

**As Reported by the House State and Local Government Committee**

**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**

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**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  
registration system. 119 120

(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

<del>county where that will use the equipment will be used</del> 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 <del>machine</del> <u>systems</u> examiners to examine and approve	148
equipment and its related manuals and support arrangements. <del>The</del>	149
<u>(2) (a) The board shall consist of four voting members, who</u>	150
shall be appointed as follows:	151
<del>(1) (i) Two members appointed by the secretary of state;</del>	152
<del>(2) (ii) One member appointed by either the speaker of the</del>	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
<del>(3) (iii) One member appointed by either the president of</del>	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 766  
member of the state central committee or the county central 767  
committee of a political party, the petition shall be signed by 768  
five qualified electors of the district, county, ward, township, 769  
or precinct within which electors may vote for such candidate. 770  
The electors signing such petition shall be members of the same 771  
political party as the political party of which the candidate is 772  
a member. 773

For purposes of signing or circulating a petition of 774  
candidacy for party nomination or election, an elector is 775  
considered to be a member of a political party if the elector 776  
voted in that party's primary election within the preceding two 777  
calendar years, or if the elector did not vote in any other 778  
party's primary election within the preceding two calendar 779  
years. 780

If the declaration of candidacy is of one that is to be 781  
submitted only to electors within a county, or within a district 782  
or subdivision or part thereof smaller than a county, the 783  
petition shall be filed with the board of elections of the 784  
county. If the declaration of candidacy is of one that is to be 785  
submitted only to electors of a district or subdivision or part 786  
thereof that is situated in more than one county, the petition 787  
shall be filed with the board of elections of the county within 788  
which the major portion of the population thereof, as 789  
ascertained by the next preceding federal census, is located. 790

A petition shall consist of separate petition papers, each 791  
of which shall contain signatures of electors of only one 792  
county. Petitions or separate petition papers containing 793  
signatures of electors of more than one county shall not thereby 794  
be declared invalid. In case petitions or separate petition 795

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 <del>when used in conjunction with instant bingo.</del>	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

~~(c)~~ (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 appliesthe~~ 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 section 111.15 of the Revised Code, shall establish a schedule of reduced license fees for charitable organizations that desire to conduct bingo or instant bingo during fewer than twenty-six weeks in any calendar year.~~ 2652  
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~~(H) The attorney general, by rule adopted pursuant to section 111.15 of the Revised Code, shall establish license fees for the conduct of bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session for charitable organizations that prior to July 1, 2003, have not been licensed to conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session under this chapter.~~ 2657  
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~~(I)-(K)~~ The attorney general may enter into a written contract with any other state agency to delegate to that state agency the powers prescribed to the attorney general under Chapter 2915. of the Revised Code. 2664  
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~~(J)-(L)~~ The attorney general, by rule adopted pursuant to section 111.15 of the Revised Code, may adopt rules to determine the requirements for a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code to be in good standing in the state. 2668  
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**Sec. 2915.081.** (A) No distributor shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies to another person, or modify, convert, add to, or remove parts from bingo supplies to further their promotion or sale, for use in this state without having obtained a license from the attorney general under this section. 2674  
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(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 <del>(E)</del> (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 electronic bingo aid shall be equal to the total price of the same number of bingo faces played with a paper bingo card or sheet sold at the same bingo session but without an electronic bingo aid.

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

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

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

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

(12) Permit any person the charitable organization knows, or should have known, to be under eighteen years of age to play bingo described in division (0) (1) of section 2915.01 of the Revised Code.

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

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

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

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

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

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

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

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

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



(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 <del>sections 2915.01 to</del>	3548
<del>2915.13 of the Revised Code</del> <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

<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