingo distributor endorsement to that license.

(2) An applicant for an electronic instant bingo distributor endorsement shall submit the application on a form prescribed by the attorney general and shall submit one complete set of fingerprints directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The applicant shall provide the fingerprints using a method the superintendent prescribes pursuant to division (C)(2) of section 109.572 of the Revised Code and shall fill out the form the superintendent prescribes pursuant to division (C)(1) of that section. Upon receiving an application for an electronic instant bingo distributor endorsement, the attorney general shall request the superintendent, or a vendor approved by the bureau, to conduct a

criminal records check based on the applicant's fingerprint 2799
impressions in accordance with division (A) (18) of that section. 2800
The applicant shall pay any fee required under division (C) (3) 2801
of that section. 2802

(3) The attorney general shall not issue an electronic 2803
instant bingo distributor endorsement to an applicant unless the 2804
attorney general has received the results of the criminal 2805
records check described in division (F) (2) of this section. The 2806
attorney general shall not issue an electronic instant bingo 2807
distributor endorsement to an applicant if the applicant, any 2808
officer or partner of the applicant, or any person who has an 2809
ownership interest of ten per cent or more in the applicant has 2810
violated any provision of this chapter or any rule adopted by 2811
the attorney general under this chapter or has violated any 2812
existing or former law or rule of this state, any other state, 2813
or the United States that is substantially equivalent to any 2814
provision of this chapter or any rule adopted by the attorney 2815
general under this chapter. 2816

(4) An electronic instant bingo distributor endorsement 2817
issued under this section shall be valid for the period of the 2818
underlying distributor license. 2819

(G) The attorney general may suspend, place limits, 2820
restrictions, or probationary conditions on, or revoke a 2821
distributor license or an electronic instant bingo distributor 2822
endorsement, for a limited or indefinite period of time at the 2823
attorney general's discretion, for any of the reasons for which 2824
the attorney general may refuse to issue a distributor the 2825
license specified in division (C) of this section or endorsement 2826
or if the distributor holding the license or endorsement 2827
violates any provision of this chapter or any rule adopted by 2828

the attorney general under this chapter. 2829

~~(G)~~ (H) The attorney general may adopt rules for the 2830
application, acceptance, denial, suspension, revocation, 2831
limitation, restriction, or condition of a distributor license 2832
or endorsement, and to enforce any other provisions of this 2833
section, in accordance with Chapter 119. of the Revised Code. 2834

(I) The attorney general may impose a civil fine on a 2835
distributor licensed or permitted under this chapter for failure 2836
to comply with any restrictions, limits, or probationary 2837
conditions on its license, or for failure to comply with this 2838
chapter or any rule adopted under this chapter, according to a 2839
schedule of fines that the attorney general shall adopt in 2840
accordance with Chapter 119. of the Revised Code. 2841

(J) Whoever violates division (A) ~~or, (E), or (F)~~ of this 2842
section is guilty of illegally operating as a distributor. 2843
Except as otherwise provided in this division, illegally 2844
operating as a distributor is a misdemeanor of the first degree. 2845
If the offender previously has been convicted of a violation of 2846
division (A) ~~or, (E), or (F)~~ of this section, illegally 2847
operating as a distributor is a felony of the fifth degree. 2848

Sec. 2915.082. (A) No manufacturer shall sell, offer to 2849
sell, or otherwise provide or offer to provide bingo supplies 2850
for use in this state without having obtained a license from the 2851
attorney general under this section. 2852

(B) (1) The attorney general may issue a manufacturer 2853
license to any person that meets the requirements of this 2854
section. The application for the license shall be on a form 2855
prescribed by the attorney general and be accompanied by the 2856
annual fee prescribed by this section. The license is valid for 2857

a period of one year, and the annual fee for the license is five 2858
thousand dollars. 2859

(2) Upon applying for or renewing a license under this 2860
section, an applicant shall file with and have approved by the 2861
attorney general a bond in which the applicant shall be the 2862
principal obligor, in the sum of fifty thousand dollars, with 2863
one or more sureties authorized to do business in this state. 2864
The applicant shall maintain the bond in effect as long as the 2865
license is valid; however, the liability of the surety under the 2866
bond shall not exceed an all-time aggregate liability of fifty 2867
thousand dollars. The bond, which may be in the form of a rider 2868
to a larger blanket liability bond, shall run to the state and 2869
to any person who may have a cause of action against the 2870
principal obligor of the bond for any liability arising out of a 2871
violation by the obligor of any provision of this chapter or any 2872
rule adopted pursuant to this chapter. 2873

(C) The attorney general may refuse to issue a 2874
manufacturer license to any person to which any of the following 2875
applies, or to any person that has an officer, partner, or other 2876
person who has an ownership interest of ten per cent or more and 2877
to whom any of the following applies: 2878

(1) The person, officer, or partner has been convicted of 2879
a felony under the laws of this state, another state, or the 2880
United States. 2881

(2) The person, officer, or partner has been convicted of 2882
any gambling offense. 2883

(3) The person, officer, or partner has made an incorrect 2884
or false statement that is material to the granting of a license 2885
in an application submitted to the attorney general under this 2886

section or in a similar application submitted to a gambling 2887
licensing authority in another jurisdiction if the statement 2888
resulted in license revocation through administrative action in 2889
the other jurisdiction. 2890

(4) The person, officer, or partner has submitted any 2891
incorrect or false information relating to the application to 2892
the attorney general under this section, if the information is 2893
material to the granting of the license. 2894

(5) The person, officer, or partner has failed to correct 2895
any incorrect or false information that is material to the 2896
granting of the license in the records required to be maintained 2897
under division ~~(F)~~(G) of section 2915.10 of the Revised Code. 2898

(6) The person, officer, or partner has had a license 2899
related to gambling revoked or suspended under the laws of this 2900
state, another state, or the United States. 2901

(7) The attorney general has good cause to believe that 2902
the person, officer, or partner has committed a breach of 2903
fiduciary duty, theft, or other type of misconduct, related to a 2904
charitable organization that has obtained a bingo license under 2905
this chapter. 2906

(D) (1) No manufacturer shall sell, offer to sell, or 2907
otherwise provide or offer to provide bingo supplies to any 2908
person for use in this state except to a distributor that has 2909
been issued a license under section 2915.081 of the Revised 2910
Code. No manufacturer shall accept payment for the sale of bingo 2911
supplies other than by check or electronic fund transfer. 2912

(2) No manufacturer shall knowingly solicit, offer, pay, 2913
or receive any kickback, bribe, or undocumented rebate, directly 2914
or indirectly, overtly or covertly, in cash or in kind, in 2915

return for providing bingo supplies to any person in this state. 2916

(E) (1) No manufacturer shall knowingly sell, offer to 2917
sell, or otherwise provide or offer to provide an electronic 2918
instant bingo system to any person for use in this state, or 2919
submit an electronic instant bingo system for testing and 2920
approval under section 2915.15 of the Revised Code, without 2921
first obtaining an electronic instant bingo manufacturer 2922
endorsement to the person's manufacturer license issued under 2923
this section. An applicant for a manufacturer license under this 2924
section may apply simultaneously for an electronic instant bingo 2925
manufacturer endorsement to that license. 2926

(2) A manufacturer licensed under this section may only 2927
sell, offer to sell, or otherwise provide or offer to provide 2928
electronic instant bingo systems that contain proprietary 2929
software owned by or licensed to the manufacturer. If the 2930
proprietary software is licensed to the manufacturer, the 2931
manufacturer shall provide a copy of the license along with the 2932
application for an endorsement under this section. 2933

(3) An applicant for an electronic instant bingo 2934
manufacturer endorsement shall submit the application on a form 2935
prescribed by the attorney general and shall submit one complete 2936
set of fingerprints directly to the superintendent of the bureau 2937
of criminal identification and investigation for the purpose of 2938
conducting a criminal records check. The applicant shall provide 2939
the fingerprints using a method the superintendent prescribes 2940
pursuant to division (C) (2) of section 109.572 of the Revised 2941
Code and shall fill out the form the superintendent prescribes 2942
pursuant to division (C) (1) of that section. Upon receiving an 2943
application for an electronic instant bingo manufacturer 2944
endorsement, the attorney general shall request the 2945

superintendent, or a vendor approved by the bureau, to conduct a 2946
criminal records check based on the applicant's fingerprint 2947
impressions in accordance with division (A) (18) of that section. 2948
The applicant shall pay any fee required under division (C) (3) 2949
of that section. 2950

(4) The attorney general shall not issue an electronic 2951
instant bingo manufacturer endorsement to an applicant unless 2952
the attorney general has received the results of the criminal 2953
records check described in division (E) (3) of this section. The 2954
attorney general shall not issue an electronic instant bingo 2955
manufacturer endorsement to an applicant if the applicant, any 2956
officer or partner of the applicant, or any person who has an 2957
ownership interest of ten per cent or more in the applicant has 2958
violated any existing or former law or rule of this state, any 2959
other state, or the United States that is substantially 2960
equivalent to any provision of this chapter or any rule adopted 2961
by the attorney general under this chapter. 2962

(F) (1) The attorney general may suspend, place limits, 2963
restrictions, or probationary conditions on, or revoke a 2964
manufacturer license or an electronic instant bingo manufacturer 2965
endorsement for a limited or indefinite period of time for any 2966
of the reasons for which the attorney general may refuse to 2967
issue a ~~manufacturer the license specified in division (C) of~~ 2968
~~this section or endorsement~~ or if the manufacturer holding the 2969
license or endorsement violates any provision of this chapter or 2970
any rule adopted by the attorney general under this chapter. 2971

(2) The attorney general may perform an onsite inspection 2972
of a manufacturer of bingo supplies that is selling, offering to 2973
sell, or otherwise providing or offering to provide bingo 2974
supplies or that is applying for a license to sell, offer to 2975

sell, or otherwise provide or offer to provide bingo supplies in 2976
this state. 2977

~~(F)~~ (G) The attorney general may adopt rules for the 2978
application, acceptance, denial, suspension, revocation, 2979
limitation, restriction, or condition of a manufacturer license 2980
or endorsement described in this section, and to enforce any 2981
other provisions of this section, in accordance with Chapter 2982
119. of the Revised Code. 2983

(H) The attorney general may impose a civil fine on a 2984
manufacturer licensed or permitted under this chapter for 2985
failure to comply with any restrictions, limits, or probationary 2986
conditions on its license, and for failure to comply with this 2987
chapter or any rule adopted under this chapter, according to a 2988
schedule of fines that the attorney general shall adopt in 2989
accordance with Chapter 119. of the Revised Code. 2990

(I) Whoever violates division (A) ~~or, (D), or (E)~~ of this 2991
section is guilty of illegally operating as a manufacturer. 2992
Except as otherwise provided in this division, illegally 2993
operating as a manufacturer is a misdemeanor of the first 2994
degree. If the offender previously has been convicted of a 2995
violation of division (A) ~~or, (D), or (E)~~ of this section, 2996
illegally operating as a manufacturer is a felony of the fifth 2997
degree. 2998

Sec. 2915.09. (A) No charitable organization that conducts 2999
bingo shall fail to do any of the following: 3000

(1) Own all of the equipment used to conduct bingo or 3001
lease that equipment from a charitable organization that is 3002
licensed to conduct bingo, or from the landlord of a premises 3003
where bingo is conducted, for a rental rate that is not more 3004

than is customary and reasonable for that equipment; 3005

(2) Except as otherwise provided in division (A) (3) of 3006
this section, use all of the gross receipts from bingo for 3007
paying prizes, for reimbursement of expenses for or for renting 3008
premises in which to conduct a bingo session, for reimbursement 3009
of expenses for or for purchasing or leasing bingo supplies used 3010
in conducting bingo, for reimbursement of expenses for or for 3011
hiring security personnel, for reimbursement of expenses for or 3012
for advertising bingo, or for reimbursement of other expenses or 3013
for other expenses listed in division (GG) of section 2915.01 of 3014
the Revised Code, provided that the amount of the receipts so 3015
spent is not more than is customary and reasonable for a similar 3016
purchase, lease, hiring, advertising, or expense. If the 3017
building in which bingo is conducted is owned by the charitable 3018
organization conducting bingo and the bingo conducted includes a 3019
form of bingo described in division (O) (1) of section 2915.01 of 3020
the Revised Code, the charitable organization may deduct from 3021
the total amount of the gross receipts from each session a sum 3022
equal to the lesser of six hundred dollars or forty-five per 3023
cent of the gross receipts from the bingo described in that 3024
division as consideration for the use of the premises. 3025

(3) Use, or give, donate, or otherwise transfer, all of 3026
the net profit derived from bingo, ~~other than instant bingo,~~ 3027
described in division (O) (1) of section 2915.01 of the Revised 3028
Code for a charitable purpose listed in its license application 3029
and described in division (V) of section 2915.01 of the Revised 3030
Code, or distribute all of the net profit from the proceeds of 3031
the sale of instant bingo or electronic instant bingo as stated 3032
in its license application and in accordance with section 3033
2915.101 of the Revised Code, as applicable. 3034

(B) No charitable organization that conducts a bingo game 3035
described in division (O) (1) of section 2915.01 of the Revised 3036
Code shall fail to do any of the following: 3037

(1) Conduct the bingo game on premises that are owned by 3038
the charitable organization, on premises that are owned by 3039
another charitable organization and leased from that charitable 3040
organization for a rental rate not in excess of the lesser of 3041
six hundred dollars per bingo session or forty-five per cent of 3042
the gross receipts of the bingo session, on premises that are 3043
leased from a person other than a charitable organization for a 3044
rental rate that is not more than is customary and reasonable 3045
for premises that are similar in location, size, and quality but 3046
not in excess of four hundred fifty dollars per bingo session, 3047
or on premises that are owned by a person other than a 3048
charitable organization, that are leased from that person by 3049
another charitable organization, and that are subleased from 3050
that other charitable organization by the charitable 3051
organization for a rental rate not in excess of four hundred 3052
fifty dollars per bingo session. No charitable organization is 3053
required to pay property taxes or assessments on premises that 3054
the charitable organization leases from another person to 3055
conduct bingo sessions. If the charitable organization leases 3056
from a person other than a charitable organization the premises 3057
on which it conducts bingo sessions, the lessor of the premises 3058
shall provide the premises to the organization and shall not 3059
provide the organization with bingo game operators, security 3060
personnel, concessions or concession operators, bingo supplies, 3061
or any other type of service. A charitable organization shall 3062
not lease or sublease premises that it owns or leases to more 3063
than three other charitable organizations per calendar week for 3064
conducting bingo sessions on the premises. A person that is not 3065

a charitable organization shall not lease premises that it owns, 3066
leases, or otherwise is empowered to lease to more than three 3067
charitable organizations per calendar week for conducting bingo 3068
sessions on the premises. In no case shall more than nine bingo 3069
sessions be conducted on any premises in any calendar week. 3070

(2) Display its license conspicuously at the premises 3071
where the bingo session is conducted; 3072

(3) Conduct the bingo session in accordance with the 3073
definition of bingo set forth in division (O) (1) of section 3074
2915.01 of the Revised Code. 3075

(C) No charitable organization that conducts a bingo game 3076
described in division (O) (1) of section 2915.01 of the Revised 3077
Code shall do any of the following: 3078

(1) Pay any compensation to a bingo game operator for 3079
operating a bingo session that is conducted by the charitable 3080
organization or for preparing, selling, or serving food or 3081
beverages at the site of the bingo session, permit any auxiliary 3082
unit or society of the charitable organization to pay 3083
compensation to any bingo game operator who prepares, sells, or 3084
serves food or beverages at a bingo session conducted by the 3085
charitable organization, or permit any auxiliary unit or society 3086
of the charitable organization to prepare, sell, or serve food 3087
or beverages at a bingo session conducted by the charitable 3088
organization, if the auxiliary unit or society pays any 3089
compensation to the bingo game operators who prepare, sell, or 3090
serve the food or beverages; 3091

(2) Pay consulting fees to any person for any services 3092
performed in relation to the bingo session; 3093

(3) Pay concession fees to any person who provides 3094

refreshments to the participants in the bingo session; 3095

(4) Except as otherwise provided in division (C) (4) of 3096
this section, conduct more than three bingo sessions in any 3097
seven-day period. A volunteer firefighter's organization or a 3098
volunteer rescue service organization that conducts not more 3099
than five bingo sessions in a calendar year may conduct more 3100
than three bingo sessions in a seven-day period after notifying 3101
the attorney general when it will conduct the sessions. 3102

(5) Pay out more than six thousand dollars in prizes for 3103
bingo games described in division (O) (1) of section 2915.01 of 3104
the Revised Code during any bingo session that is conducted by 3105
the charitable organization. "Prizes" does not include awards 3106
from the conduct of instant bingo. 3107

(6) Conduct a bingo session at any time during the eight- 3108
hour period between two a.m. and ten a.m., at any time during, 3109
or within ten hours of, a bingo game conducted for amusement 3110
only pursuant to section 2915.12 of the Revised Code, at any 3111
premises not specified on its license, or on any day of the week 3112
or during any time period not specified on its license. Division 3113
(A) (6) of this section does not prohibit the sale of instant 3114
bingo tickets beginning at nine a.m. for a bingo session that 3115
begins at ten a.m. If circumstances make it impractical for the 3116
charitable organization to conduct a bingo session at the 3117
premises, or on the day of the week or at the time, specified on 3118
its license, or if a charitable organization wants to conduct 3119
bingo sessions on a day of the week or at a time other than the 3120
day or time specified on its license, the charitable 3121
organization may apply in writing to the attorney general for an 3122
amended license pursuant to division ~~(F)~~ (J) of section 2915.08 3123
of the Revised Code. A charitable organization may apply twice 3124

in each calendar year for an amended license to conduct bingo 3125
sessions on a day of the week or at a time other than the day or 3126
time specified on its license. If the amended license is 3127
granted, the organization may conduct bingo sessions at the 3128
premises, on the day of the week, and at the time specified on 3129
its amended license. 3130

(7) Permit any person whom the charitable organization 3131
knows, or should have known, is under the age of eighteen to 3132
work as a bingo game operator; 3133

(8) Permit any person whom the charitable organization 3134
knows, or should have known, has been convicted of a felony or 3135
gambling offense in any jurisdiction to be a bingo game 3136
operator; 3137

(9) Permit the lessor of the premises on which the bingo 3138
session is conducted, if the lessor is not a charitable 3139
organization, to provide the charitable organization with bingo 3140
game operators, security personnel, concessions, bingo supplies, 3141
or any other type of service; 3142

(10) Purchase or lease bingo supplies from any person 3143
except a distributor issued a license under section 2915.081 of 3144
the Revised Code; 3145

(11) (a) Use or permit the use of electronic bingo aids 3146
except under the following circumstances: 3147

(i) For any single participant, not more than ninety bingo 3148
faces can be played using an electronic bingo aid or aids. 3149

(ii) The charitable organization shall provide a 3150
participant using an electronic bingo aid with corresponding 3151
paper bingo cards or sheets. 3152

(iii) The total price of bingo faces played with an 3153
electronic bingo aid shall be equal to the total price of the 3154
same number of bingo faces played with a paper bingo card or 3155
sheet sold at the same bingo session but without an electronic 3156
bingo aid. 3157

(iv) An electronic bingo aid cannot be part of an 3158
electronic network other than a network that includes only bingo 3159
aids and devices that are located on the premises at which the 3160
bingo is being conducted or be interactive with any device not 3161
located on the premises at which the bingo is being conducted. 3162

(v) An electronic bingo aid cannot be used to participate 3163
in bingo that is conducted at a location other than the location 3164
at which the bingo session is conducted and at which the 3165
electronic bingo aid is used. 3166

(vi) An electronic bingo aid cannot be used to provide for 3167
the input of numbers and letters announced by a bingo caller 3168
other than the bingo caller who physically calls the numbers and 3169
letters at the location at which the bingo session is conducted 3170
and at which the electronic bingo aid is used. 3171

(b) The attorney general may adopt rules in accordance 3172
with Chapter 119. of the Revised Code that govern the use of 3173
electronic bingo aids. The rules may include a requirement that 3174
an electronic bingo aid be capable of being audited by the 3175
attorney general to verify the number of bingo cards or sheets 3176
played during each bingo session. 3177

(12) Permit any person the charitable organization knows, 3178
or should have known, to be under eighteen years of age to play 3179
bingo described in division (O) (1) of section 2915.01 of the 3180
Revised Code. 3181

(D) (1) Except as otherwise provided in division (D) (3) of 3182
this section, no charitable organization shall provide to a 3183
bingo game operator, and no bingo game operator shall receive or 3184
accept, any commission, wage, salary, reward, tip, donation, 3185
gratuity, or other form of compensation, directly or indirectly, 3186
regardless of the source, for conducting bingo or providing 3187
other work or labor at the site of bingo during a bingo session. 3188

(2) Except as otherwise provided in division (D) (3) of 3189
this section, no charitable organization shall provide to a 3190
bingo game operator any commission, wage, salary, reward, tip, 3191
donation, gratuity, or other form of compensation, directly or 3192
indirectly, regardless of the source, for conducting instant 3193
bingo, electronic instant bingo, or both other than at a bingo 3194
session at the site of instant bingo, electronic instant bingo, 3195
or both other than at a bingo session. 3196

(3) Nothing in division (D) of this section prohibits an 3197
employee of a fraternal organization, veteran's organization, or 3198
sporting organization from selling instant bingo tickets or 3199
cards to the organization's members or invited guests, as long 3200
as no portion of the employee's compensation is paid from any 3201
receipts of bingo. 3202

(E) Notwithstanding division (B) (1) of this section, a 3203
charitable organization that, prior to December 6, 1977, has 3204
entered into written agreements for the lease of premises it 3205
owns to another charitable organization or other charitable 3206
organizations for the conducting of bingo sessions so that more 3207
than two bingo sessions are conducted per calendar week on the 3208
premises, and a person that is not a charitable organization and 3209
that, prior to December 6, 1977, has entered into written 3210
agreements for the lease of premises it owns to charitable 3211

organizations for the conducting of more than two bingo sessions 3212
per calendar week on the premises, may continue to lease the 3213
premises to those charitable organizations, provided that no 3214
more than four sessions are conducted per calendar week, that 3215
the lessor organization or person has notified the attorney 3216
general in writing of the organizations that will conduct the 3217
sessions and the days of the week and the times of the day on 3218
which the sessions will be conducted, that the initial lease 3219
entered into with each organization that will conduct the 3220
sessions was filed with the attorney general prior to December 3221
6, 1977, and that each organization that will conduct the 3222
sessions was issued a license to conduct bingo games by the 3223
attorney general prior to December 6, 1977. 3224

(F) This section does not prohibit a bingo licensed 3225
charitable organization or a game operator from giving any 3226
person an instant bingo ticket as a prize. 3227

(G) Whoever violates division (A) (2) of this section is 3228
guilty of illegally conducting a bingo game, a felony of the 3229
fourth degree. Except as otherwise provided in this division, 3230
whoever violates division (A) (1) or (3), (B) (1), (2), or (3), 3231
(C) (1) to ~~(12)~~ (11), or (D) of this section is guilty of a minor 3232
misdemeanor. If the offender previously has been convicted of a 3233
violation of division (A) (1) or (3), (B) (1), (2), or (3), (C) (1) 3234
to (11), or (D) of this section, a violation of division (A) (1) 3235
or (3), (B) (1), (2), or (3), (C), or (D) of this section is a 3236
misdemeanor of the first degree. Whoever violates division (C) 3237
(12) of this section is guilty of a misdemeanor of the first 3238
degree, or if the offender previously has been convicted of a 3239
violation of division (C) (12) of this section, a felony of the 3240
fourth degree. 3241

Sec. 2915.091. (A) No charitable organization that 3242
conducts instant bingo shall do any of the following: 3243

(1) Fail to comply with the requirements of divisions (A) 3244
(1), (2), and (3) of section 2915.09 of the Revised Code; 3245

(2) Conduct instant bingo unless either of the following 3246
applies: 3247

(a) That organization is, and has received from the 3248
internal revenue service a determination letter that is 3249
currently in effect stating that the organization is, exempt 3250
from federal income taxation under subsection 501(a), is 3251
described in subsection 501(c) (3) of the Internal Revenue Code, 3252
is a charitable organization as defined in section 2915.01 of 3253
the Revised Code, is in good standing in the state pursuant to 3254
section 2915.08 of the Revised Code, and is in compliance with 3255
Chapter 1716. of the Revised Code; 3256

(b) That organization is, and has received from the 3257
internal revenue service a determination letter that is 3258
currently in effect stating that the organization is, exempt 3259
from federal income taxation under subsection 501(a), is 3260
described in subsection 501(c) (7), 501(c) (8), 501(c) (10), or 3261
501(c) (19) or is a veteran's organization described in 3262
subsection 501(c) (4) of the Internal Revenue Code, and conducts 3263
instant bingo under section 2915.13 of the Revised Code. 3264

(3) Conduct instant bingo on any day, at any time, or at 3265
any premises not specified on the organization's license issued 3266
pursuant to section 2915.08 of the Revised Code; 3267

(4) Permit any person whom the organization knows or 3268
should have known has been convicted of a felony or gambling 3269
offense in any jurisdiction to be a bingo game operator in the 3270

| | |
|--|------|
| conduct of instant bingo; | 3271 |
| (5) Purchase or lease supplies used to conduct instant | 3272 |
| bingo or punch board games from any person except a distributor | 3273 |
| licensed under section 2915.081 of the Revised Code; | 3274 |
| (6) Sell or provide any instant bingo ticket or card for a | 3275 |
| price different from the price printed on it by the manufacturer | 3276 |
| on either the instant bingo ticket or card or on the game flare; | 3277 |
| (7) Sell an instant bingo ticket or card to a person under | 3278 |
| eighteen years of age; | 3279 |
| (8) Fail to keep unsold instant bingo tickets or cards for | 3280 |
| less than three years; | 3281 |
| (9) Pay any compensation to a bingo game operator for | 3282 |
| conducting instant bingo that is conducted by the organization | 3283 |
| or for preparing, selling, or serving food or beverages at the | 3284 |
| site of the instant bingo game, permit any auxiliary unit or | 3285 |
| society of the organization to pay compensation to any bingo | 3286 |
| game operator who prepares, sells, or serves food or beverages | 3287 |
| at an instant bingo game conducted by the organization, or | 3288 |
| permit any auxiliary unit or society of the organization to | 3289 |
| prepare, sell, or serve food or beverages at an instant bingo | 3290 |
| game conducted by the organization, if the auxiliary unit or | 3291 |
| society pays any compensation to the bingo game operators who | 3292 |
| prepare, sell, or serve the food or beverages; | 3293 |
| (10) Pay fees to any person for any services performed in | 3294 |
| relation to an instant bingo game, except as provided in | 3295 |
| division (D) of section 2915.093 of the Revised Code; | 3296 |
| (11) Pay fees to any person who provides refreshments to | 3297 |
| the participants in an instant bingo game; | 3298 |

(12) (a) Allow instant bingo tickets or cards to be sold to 3299
bingo game operators at a premises at which the organization 3300
sells instant bingo tickets or cards or to be sold to employees 3301
of a D permit holder who are working at a premises at which 3302
instant bingo tickets or cards are sold; 3303

(b) Division (A) (12) (a) of this section does not prohibit 3304
a licensed charitable organization or a bingo game operator from 3305
giving any person an instant bingo ticket as a prize in place of 3306
a cash prize won by a participant in an instant bingo game. In 3307
no case shall an instant bingo ticket or card be sold or 3308
provided for a price different from the price printed on it by 3309
the manufacturer on either the instant bingo ticket or card or 3310
on the game flare. 3311

(13) Fail to display its bingo license, and the serial 3312
numbers of the deal of instant bingo tickets or cards to be 3313
sold, conspicuously at each premises at which it sells instant 3314
bingo tickets or cards; 3315

(14) Possess a deal of instant bingo tickets or cards that 3316
was not purchased from a distributor licensed under section 3317
2915.081 of the Revised Code as reflected on an invoice issued 3318
by the distributor that contains all of the information required 3319
by division (E) of section 2915.10 of the Revised Code; 3320

(15) Fail, once it opens a deal of instant bingo tickets 3321
or cards, to continue to sell the tickets or cards in that deal 3322
until the tickets or cards with the top two highest tiers of 3323
prizes in that deal are sold; 3324

(16) Possess bingo supplies that were not obtained in 3325
accordance with ~~sections 2915.01 to 2915.13 of the Revised Code~~ 3326
this chapter. 3327

(B) A charitable organization may purchase, lease, or use 3328
instant bingo ticket dispensers to sell instant bingo tickets or 3329
cards. 3330

(C) The attorney general may adopt rules in accordance 3331
with Chapter 119. of the Revised Code that govern the conduct of 3332
instant bingo by charitable organizations. Before those rules 3333
are adopted, the attorney general shall reference the 3334
recommended standards for opacity, randomization, minimum 3335
information, winner protection, color, and cutting for instant 3336
bingo tickets or cards, seal cards, and punch boards established 3337
by the North American gaming regulators association. 3338

(D) Whoever violates division (A) of this section or a 3339
rule adopted under division (C) of this section is guilty of 3340
illegal instant bingo conduct. Except as otherwise provided in 3341
this division, illegal instant bingo conduct is a misdemeanor of 3342
the first degree. If the offender previously has been convicted 3343
of a violation of division (A) of this section or of such a 3344
rule, illegal instant bingo conduct is a felony of the fifth 3345
degree. 3346

Sec. 2915.093. (A) As used in this section, "retail income 3347
from all commercial activity" means the income that a person 3348
receives from the provision of goods, services, or activities 3349
that are provided at the location where instant bingo other than 3350
at a bingo session is conducted, including the sale of instant 3351
bingo tickets. A religious organization that is exempt from 3352
federal income taxation under subsection 501(a) and described in 3353
subsection 501(c) (3) of the Internal Revenue Code, at not more 3354
than one location at which it conducts its charitable programs, 3355
may include donations from its members and guests as retail 3356
income. 3357

(B) (1) If a charitable instant bingo organization conducts 3358
instant bingo other than at a bingo session under a type III 3359
license issued under section 2915.08 of the Revised Code, the 3360
charitable instant bingo organization shall enter into a written 3361
contract with the owner or lessor of the location at which the 3362
instant bingo is conducted to allow the owner or lessor to 3363
assist in the conduct of instant bingo other than at a bingo 3364
session, identify each location where the instant bingo other 3365
than at a bingo session is being conducted, and identify the 3366
owner or lessor of each location. 3367

(2) A charitable instant bingo organization that conducts 3368
instant bingo other than at a bingo session under a type III 3369
license issued under section 2915.08 of the Revised Code is not 3370
required to enter into a written contract with the owner or 3371
lessor of the location at which the instant bingo is conducted, 3372
provided that the owner or lessor is not assisting in the 3373
conduct of the instant bingo other than at a bingo session and 3374
provided that the conduct of the instant bingo other than at a 3375
bingo session at that location is not more than five days per 3376
calendar year and not more than ten hours per day. 3377

(C) Except as provided in division (F) of this section, no 3378
charitable instant bingo organization shall conduct instant 3379
bingo other than at a bingo session at a location where the 3380
primary source of retail income from all commercial activity at 3381
that location is the sale of instant bingo tickets. 3382

(D) The owner or lessor of a location that enters into a 3383
contract pursuant to division (B) of this section shall pay the 3384
full gross profit to the charitable instant bingo organization, 3385
in return for the deal of instant bingo tickets. The owner or 3386
lessor may retain the money that the owner or lessor receives 3387

for selling the instant bingo tickets, provided, however, that 3388
after the deal has been sold, the owner or lessor shall pay to 3389
the charitable instant bingo organization the value of any 3390
unredeemed instant bingo prizes remaining in the deal of instant 3391
bingo tickets. 3392

The charitable instant bingo organization shall pay six 3393
per cent of the total gross receipts of any deal of instant 3394
bingo tickets for the purpose of reimbursing the owner or lessor 3395
for expenses described in this division. 3396

As used in this division, "expenses" means those items 3397
provided for in divisions (GG) (4), (5), (6), (7), (8), (12), and 3398
(13) of section 2915.01 of the Revised Code and that percentage 3399
of the owner's or lessor's rent for the location where instant 3400
bingo is conducted. "Expenses," in the aggregate, shall not 3401
exceed six per cent of the total gross receipts of any deal of 3402
instant bingo tickets. 3403

As used in this division, "full gross profit" means the 3404
amount by which the total receipts of all instant bingo tickets, 3405
if the deal had been sold in full, exceeds the amount that would 3406
be paid out if all prizes were redeemed. 3407

(E) A charitable instant bingo organization shall provide 3408
the attorney general with all of the following information: 3409

(1) That the charitable instant bingo organization has 3410
terminated a contract entered into pursuant to division (B) of 3411
this section with an owner or lessor of a location; 3412

(2) That the charitable instant bingo organization has 3413
entered into a written contract pursuant to division (B) of this 3414
section with a new owner or lessor of a location; 3415

(3) That the charitable instant bingo organization is 3416

aware of conduct by the owner or lessor of a location at which 3417
instant bingo is conducted that is in violation of this chapter. 3418

(F) Division (C) of this section does not apply to a 3419
volunteer firefighter's organization that is exempt from federal 3420
income taxation under subsection 501(a) and described in 3421
subsection 501(c) (3) of the Internal Revenue Code, that conducts 3422
instant bingo other than at a bingo session on the premises 3423
where the organization conducts firefighter training, that has 3424
conducted instant bingo continuously for at least five years 3425
prior to July 1, 2003, and that, during each of those five 3426
years, had gross receipts of at least one million five hundred 3427
thousand dollars. 3428

Sec. 2915.095. The attorney general, by rule adopted 3429
pursuant to section 111.15 of the Revised Code, shall establish 3430
a standard contract to be used by a charitable instant bingo 3431
organization, a veteran's organization, ~~a~~ fraternal 3432
organization, or a sporting organization for the conduct of 3433
instant bingo, electronic instant bingo, or both other than at a 3434
bingo session under a type III license issued under section 3435
2915.08 of the Revised Code. The terms of the contract shall be 3436
limited to the provisions in Chapter 2915. of the Revised Code. 3437

Sec. 2915.10. (A) No charitable organization that conducts 3438
bingo or a game of chance pursuant to division (D) of section 3439
2915.02 of the Revised Code shall fail to maintain the following 3440
records for at least three years from the date on which the 3441
bingo or game of chance is conducted: 3442

(1) An itemized list of the gross receipts of each bingo 3443
session, each game of instant bingo by serial number, each 3444
electronic instant bingo game by serial number, each raffle, 3445
each punch board game, and each game of chance, and an itemized 3446

list of the gross profits of each game of instant bingo by 3447
serial number and each electronic instant bingo game by serial 3448
number; 3449

(2) An itemized list of all expenses, other than prizes, 3450
that are incurred in conducting bingo ~~or instant bingo~~, the name 3451
of each person to whom the expenses are paid, and a receipt for 3452
all of the expenses; 3453

(3) A list of all prizes awarded during each bingo 3454
session, each raffle, each punch board game, and each game of 3455
chance conducted by the charitable organization, the total 3456
prizes awarded from each game of instant bingo by serial number 3457
and each electronic instant bingo game by serial number, and the 3458
name, address, and social security number of all persons who are 3459
winners of prizes of six hundred dollars or more in value; 3460

(4) An itemized list of the recipients of the net profit 3461
of the bingo or game of chance, including the name and address 3462
of each recipient to whom the money is distributed, and if the 3463
organization uses the net profit of bingo, or the money or 3464
assets received from a game of chance, for any charitable or 3465
other purpose set forth in division (V) of section 2915.01, 3466
division (D) of section 2915.02, or section 2915.101 of the 3467
Revised Code, a list of each purpose and an itemized list of 3468
each expenditure for each purpose; 3469

(5) The number of persons who participate in any bingo 3470
session or game of chance that is conducted by the charitable 3471
organization; 3472

(6) A list of receipts from the sale of food and beverages 3473
by the charitable organization or one of its auxiliary units or 3474
societies, if the receipts were excluded from gross receipts 3475

under division (T) of section 2915.01 of the Revised Code; 3476

(7) An itemized list of all expenses incurred at each 3477
bingo session, each raffle, each punch board game, or each game 3478
of instant bingo or electronic instant bingo conducted by the 3479
charitable organization in the sale of food and beverages by the 3480
charitable organization or by an auxiliary unit or society of 3481
the charitable organization, the name of each person to whom the 3482
expenses are paid, and a receipt for all of the expenses. 3483

(B) A charitable organization shall keep the records that 3484
it is required to maintain pursuant to division (A) of this 3485
section at its principal place of business in this state or at 3486
its headquarters in this state and shall notify the attorney 3487
general of the location at which those records are kept. 3488

(C) The gross profit from each bingo session or game 3489
described in division (O) (1) or (2) of section 2915.01 of the 3490
Revised Code shall be deposited into a checking account devoted 3491
exclusively to the bingo session or game. Payments for allowable 3492
expenses incurred in conducting the bingo session or game and 3493
payments to recipients of some or all of the net profit of the 3494
bingo session or game shall be made only by checks or electronic 3495
fund transfers drawn on the bingo session or game account. 3496

(D) Each charitable organization shall conduct and record 3497
an inventory of all of its bingo supplies as of the first day of 3498
November of each year. 3499

(E) The attorney general may adopt rules in accordance 3500
with Chapter 119. of the Revised Code that establish standards 3501
of accounting, record keeping, and reporting to ensure that 3502
gross receipts from bingo or games of chance are properly 3503
accounted for. 3504

(F) A distributor shall maintain, for a period of three 3505
years after the date of its sale or other provision, a record of 3506
each instance of its selling or otherwise providing to another 3507
person bingo supplies for use in this state. The record shall 3508
include all of the following for each instance: 3509

(1) The name of the manufacturer from which the 3510
distributor purchased the bingo supplies and the date of the 3511
purchase; 3512

(2) The name and address of the charitable organization or 3513
other distributor to which the bingo supplies were sold or 3514
otherwise provided; 3515

(3) A description that clearly identifies the bingo 3516
supplies; 3517

(4) Invoices that include the nonrepeating serial numbers 3518
of all paper bingo cards and sheets and all instant bingo deals 3519
sold or otherwise provided to each charitable organization. 3520

(G) A manufacturer shall maintain, for a period of three 3521
years after the date of its sale or other provision, a record of 3522
each instance of its selling or otherwise providing bingo 3523
supplies for use in this state. The record shall include all of 3524
the following for each instance: 3525

(1) The name and address of the distributor to whom the 3526
bingo supplies were sold or otherwise provided; 3527

(2) A description that clearly identifies the bingo 3528
supplies, including serial numbers; 3529

(3) Invoices that include the nonrepeating serial numbers 3530
of all paper bingo cards and sheets and all instant bingo deals 3531
sold or otherwise provided to each distributor. 3532

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| (H) The attorney general or any law enforcement agency may | 3533 |
| do all of the following: | 3534 |
| (1) Investigate any charitable organization, <u>distributor,</u> | 3535 |
| <u>or manufacturer</u> or any officer, agent, trustee, member, or | 3536 |
| employee of the organization, <u>distributor, or manufacturer;</u> | 3537 |
| (2) Examine the accounts and records of the <u>charitable</u> | 3538 |
| <u>organization, distributor, or manufacturer</u> or of any officer, <u></u> | 3539 |
| <u>agent, trustee, member, or employee of the organization,</u> | 3540 |
| <u>distributor, or manufacturer;</u> | 3541 |
| (3) Conduct inspections, audits, and observations of bingo | 3542 |
| or games of chance; | 3543 |
| (4) Conduct inspections of the premises where bingo or | 3544 |
| games of chance are conducted <u>or where bingo supplies are</u> | 3545 |
| <u>manufactured or distributed;</u> | 3546 |
| (5) Take any other necessary and reasonable action to | 3547 |
| determine if a violation of any provision of sections 2915.01 to | 3548 |
| 2915.13 of the Revised Code <u>this chapter</u> has occurred and to | 3549 |
| determine whether section 2915.11 of the Revised Code has been | 3550 |
| complied with. | 3551 |
| If any law enforcement agency has reasonable grounds to | 3552 |
| believe that a charitable organization, <u>distributor, or</u> | 3553 |
| <u>manufacturer</u> or an officer, agent, trustee, member, or employee | 3554 |
| of the organization, <u>distributor, or manufacturer</u> has violated | 3555 |
| any provision of this chapter, the law enforcement agency may | 3556 |
| proceed by action in the proper court to enforce this chapter, | 3557 |
| provided that the law enforcement agency shall give written | 3558 |
| notice to the attorney general when commencing an action as | 3559 |
| described in this division. | 3560 |
| (I) No person shall destroy, alter, conceal, withhold, or | 3561 |

deny access to any accounts or records of a charitable 3562
organization, distributor, or manufacturer that have been 3563
requested for examination, or obstruct, impede, or interfere 3564
with any inspection, audit, or observation of bingo or a game of 3565
chance ~~or~~, of premises where bingo or a game of chance is 3566
conducted, or of premises where bingo supplies are manufactured 3567
or distributed, or refuse to comply with any reasonable request 3568
of, or obstruct, impede, or interfere with any other reasonable 3569
action undertaken by, the attorney general or a law enforcement 3570
agency pursuant to division (H) of this section. 3571

(J) Whoever violates division (A) or (I) of this section 3572
is guilty of a misdemeanor of the first degree. 3573

Sec. 2915.101. Except as otherwise provided by law, a 3574
charitable organization that conducts instant bingo or 3575
electronic instant bingo shall distribute the net profit from 3576
the proceeds of the sale of instant bingo or electronic instant 3577
bingo as follows: 3578

(A) (1) If a veteran's organization, a fraternal 3579
organization, or a sporting organization conducted the instant 3580
bingo or electronic instant bingo, the organization shall 3581
distribute the net profit from the proceeds of the sale of 3582
instant bingo or electronic instant bingo, as follows: 3583

(a) For the first two hundred fifty thousand dollars, or a 3584
greater amount prescribed by the attorney general to adjust for 3585
changes in prices as measured by the consumer price index as 3586
defined in section 325.18 of the Revised Code and other factors 3587
affecting the organization's expenses, as defined in division 3588
(GG) of section 2915.01 of the Revised Code, or less of net 3589
profit from the proceeds of the sale of instant bingo or 3590
electronic instant bingo generated in a calendar year: 3591

(i) At least twenty-five per cent shall be distributed to 3592
an organization described in division (V) (1) of section 2915.01 3593
of the Revised Code or to a department or agency of the federal 3594
government, the state, or any political subdivision. 3595

(ii) Not more than seventy-five per cent may be deducted 3596
and retained by the organization for reimbursement of or for the 3597
organization's expenses, as defined in division (GG) of section 3598
2915.01 of the Revised Code, in conducting the instant bingo or 3599
electronic instant bingo game. 3600

(b) For any net profit from the proceeds of the sale of 3601
instant bingo or electronic instant bingo of more than two 3602
hundred fifty thousand dollars or an adjusted amount generated 3603
in a calendar year: 3604

(i) A minimum of fifty per cent shall be distributed to an 3605
organization described in division (V) (1) of section 2915.01 of 3606
the Revised Code or to a department or agency of the federal 3607
government, the state, or any political subdivision. 3608

(ii) Five per cent may be distributed for the 3609
organization's own charitable purposes or to a community action 3610
agency. 3611

(iii) Forty-five per cent may be deducted and retained by 3612
the organization for reimbursement of or for the organization's 3613
expenses, as defined in division (GG) of section 2915.01 of the 3614
Revised Code, in conducting the instant bingo or electronic 3615
instant bingo game. 3616

(2) If a veteran's organization, a fraternal organization, 3617
or a sporting organization does not distribute the full 3618
percentages specified in divisions (A) (1) (a) and (b) of this 3619
section for the purposes specified in those divisions, the 3620

organization shall distribute the balance of the net profit from 3621
the proceeds of the sale of instant bingo or electronic instant 3622
bingo not distributed or retained for those purposes to an 3623
organization described in division (V) (1) of section 2915.01 of 3624
the Revised Code. 3625

(B) If a charitable organization other than a veteran's 3626
organization, a fraternal organization, or a sporting 3627
organization conducted the instant bingo or electronic instant 3628
bingo, the organization shall distribute one hundred per cent of 3629
the net profit from the proceeds of the sale of instant bingo or 3630
electronic instant bingo to an organization described in 3631
division (V) (1) of section 2915.01 of the Revised Code or to a 3632
department or agency of the federal government, the state, or 3633
any political subdivision. 3634

(C) Nothing in this section prohibits a veteran's 3635
organization, a fraternal organization, or a sporting 3636
organization from distributing any net profit from the proceeds 3637
of the sale of instant bingo or electronic instant bingo to an 3638
organization that is described in subsection 501(c) (3) of the 3639
Internal Revenue Code when the organization that is described in 3640
subsection 501(c) (3) of the Internal Revenue Code is one that 3641
makes donations to other organizations and permits donors to 3642
advise or direct such donations so long as the donations comply 3643
with requirements established in or pursuant to subsection 3644
501(c) (3) of the Internal Revenue Code. 3645

Sec. 2915.12. (A) Sections 2915.07 to ~~2915.11~~ 2915.15 of 3646
the Revised Code do not apply to bingo games that are conducted 3647
for the purpose of amusement only. A bingo game is conducted for 3648
the purpose of amusement only if it complies with all of the 3649
requirements specified in either division (A) (1) or (2) of this 3650

section: 3651

(1) (a) The participants do not pay any money or any other 3652
thing of value including an admission fee, or any fee for bingo 3653
cards or sheets, objects to cover the spaces, or other devices 3654
used in playing bingo, for the privilege of participating in the 3655
bingo game, or to defray any costs of the game, or pay tips or 3656
make donations during or immediately before or after the bingo 3657
game. 3658

(b) All prizes awarded during the course of the game are 3659
nonmonetary, and in the form of merchandise, goods, or 3660
entitlements to goods or services only, and the total value of 3661
all prizes awarded during the game is less than one hundred 3662
dollars. 3663

(c) No commission, wages, salary, reward, tip, donation, 3664
gratuity, or other form of compensation, either directly or 3665
indirectly, and regardless of the source, is paid to any bingo 3666
game operator for work or labor performed at the site of the 3667
bingo game. 3668

(d) The bingo game is not conducted either during or 3669
within ten hours of any of the following: 3670

(i) A bingo session during which a charitable bingo game 3671
is conducted pursuant to sections 2915.07 to ~~2915.11~~2915.15 of 3672
the Revised Code; 3673

(ii) A scheme or game of chance, or bingo described in 3674
division (0) (2) of section 2915.01 of the Revised Code. 3675

(e) The number of players participating in the bingo game 3676
does not exceed fifty. 3677

(2) (a) The participants do not pay money or any other 3678

thing of value as an admission fee, and no participant is 3679
charged more than twenty-five cents to purchase a bingo card or 3680
sheet, objects to cover the spaces, or other devices used in 3681
playing bingo. 3682

(b) The total amount of money paid by all of the 3683
participants for bingo cards or sheets, objects to cover the 3684
spaces, or other devices used in playing bingo does not exceed 3685
one hundred dollars. 3686

(c) All of the money paid for bingo cards or sheets, 3687
objects to cover spaces, or other devices used in playing bingo 3688
is used only to pay winners monetary and nonmonetary prizes and 3689
to provide refreshments. 3690

(d) The total value of all prizes awarded during the game 3691
does not exceed one hundred dollars. 3692

(e) No commission, wages, salary, reward, tip, donation, 3693
gratuity, or other form of compensation, either directly or 3694
indirectly, and regardless of the source, is paid to any bingo 3695
game operator for work or labor performed at the site of the 3696
bingo game. 3697

(f) The bingo game is not conducted during or within ten 3698
hours of either of the following: 3699

(i) A bingo session during which a charitable bingo game 3700
is conducted pursuant to sections 2915.07 to ~~2915.11~~ 2915.15 of 3701
the Revised Code; 3702

(ii) A scheme of chance or game of chance, or bingo 3703
described in division (O) (2) of section 2915.01 of the Revised 3704
Code. 3705

(g) All of the participants reside at the premises where 3706

the bingo game is conducted. 3707

(h) The bingo games are conducted on different days of the 3708
week and not more than twice in a calendar week. 3709

(B) The attorney general or any local law enforcement 3710
agency may investigate the conduct of a bingo game that 3711
purportedly is conducted for purposes of amusement only if there 3712
is reason to believe that the purported amusement bingo game 3713
does not comply with the requirements of either division (A) (1) 3714
or (2) of this section. A local law enforcement agency may 3715
proceed by action in the proper court to enforce this section if 3716
the local law enforcement agency gives written notice to the 3717
attorney general when commencing the action. 3718

Sec. 2915.13. (A) A veteran's organization, a fraternal 3719
organization, or a sporting organization authorized to conduct a 3720
bingo session pursuant to ~~sections 2915.01 to 2915.12 of the~~ 3721
Revised Code this chapter may conduct instant bingo, electronic 3722
instant bingo, or both other than at a bingo session under a 3723
type III license issued under section 2915.08 of the Revised 3724
Code if all of the following apply: 3725

(1) The veteran's organization, fraternal organization, or 3726
sporting organization limits the sale of instant bingo or 3727
electronic instant bingo to twelve hours during any day, 3728
provided that the sale does not begin earlier than ten a.m. and 3729
ends not later than two a.m. 3730

(2) The veteran's organization, fraternal organization, or 3731
sporting organization limits the sale of instant bingo or 3732
electronic instant bingo to its own premises and to its own 3733
members and invited guests. 3734

(3) The veteran's organization, fraternal organization, or 3735

sporting organization is raising money for an organization that 3736
is described in subsection 509(a) (1), 509(a) (2), or 509(a) (3) of 3737
the Internal Revenue Code and is either a governmental unit or 3738
an organization that maintains its principal place of business 3739
in this state, that is exempt from federal income taxation under 3740
subsection 501(a) and described in subsection 501(c) (3) of the 3741
Internal Revenue Code, and that is in good standing in this 3742
state and executes a written contract with that organization as 3743
required in division (B) of this section. 3744

(B) If a veteran's organization, fraternal organization, 3745
or sporting organization authorized to conduct instant bingo or 3746
electronic instant bingo pursuant to division (A) of this 3747
section is raising money for another organization that is 3748
described in subsection 509(a) (1), 509(a) (2), or 509(a) (3) of 3749
the Internal Revenue Code and is either a governmental unit or 3750
an organization that maintains its principal place of business 3751
in this state, that is exempt from federal income taxation under 3752
subsection 501(a) and described in subsection 501(c) (3) of the 3753
Internal Revenue Code, and that is in good standing in this 3754
state, the veteran's organization, fraternal organization, or 3755
sporting organization shall execute a written contract with the 3756
organization that is described in subsection 509(a) (1), 509(a) 3757
(2), or 509(a) (3) of the Internal Revenue Code and is either a 3758
governmental unit or an organization that maintains its 3759
principal place of business in this state, that is exempt from 3760
federal income taxation under subsection 501(a) and described in 3761
subsection 501(c) (3) of the Internal Revenue Code, and that is 3762
in good standing in this state in order to conduct instant bingo 3763
or electronic instant bingo. That contract shall include a 3764
statement of the percentage of the net proceeds that the 3765
veteran's, fraternal, or sporting organization will be 3766

distributing to the organization that is described in subsection 3767
509(a) (1), 509(a) (2), or 509(a) (3) of the Internal Revenue Code 3768
and is either a governmental unit or an organization that 3769
maintains its principal place of business in this state, that is 3770
exempt from federal income taxation under subsection 501(a) and 3771
described in subsection 501(c) (3) of the Internal Revenue Code, 3772
and that is in good standing in this state. 3773

(C) (1) If a veteran's organization, fraternal 3774
organization, or sporting organization authorized to conduct 3775
instant bingo or electronic instant bingo pursuant to division 3776
(A) of this section has been issued a liquor permit under 3777
Chapter 4303. of the Revised Code, that permit may be subject to 3778
suspension, revocation, or cancellation if the veteran's 3779
organization, fraternal organization, or sporting organization 3780
violates a provision of this chapter. 3781

(2) No veteran's organization, fraternal organization, or 3782
sporting organization that enters into a written contract 3783
pursuant to division (B) of this section shall violate any 3784
provision of this chapter or permit, aid, or abet any other 3785
person in violating any provision of this chapter. 3786

(D) A veteran's organization, fraternal organization, or 3787
sporting organization shall give all required proceeds earned 3788
from the conduct of instant bingo or electronic instant bingo to 3789
the organization with which the veteran's organization, 3790
fraternal organization, or sporting organization has entered 3791
into a written contract. 3792

(E) Whoever violates this section is guilty of illegal 3793
instant bingo or electronic instant bingo conduct. Except as 3794
otherwise provided in this division, illegal instant bingo or 3795
electronic instant bingo conduct is a misdemeanor of the first 3796

degree. If the offender previously has been convicted of a 3797
violation of this section, illegal instant bingo or electronic 3798
instant bingo conduct is a felony of the fifth degree. 3799

Sec. 2915.14. (A) No charitable organization that conducts 3800
electronic instant bingo shall do any of the following: 3801

(1) Conduct electronic instant bingo unless that 3802
organization is a veteran's organization described in division 3803
(J) of section 2915.01 of the Revised Code or is a fraternal 3804
organization described in division (L) of section 2915.01 of the 3805
Revised Code, and is, and has received from the internal revenue 3806
service a determination letter that is currently in effect 3807
stating that the organization is, exempt from federal income 3808
taxation under subsection 501(a), and is described in subsection 3809
501(c) (7), 501(c) (8), 501(c) (10), or 501(c) (19) or is a 3810
veteran's organization described in subsection 501(c) (4) of the 3811
Internal Revenue Code, and conducts instant bingo under section 3812
2915.13 of the Revised Code; 3813

(2) Possess an electronic instant bingo system that was 3814
not obtained in accordance with this chapter or with any rule 3815
adopted under this chapter; 3816

(3) Conduct electronic instant bingo on any day, at any 3817
time, or on any premises not specified on the organization's 3818
type II or type III license issued under section 2915.08 of the 3819
Revised Code; 3820

(4) Fail to display both of the following conspicuously at 3821
each premises in which the charitable organization conducts 3822
electronic instant bingo: 3823

(a) The charitable organization's bingo license; 3824

(b) The serial number of each deal of electronic instant 3825

bingo tickets being sold. 3826

(5) Permit any person the charitable organization knows, 3827
or should have known, to be under eighteen years of age to play 3828
electronic instant bingo; 3829

(6) Sell or provide to any person an electronic instant 3830
bingo ticket for a price different from the price displayed on 3831
the game flare for that deal, except that the charitable 3832
organization may give a participant who wins an electronic 3833
instant bingo game an electronic instant bingo ticket as a prize 3834
in place of a cash prize; 3835

(7) Fail, once an electronic instant bingo deal is begun, 3836
to continue to sell tickets in that deal until all prizes have 3837
been awarded; 3838

(8) Permit any person whom the organization knows, or 3839
should have known, has been convicted of a felony or gambling 3840
offense in any jurisdiction to be a bingo game operator in the 3841
conduct of electronic instant bingo; 3842

(9) Permit a bingo game operator to play electronic 3843
instant bingo; 3844

(10) (a) Except as otherwise provided in division (A) (10) 3845
(b) of this section, pay compensation to a bingo game operator 3846
for conducting electronic instant bingo. 3847

(b) Division (A) (10) (a) of this section does not prohibit 3848
an employee of a veteran's organization, fraternal organization, 3849
or sporting organization from redeeming electronic instant bingo 3850
tickets or vouchers for the organization's members or invited 3851
guests, so long as no portion of the employee's compensation is 3852
paid from any bingo receipts. 3853

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| <u>(11) Pay consulting fees to any person in relation to</u> | 3854 |
| <u>electronic instant bingo.</u> | 3855 |
| <u>(B) No person shall sell, offer to sell, or otherwise</u> | 3856 |
| <u>provide or offer to provide an electronic instant bingo system</u> | 3857 |
| <u>to any person for use in this state unless the electronic</u> | 3858 |
| <u>instant bingo system has been approved under section 2915.15 of</u> | 3859 |
| <u>the Revised Code.</u> | 3860 |
| <u>(C) The attorney general shall adopt rules under Chapter</u> | 3861 |
| <u>119. of the Revised Code to ensure the integrity of electronic</u> | 3862 |
| <u>instant bingo, including, but not limited to, rules governing</u> | 3863 |
| <u>all of the following:</u> | 3864 |
| <u>(1) The requirements to receive a license to conduct</u> | 3865 |
| <u>electronic instant bingo;</u> | 3866 |
| <u>(2) The location and number of electronic instant bingo</u> | 3867 |
| <u>systems in use;</u> | 3868 |
| <u>(3) The times when electronic instant bingo may be</u> | 3869 |
| <u>offered;</u> | 3870 |
| <u>(4) Signage requirements in facilities where electronic</u> | 3871 |
| <u>instant bingo is offered;</u> | 3872 |
| <u>(5) Electronic instant bingo device and system</u> | 3873 |
| <u>specifications, including reveal features and game themes;</u> | 3874 |
| <u>(6)</u> | 3875 |
| <u>Procedures and standards for the review, approval,</u> | 3876 |
| <u>inspection, and monitoring of electronic instant bingo systems,</u> | 3877 |
| <u>as described in section 2915.15 of the Revised Code;</u> | 3878 |
| <u>(7) Procedures and standards for the review and approval</u> | 3879 |
| <u>of any changes to technology, systems, or games licensed or</u> | 3880 |

permitted under this chapter; 3881

(8) The fees to be charged under section 2915.15 of the 3882
Revised Code for review, approval, inspection, and monitoring of 3883
electronic instant bingo systems; 3884

(9) Procedures allowing the attorney general to seek a 3885
summary suspension of a license to conduct electronic instant 3886
bingo or a license to manufacture or distribute electronic 3887
instant bingo systems if the attorney general has good cause to 3888
believe that the person or organization licensed to conduct 3889
electronic instant bingo, or the person or organization licensed 3890
to manufacture or distribute electronic instant bingo systems, 3891
or any of the organization's employees, officers, directors, 3892
agents, representatives, or partners, has violated this chapter 3893
or a rule adopted under this chapter. 3894

(D) Whoever knowingly violates division (A) or (B) of this 3895
section or a rule adopted under division (C) of this section is 3896
guilty of illegal electronic instant bingo conduct. Illegal 3897
electronic instant bingo conduct is a misdemeanor of the first 3898
degree, except that if the offender previously has been 3899
convicted of a violation of division (A) of this section or of a 3900
rule adopted under division (C) of this section, illegal instant 3901
bingo conduct is a felony of the fifth degree. 3902

Sec. 2915.15. (A) (1) Before selling, offering to sell, or 3903
otherwise providing or offering to provide an electronic instant 3904
bingo system to any person for use in this state, a manufacturer 3905
shall submit the electronic instant bingo system to an 3906
independent testing laboratory, that is licensed by the state 3907
lottery commission under section 3770.02 of the Revised Code or 3908
that is certified under section 3772.31 of the Revised Code, for 3909
testing and evaluation to determine whether the electronic 3910

instant bingo system meets the requirements of this chapter and 3911
of rules adopted under this chapter. The manufacturer shall pay 3912
all costs of that testing and evaluation. 3913

(2) If the independent testing laboratory certifies that 3914
the electronic instant bingo system meets the requirements of 3915
this chapter and of rules adopted under this chapter, the 3916
manufacturer may submit the electronic instant bingo system, 3917
along with a copy of the laboratory's certification and a fee 3918
established by the attorney general by rule under Chapter 119. 3919
of the Revised Code, to the attorney general for review and 3920
approval. The manufacturer also shall submit a fee established 3921
by the attorney general by rule under Chapter 119. of the 3922
Revised Code, which the attorney general shall use to pay the 3923
cost of reviewing and approving electronic instant bingo systems 3924
under division (A) of this section. 3925

(3) If the attorney general determines that the electronic 3926
instant bingo system meets the requirements of this chapter and 3927
of the rules adopted under this chapter, the attorney general 3928
shall approve the system for use in this state. 3929

(B) Any electronic instant bingo system approved for use 3930
in this state shall include an internal report management system 3931
that records information concerning the operation of the system 3932
and that meets the requirements adopted by the attorney general 3933
by rule under Chapter 119. of the Revised Code. The internal 3934
report management system shall permit the attorney general or 3935
another person designated by the attorney general to access the 3936
internal report management system, monitor the electronic 3937
instant bingo system in real time, and remotely deactivate the 3938
electronic instant bingo system or any aspect of the system. 3939

(C) The attorney general may inspect any electronic 3940

instant bingo system in use in this state at any time to ensure 3941
that the system is in compliance with this chapter and with the 3942
rules adopted under this chapter. If the attorney general 3943
determines that any person or any electronic instant bingo 3944
system is in violation of any provision of this chapter or of 3945
any rule adopted under this chapter, the attorney general may 3946
order that the violation immediately cease and may deactivate 3947
the electronic instant bingo system or any aspect of it. 3948

(D) The attorney general may establish by rule adopted 3949
under Chapter 119. of the Revised Code an annual fee to be paid 3950
by distributors licensed under section 2915.081 of the Revised 3951
Code who have electronic instant bingo distributor endorsements 3952
to their licenses in order to pay the cost of monitoring the 3953
systems under division (B) of this section and the cost of 3954
inspecting systems under division (C) of this section. 3955

Section 4. That existing sections 109.32, 109.572, 3956
2915.01, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 3957
2915.093, 2915.095, 2915.10, 2915.101, 2915.12, and 2915.13 of 3958
the Revised Code are hereby repealed. 3959

Section 5. Section 109.572 of the Revised Code is 3960
presented in this act as a composite of the section as amended 3961
by both H.B. 166 and S.B. 57 of the 133rd General Assembly. The 3962
General Assembly, applying the principle stated in division (B) 3963
of section 1.52 of the Revised Code that amendments are to be 3964
harmonized if reasonably capable of simultaneous operation, 3965
finds that the composite is the resulting version of the section 3966
in effect prior to the effective date of the section as 3967
presented in this act. 3968