

As Introduced

131st General Assembly

Regular Session

2015-2016

S. B. No. 222

Senators Lehner, Williams

Cosponsors: Senators Jones, Tavares, Yuko, Brown

A BILL

To amend sections 149.43, 2929.18, 2929.28, 1
3503.13, 3503.16, 3503.21, 3503.23, 3503.24, 2
3503.26, 3504.02, 3504.04, 3505.181, 3505.182, 3
3505.183, 3509.03, 3509.04, 3509.05, 3509.06, 4
3509.07, 3509.09, 3511.02, 3511.05, 3511.11, and 5
3511.12 and to enact sections 111.41, 111.42, 6
111.43, 111.44, 111.45, 111.46, 111.47, 111.48, 7
and 111.99 of the Revised Code to create an 8
address confidentiality program for victims of 9
domestic violence, menacing by stalking, human 10
trafficking, trafficking in persons, rape, 11
sexual battery, and other crimes. 12

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

Section 1. That sections 149.43, 2929.18, 2929.28, 13
3503.13, 3503.16, 3503.21, 3503.23, 3503.24, 3503.26, 3504.02, 14
3504.04, 3505.181, 3505.182, 3505.183, 3509.03, 3509.04, 15
3509.05, 3509.06, 3509.07, 3509.09, 3511.02, 3511.05, 3511.11, 16
and 3511.12 be amended and sections 111.41, 111.42, 111.43, 17
111.44, 111.45, 111.46, 111.47, 111.48, and 111.99 of the 18
Revised Code be enacted to read as follows: 19

Sec. 111.41. As used in sections 111.41 to 111.99 of the 20
Revised Code: 21

(A) "Application assistant" means an employee or volunteer 22
at an agency or organization that serves victims of domestic 23
violence, menacing by stalking, human trafficking, trafficking 24
in persons, rape, or sexual battery who has received training 25
and certification from the secretary of state to help 26
individuals complete applications to be program participants. 27

(B) "Confidential address" means the address of a program 28
participant's residence, school, institution of higher 29
education, business, or place of employment, as specified on an 30
application to be a program participant or on a notice of change 31
of address filed under section 111.42 of the Revised Code. A 32
confidential address is not a public record under section 149.43 33
of the Revised Code. 34

(C) "Governmental entity" means the state, a political 35
subdivision of the state, or any department, agency, board, 36
commission, or other instrumentality of the state or a political 37
subdivision of the state. 38

(D) "Guardian," "incompetent," "parent," and "ward" have 39
the same meanings as in section 2111.01 of the Revised Code. 40

(E) "Human trafficking" has the same meaning as in section 41
2929.01 of the Revised Code. 42

(F) "Process" means judicial process and all orders, 43
demands, notices, or other papers required or permitted by law 44
to be served on a program participant. 45

(G) "Program participant" means a person who is certified 46
by the secretary of state as a program participant under section 47
111.42 of the Revised Code. 48

(H) "Tier I sex offender/child-victim offender," "tier II sex offender/child-victim offender," and "tier III sex offender/child-victim offender" have the same meanings as in section 2950.01 of the Revised Code. 49
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Sec. 111.42. (A) Except for a person described in division (E) of this section, an adult person, or a parent or guardian acting on behalf of a minor, incompetent, or ward, may apply to the secretary of state with the assistance of an application assistant to have an address designated by the secretary of state serve as the person's address or the address of the minor, incompetent, or ward. The application shall be made on a form prescribed by the secretary of state and filed in the office of the secretary of state in the manner prescribed by the secretary of state. The application shall contain all of the following: 53
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(1) A notarized statement by the applicant that the applicant fears for the safety of the applicant, a member of the applicant's household, or the minor, incompetent, or ward on whose behalf the application is made because the applicant, household member, minor, incompetent, or ward is a victim of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, sexual battery, or another crime; 63
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(2) A designation of the secretary of state as the agent for the purposes of receiving service of process and the receipt of mail; 70
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(3) The mailing address and telephone number or numbers at which the secretary of state may contact the applicant; 73
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(4) The address or addresses of the applicant's residence, school, institution of higher education, business, or place of employment that the applicant requests not be disclosed for the 75
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reason that disclosure will increase the risk that the 78
applicant, a member of the applicant's household, or the minor, 79
incompetent, or ward on whose behalf the application is made 80
will be threatened or physically harmed by another person; 81

(5) The signature of the applicant, the name and signature 82
of the application assistant who assisted the applicant, and the 83
date on which the applicant and the application assistant signed 84
the application. 85

(B) Upon receiving a properly completed application under 86
division (A) of this section, the secretary of state shall do 87
all of the following: 88

(1) Certify the applicant or the minor, incompetent, or 89
ward on whose behalf the application is filed as a program 90
participant; 91

(2) Designate each eligible address listed in the 92
application as a confidential address; 93

(3) Issue the program participant a unique program 94
participant identification number; 95

(4) Provide information to the program participant 96
concerning the manner in which the program participant may use 97
the secretary of state as the program participant's agent for 98
the purposes of receiving mail and receiving service of process; 99

(5) Provide information to the program participant 100
concerning the process to register to vote and to vote as a 101
program participant, if the program participant is eligible to 102
vote. 103

(C) A program participant may update the person's name or 104
confidential addresses by submitting a notice of change of name 105

or address to the office of the secretary of state on a form 106
prescribed by the secretary of state. 107

(D) The certification of a program participant shall be 108
valid for four years after the date of the filing of the 109
application for the program participant unless the certification 110
is withdrawn or invalidated before the end of that four-year 111
period. 112

(E) (1) A program participant who continues to be eligible 113
to participate in the address confidentiality program may renew 114
the program participant's certification by submitting a renewal 115
application to the secretary of state with the assistance of an 116
application assistant. The renewal application shall be on a 117
form prescribed by the secretary of state and shall contain all 118
of the information described in division (A) of this section. 119

(2) The secretary of state may prescribe by rule a grace 120
period during which a program participant whose certification 121
has expired may renew the program participant's certification 122
without being considered to have ceased being a program 123
participant during that period. 124

(3) When a program participant renews the program 125
participant's certification, the program participant shall 126
continue to use the program participant's original program 127
participant identification number. 128

(F) A tier I sex offender/child-victim offender, a tier II 129
sex offender/child-victim offender, or a tier III sex 130
offender/child-victim offender is not eligible to participate in 131
the address confidentiality program described in sections 111.41 132
to 111.99 of the Revised Code. 133

Sec. 111.43. (A) A program participant may request that a 134

governmental entity, other than a board of elections, use the 135
address designated by the secretary of state as the program 136
participant's address. Except as otherwise provided in division 137
(D) of this section and in section 111.44 of the Revised Code, 138
if the program participant requests that a governmental entity 139
use that address, the governmental entity shall accept that 140
address. 141

(B) If a program participant's employer, school, or 142
institution of higher education is not a governmental entity, 143
the program participant may request that the employer, school, 144
or institution of higher education use the address designated by 145
the secretary of state as the program participant's address. 146

(C) (1) The office of the secretary of state shall, on a 147
daily basis, place all first class mail of a program participant 148
that the secretary of state receives into an envelope or package 149
and mail that envelope or package to the program participant at 150
the mailing address the program participant provided to the 151
secretary of state for that purpose. The secretary of state may 152
contract with the United States postal service to establish 153
special postal rates for the envelopes or packages used in 154
mailing a program participant's first class mail under this 155
section. 156

(2) (a) Upon receiving service of process on behalf of a 157
program participant, the office of the secretary of state shall 158
immediately forward the process by certified mail, return 159
receipt requested, to the program participant at the mailing 160
address the program participant provided to the secretary of 161
state for that purpose. Service of process on a program 162
participant is complete when the office of the secretary of 163
state receives that process by mail or otherwise. 164

(b) The secretary of state may prescribe by rule the manner in which process may be served on the secretary of state as the agent of a program participant. 165
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(c) Upon request by a person who intends to serve process on an individual, the secretary of state shall confirm whether the individual is a program participant but shall not disclose any other information concerning a program participant. 168
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(D) Division (A) of this section does not apply to a municipal-owned public utility. The confidential addresses of participants of the address confidentiality program that are maintained by a municipal-owned public utility are not a public record and shall not be released by a municipal-owned public utility or by any employee of a municipal-owned public utility. 172
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Sec. 111.44. (A) A program participant who is eligible to vote may apply to the board of elections of the county in which the program participant resides to request that the program participant's voter registration record be kept confidential. The program participant shall submit an application to the director of the board of elections, on a form prescribed by the secretary of state, that includes all of the following: 178
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(1) The information required under section 3503.14 of the Revised Code to register to vote; 185
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(2) The program participant's program participant identification number; 187
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(3) If the program participant is currently registered to vote in another county or another state, the address at which the program participant is registered to vote and a statement that the program participant authorizes the director to instruct the appropriate authority to cancel the program participant's 189
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existing voter registration; 194

(4) A statement that the program participant understands 195
that during the time the program participant chooses to have a 196
confidential voter registration record, the program participant 197
may vote only by absent voter's ballots and the program 198
participant may provide the program participant's program 199
participant identification number instead of the program 200
participant's residence address on an application for absent 201
voter's ballots or on an absent voter's ballot identification 202
envelope statement of voter. 203

(B) Upon the receipt by the director of the board of 204
elections of a valid application under division (A) of this 205
section, all of the following shall apply: 206

(1) The director or the deputy director shall contact the 207
secretary of state to confirm that the program participant 208
identification number provided on the application matches the 209
number the secretary of state issued to the program participant. 210

(2) The application shall be treated as the program 211
participant's voter registration form. The form shall be stored 212
in a secure manner, such that only the members of the board of 213
elections, the director, and the deputy director have access to 214
the form and to the residence address contained in the form. 215

(3) The director or the deputy director shall record the 216
program participant's program participant identification number 217
in the statewide voter registration database and the official 218
registration list instead of the program participant's residence 219
address and precinct. 220

(4) If the program participant is currently registered to 221
vote in the county, the director or the deputy director shall do 222

<u>all of the following:</u>	223
<u>(a) Remove the residence address and precinct information</u>	224
<u>from the program participant's voter registration record, the</u>	225
<u>statewide voter registration database, and the official</u>	226
<u>registration list;</u>	227
<u>(b) Remove the program participant's name and registration</u>	228
<u>information from any pollbook, poll list, or signature pollbook</u>	229
<u>in which it appears and from any publicly available registration</u>	230
<u>list in which it appears.</u>	231
<u>(5) If the program participant is currently registered to</u>	232
<u>vote in another county, the director or the deputy director</u>	233
<u>shall notify the board of elections of the county in which the</u>	234
<u>program participant is registered to cancel the program</u>	235
<u>participant's registration. The program participant's existing</u>	236
<u>registration shall be considered to have been transferred to the</u>	237
<u>county in which the program participant currently resides.</u>	238
<u>Notwithstanding any contrary provision of section 3503.01 of the</u>	239
<u>Revised Code, if the program participant submitted the</u>	240
<u>application less than thirty days before the day of an election,</u>	241
<u>the program participant shall be eligible to vote in that</u>	242
<u>election.</u>	243
<u>(6) If the program participant is currently registered to</u>	244
<u>vote in another state, the director or the deputy director shall</u>	245
<u>notify the appropriate authority in that state to cancel the</u>	246
<u>program participant's registration.</u>	247
<u>(7) The director or the deputy director shall promptly</u>	248
<u>send an acknowledgment notice to the program participant on a</u>	249
<u>form prescribed by the secretary of state.</u>	250
<u>(C) (1) (a) The residence address or precinct of a program</u>	251

participant who has a confidential voter registration record, as 252
described in this section, shall not appear in the statewide 253
voter registration database or in the official registration 254
list. The program participant's program participant 255
identification number shall appear in place of that information. 256

(b) No information concerning the program participant, 257
including the program participant's name, shall be included in 258
any pollbook, poll list, or signature pollbook. 259

(c) No information concerning the program participant, 260
including the program participant's name, shall be included in 261
the version of the statewide voter registration database that is 262
available to the public or in any version of an official 263
registration list that is available to the public. 264

(2) Notwithstanding any contrary provision of the Revised 265
Code, a program participant who has a confidential voter 266
registration record may vote only by casting absent voter's 267
ballots or by casting a provisional ballot. 268

(D) (1) A program participant who has a confidential voter 269
registration record and who has had a change of name or change 270
of address may do either of the following: 271

(a) Submit an application under division (A) of this 272
section that includes the program participant's updated 273
information. The director or the deputy director shall treat 274
that application as a notice of change of name or change of 275
address. 276

(b) Cast a provisional ballot in accordance with division 277
(H) of section 3503.16 of the Revised Code. 278

(2) If the program participant currently resides in that 279
county, the director or the deputy director shall replace the 280

program participant's existing registration form with the new 281
registration form or with the information contained in the 282
provisional ballot affirmation, as applicable. 283

(3) If the program participant currently resides in 284
another county in this state, the director or the deputy 285
director shall cancel the program participant's existing 286
registration form and shall transmit the program participant's 287
new registration form to the director of the board of elections 288
of the county in which the elector currently resides, and the 289
new registration form shall be processed in accordance with 290
division (B) of this section. 291

(E) A person who has a confidential voter registration 292
record and who ceases being a program participant or who wishes 293
to cease having a confidential voter registration record shall 294
submit an application, on a form prescribed by the secretary of 295
state, that includes all of the following: 296

(1) The information required under section 3503.14 of the 297
Revised Code to register to vote; 298

(2) The person's program participant identification 299
number; 300

(3) A statement that the person has ceased being a program 301
participant or that the person wishes to cease having a 302
confidential voter registration record; 303

(4) A statement that the director should do one of the 304
following: 305

(a) Treat the person's existing voter registration form in 306
the same manner as other voter registration forms; 307

(b) Cancel the person's voter registration. 308

(F) (1) Upon receiving a valid application under division 309
(E) of this section from a person who wishes the board of 310
elections to treat the person's existing voter registration form 311
in the same manner as other voter registration forms, or upon 312
receiving a notice from the secretary of state under division 313
(B) of section 111.45 of the Revised Code concerning a person 314
who has a confidential voter registration record, the director 315
or the deputy director shall do all of the following: 316

(a) Store the person's voter registration form in the same 317
manner as other voter registration forms; 318

(b) Remove the person's program participant identification 319
number from the person's registration form and from the 320
statewide voter registration database; 321

(c) Ensure that the statewide voter registration database 322
and any poll list, pollbook, or registration list accurately 323
reflect the person's current name and registration information. 324

(2) Notwithstanding any contrary provision of section 325
3503.01 of the Revised Code, if the director receives an 326
application or notice described in division (F) (1) of this 327
section concerning an elector less than thirty days before the 328
day of an election, the elector shall be eligible to vote in 329
that election. 330

(G) Upon receiving a valid application under division (E) 331
of this section from a person who wishes to have the person's 332
voter registration canceled, the director or the deputy director 333
shall cancel the person's voter registration. 334

Sec. 111.45. (A) The secretary of state shall cancel the 335
certification of a program participant if any of the following 336
are true: 337

(1) The program participant's application contained one or 338
more false statements. 339

(2) The program participant has filed a written, notarized 340
request with the secretary of state, on a form prescribed by the 341
secretary of state, asking to cease being a program participant. 342

(3) The program participant's certification has expired 343
and the program participant has not renewed the certification in 344
accordance with division (E) of section 111.42 of the Revised 345
Code not later than the deadline specified by the secretary of 346
state by rule to renew the certification. 347

(B) Upon canceling a certification under division (A) of 348
this section, the secretary of state shall notify the director 349
of the board of elections of the county in which the former 350
program participant resides. 351

Sec. 111.46. (A) A law enforcement officer, prosecuting 352
attorney, city director of law, or similar chief legal officer 353
who requires access to a program participant's confidential 354
address for a legitimate governmental purpose may petition the 355
court of common pleas of Franklin county to order the secretary 356
of state to make that confidential address available to the 357
petitioner. 358

(B) Upon the filing of a petition under this section, the 359
court shall fix a date for a hearing on it and shall require the 360
clerk of the court to serve a notice of the date, time, place, 361
and purpose of the hearing upon the petitioner. The clerk also 362
shall serve that notice upon the secretary of state so that the 363
secretary of state may send the notice to the program 364
participant in accordance with division (C) of this section. 365

(C) Upon receiving a notice under division (B) of this 366

section, the secretary of state immediately shall send a copy of 367
the notice to the program participant by certified mail, return 368
receipt requested. 369

(D) At a hearing under this section, the petitioner shall 370
appear, and the program participant or the program participant's 371
attorney may appear and be heard. After the hearing and 372
considering the testimony, the court shall issue the requested 373
order only if it appears to the court by clear and convincing 374
evidence that the disclosure of the program participant's 375
confidential address to the petitioner is necessary for a 376
legitimate governmental purpose. 377

(E) Upon request by a law enforcement officer, prosecuting 378
attorney, city director of law, or similar chief legal officer 379
who intends to petition the court for access to an individual's 380
address under this section, the secretary of state shall confirm 381
whether the individual is a program participant but shall not 382
disclose any other information concerning a program participant. 383

Sec. 111.47. The secretary of state shall adopt rules 384
under Chapter 119. of the Revised Code to facilitate the 385
administration of sections 111.41 to 111.46 of the Revised Code. 386

Sec. 111.48. There is in the state treasury the address 387
confidentiality program fund. The fund shall consist of money 388
paid into the fund pursuant to division (B) (10) of section 389
2929.18 and division (D) of section 2929.28 of the Revised Code 390
and any money appropriated to the fund by the general assembly 391
or donated to the fund. The secretary of state shall use the 392
money in the fund for the purpose of administering the address 393
confidentiality program described in sections 111.41 to 111.47 394
of the Revised Code. 395

Sec. 111.99. (A) No person who submits an application 396
under section 111.42 of the Revised Code shall knowingly make a 397
false attestation in the application that the applicant fears 398
for the applicant's safety, the safety of a member of the 399
applicant's household, or the safety of the minor, incompetent, 400
or ward on whose behalf the application is made because the 401
applicant, household member, minor, incompetent, or ward is a 402
victim of domestic violence, menacing by stalking, human 403
trafficking, trafficking in persons, rape, sexual battery, or 404
another crime. 405

(B) No person who has access to a confidential address 406
because of the person's employment or official position shall 407
knowingly disclose that confidential address to any person, 408
except as required by law. 409

(C) No person who obtains a confidential address pursuant 410
to a court order, as described in section 111.46 of the Revised 411
Code, shall knowingly disclose that confidential address to any 412
person, except as is necessary for the legitimate governmental 413
purpose giving rise to the court order. 414

(D) Whoever violates this section is guilty of a 415
misdemeanor of the first degree. 416

Sec. 149.43. (A) As used in this section: 417

(1) "Public record" means records kept by any public 418
office, including, but not limited to, state, county, city, 419
village, township, and school district units, and records 420
pertaining to the delivery of educational services by an 421
alternative school in this state kept by the nonprofit or for- 422
profit entity operating the alternative school pursuant to 423
section 3313.533 of the Revised Code. "Public record" does not 424

mean any of the following:	425
(a) Medical records;	426
(b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;	427 428 429
(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;	430 431 432
(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;	433 434 435
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	436 437 438 439 440 441
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	442 443
(g) Trial preparation records;	444
(h) Confidential law enforcement investigatory records;	445
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	446 447
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	448 449
(k) Inmate records released by the department of rehabilitation and correction to the department of youth	450 451

services or a court of record pursuant to division (E) of	452
section 5120.21 of the Revised Code;	453
(1) Records maintained by the department of youth services	454
pertaining to children in its custody released by the department	455
of youth services to the department of rehabilitation and	456
correction pursuant to section 5139.05 of the Revised Code;	457
(m) Intellectual property records;	458
(n) Donor profile records;	459
(o) Records maintained by the department of job and family	460
services pursuant to section 3121.894 of the Revised Code;	461
(p) Peace officer, parole officer, probation officer,	462
bailiff, prosecuting attorney, assistant prosecuting attorney,	463
correctional employee, community-based correctional facility	464
employee, youth services employee, firefighter, EMT, or	465
investigator of the bureau of criminal identification and	466
investigation residential and familial information;	467
(q) In the case of a county hospital operated pursuant to	468
Chapter 339. of the Revised Code or a municipal hospital	469
operated pursuant to Chapter 749. of the Revised Code,	470
information that constitutes a trade secret, as defined in	471
section 1333.61 of the Revised Code;	472
(r) Information pertaining to the recreational activities	473
of a person under the age of eighteen;	474
(s) In the case of a child fatality review board acting	475
under sections 307.621 to 307.629 of the Revised Code or a	476
review conducted pursuant to guidelines established by the	477
director of health under section 3701.70 of the Revised Code,	478
records provided to the board or director, statements made by	479

board members during meetings of the board or by persons 480
participating in the director's review, and all work products of 481
the board or director, and in the case of a child fatality 482
review board, child fatality review data submitted by the board 483
to the department of health or a national child death review 484
database, other than the report prepared pursuant to division 485
(A) of section 307.626 of the Revised Code; 486

(t) Records provided to and statements made by the 487
executive director of a public children services agency or a 488
prosecuting attorney acting pursuant to section 5153.171 of the 489
Revised Code other than the information released under that 490
section; 491

(u) Test materials, examinations, or evaluation tools used 492
in an examination for licensure as a nursing home administrator 493
that the board of executives of long-term services and supports 494
administers under section 4751.04 of the Revised Code or 495
contracts under that section with a private or government entity 496
to administer; 497

(v) Records the release of which is prohibited by state or 498
federal law; 499

(w) Proprietary information of or relating to any person 500
that is submitted to or compiled by the Ohio venture capital 501
authority created under section 150.01 of the Revised Code; 502

(x) Financial statements and data any person submits for 503
any purpose to the Ohio housing finance agency or the 504
controlling board in connection with applying for, receiving, or 505
accounting for financial assistance from the agency, and 506
information that identifies any individual who benefits directly 507
or indirectly from financial assistance from the agency; 508

(y) Records listed in section 5101.29 of the Revised Code;	509
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section;	510 511 512
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	513 514 515
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	516 517 518
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code.	519 520 521
<u>(dd) The confidential address of a participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code and all of the records pertaining to that program. As used in this division, "confidential address" has the meaning defined in section 111.41 of the Revised Code.</u>	522 523 524 525 526 527
(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:	528 529 530 531 532
(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;	533 534 535 536

(b) Information provided by an information source or 537
witness to whom confidentiality has been reasonably promised, 538
which information would reasonably tend to disclose the source's 539
or witness's identity; 540

(c) Specific confidential investigatory techniques or 541
procedures or specific investigatory work product; 542

(d) Information that would endanger the life or physical 543
safety of law enforcement personnel, a crime victim, a witness, 544
or a confidential information source. 545

(3) "Medical record" means any document or combination of 546
documents, except births, deaths, and the fact of admission to 547
or discharge from a hospital, that pertains to the medical 548
history, diagnosis, prognosis, or medical condition of a patient 549
and that is generated and maintained in the process of medical 550
treatment. 551

(4) "Trial preparation record" means any record that 552
contains information that is specifically compiled in reasonable 553
anticipation of, or in defense of, a civil or criminal action or 554
proceeding, including the independent thought processes and 555
personal trial preparation of an attorney. 556

(5) "Intellectual property record" means a record, other 557
than a financial or administrative record, that is produced or 558
collected by or for faculty or staff of a state institution of 559
higher learning in the conduct of or as a result of study or 560
research on an educational, commercial, scientific, artistic, 561
technical, or scholarly issue, regardless of whether the study 562
or research was sponsored by the institution alone or in 563
conjunction with a governmental body or private concern, and 564
that has not been publicly released, published, or patented. 565

(6) "Donor profile record" means all records about donors 566
or potential donors to a public institution of higher education 567
except the names and reported addresses of the actual donors and 568
the date, amount, and conditions of the actual donation. 569

(7) "Peace officer, parole officer, probation officer, 570
bailiff, prosecuting attorney, assistant prosecuting attorney, 571
correctional employee, community-based correctional facility 572
employee, youth services employee, firefighter, EMT, or 573
investigator of the bureau of criminal identification and 574
investigation residential and familial information" means any 575
information that discloses any of the following about a peace 576
officer, parole officer, probation officer, bailiff, prosecuting 577
attorney, assistant prosecuting attorney, correctional employee, 578
community-based correctional facility employee, youth services 579
employee, firefighter, EMT, or investigator of the bureau of 580
criminal identification and investigation: 581

(a) The address of the actual personal residence of a 582
peace officer, parole officer, probation officer, bailiff, 583
assistant prosecuting attorney, correctional employee, 584
community-based correctional facility employee, youth services 585
employee, firefighter, EMT, or an investigator of the bureau of 586
criminal identification and investigation, except for the state 587
or political subdivision in which the peace officer, parole 588
officer, probation officer, bailiff, assistant prosecuting 589
attorney, correctional employee, community-based correctional 590
facility employee, youth services employee, firefighter, EMT, or 591
investigator of the bureau of criminal identification and 592
investigation resides; 593

(b) Information compiled from referral to or participation 594
in an employee assistance program; 595

(c) The social security number, the residential telephone 596
number, any bank account, debit card, charge card, or credit 597
card number, or the emergency telephone number of, or any 598
medical information pertaining to, a peace officer, parole 599
officer, probation officer, bailiff, prosecuting attorney, 600
assistant prosecuting attorney, correctional employee, 601
community-based correctional facility employee, youth services 602
employee, firefighter, EMT, or investigator of the bureau of 603
criminal identification and investigation; 604

(d) The name of any beneficiary of employment benefits, 605
including, but not limited to, life insurance benefits, provided 606
to a peace officer, parole officer, probation officer, bailiff, 607
prosecuting attorney, assistant prosecuting attorney, 608
correctional employee, community-based correctional facility 609
employee, youth services employee, firefighter, EMT, or 610
investigator of the bureau of criminal identification and 611
investigation by the peace officer's, parole officer's, 612
probation officer's, bailiff's, prosecuting attorney's, 613
assistant prosecuting attorney's, correctional employee's, 614
community-based correctional facility employee's, youth services 615
employee's, firefighter's, EMT's, or investigator of the bureau 616
of criminal identification and investigation's employer; 617

(e) The identity and amount of any charitable or 618
employment benefit deduction made by the peace officer's, parole 619
officer's, probation officer's, bailiff's, prosecuting 620
attorney's, assistant prosecuting attorney's, correctional 621
employee's, community-based correctional facility employee's, 622
youth services employee's, firefighter's, EMT's, or investigator 623
of the bureau of criminal identification and investigation's 624
employer from the peace officer's, parole officer's, probation 625
officer's, bailiff's, prosecuting attorney's, assistant 626

prosecuting attorney's, correctional employee's, community-based 627
correctional facility employee's, youth services employee's, 628
firefighter's, EMT's, or investigator of the bureau of criminal 629
identification and investigation's compensation unless the 630
amount of the deduction is required by state or federal law; 631

(f) The name, the residential address, the name of the 632
employer, the address of the employer, the social security 633
number, the residential telephone number, any bank account, 634
debit card, charge card, or credit card number, or the emergency 635
telephone number of the spouse, a former spouse, or any child of 636
a peace officer, parole officer, probation officer, bailiff, 637
prosecuting attorney, assistant prosecuting attorney, 638
correctional employee, community-based correctional facility 639
employee, youth services employee, firefighter, EMT, or 640
investigator of the bureau of criminal identification and 641
investigation; 642

(g) A photograph of a peace officer who holds a position 643
or has an assignment that may include undercover or plain 644
clothes positions or assignments as determined by the peace 645
officer's appointing authority. 646

As used in divisions (A) (7) and (B) (9) of this section, 647
"peace officer" has the same meaning as in section 109.71 of the 648
Revised Code and also includes the superintendent and troopers 649
of the state highway patrol; it does not include the sheriff of 650
a county or a supervisory employee who, in the absence of the 651
sheriff, is authorized to stand in for, exercise the authority 652
of, and perform the duties of the sheriff. 653

As used in divisions (A) (7) and (B) (9) of this section, 654
"correctional employee" means any employee of the department of 655
rehabilitation and correction who in the course of performing 656

the employee's job duties has or has had contact with inmates 657
and persons under supervision. 658

As used in divisions (A) (7) and (B) (9) of this section, 659
"youth services employee" means any employee of the department 660
of youth services who in the course of performing the employee's 661
job duties has or has had contact with children committed to the 662
custody of the department of youth services. 663

As used in divisions (A) (7) and (B) (9) of this section, 664
"firefighter" means any regular, paid or volunteer, member of a 665
lawfully constituted fire department of a municipal corporation, 666
township, fire district, or village. 667

As used in divisions (A) (7) and (B) (9) of this section, 668
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 669
emergency medical services for a public emergency medical 670
service organization. "Emergency medical service organization," 671
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 672
in section 4765.01 of the Revised Code. 673

As used in divisions (A) (7) and (B) (9) of this section, 674
"investigator of the bureau of criminal identification and 675
investigation" has the meaning defined in section 2903.11 of the 676
Revised Code. 677

(8) "Information pertaining to the recreational activities 678
of a person under the age of eighteen" means information that is 679
kept in the ordinary course of business by a public office, that 680
pertains to the recreational activities of a person under the 681
age of eighteen years, and that discloses any of the following: 682

(a) The address or telephone number of a person under the 683
age of eighteen or the address or telephone number of that 684
person's parent, guardian, custodian, or emergency contact 685

person; 686

(b) The social security number, birth date, or 687
photographic image of a person under the age of eighteen; 688

(c) Any medical record, history, or information pertaining 689
to a person under the age of eighteen; 690

(d) Any additional information sought or required about a 691
person under the age of eighteen for the purpose of allowing 692
that person to participate in any recreational activity 693
conducted or sponsored by a public office or to use or obtain 694
admission privileges to any recreational facility owned or 695
operated by a public office. 696

(9) "Community control sanction" has the same meaning as 697
in section 2929.01 of the Revised Code. 698

(10) "Post-release control sanction" has the same meaning 699
as in section 2967.01 of the Revised Code. 700

(11) "Redaction" means obscuring or deleting any 701
information that is exempt from the duty to permit public 702
inspection or copying from an item that otherwise meets the 703
definition of a "record" in section 149.011 of the Revised Code. 704

(12) "Designee" and "elected official" have the same 705
meanings as in section 109.43 of the Revised Code. 706

(B) (1) Upon request and subject to division (B) (8) of this 707
section, all public records responsive to the request shall be 708
promptly prepared and made available for inspection to any 709
person at all reasonable times during regular business hours. 710
Subject to division (B) (8) of this section, upon request, a 711
public office or person responsible for public records shall 712
make copies of the requested public record available at cost and 713

within a reasonable period of time. If a public record contains 714
information that is exempt from the duty to permit public 715
inspection or to copy the public record, the public office or 716
the person responsible for the public record shall make 717
available all of the information within the public record that 718
is not exempt. When making that public record available for 719
public inspection or copying that public record, the public 720
office or the person responsible for the public record shall 721
notify the requester of any redaction or make the redaction 722
plainly visible. A redaction shall be deemed a denial of a 723
request to inspect or copy the redacted information, except if 724
federal or state law authorizes or requires a public office to 725
make the redaction. 726

(2) To facilitate broader access to public records, a 727
public office or the person responsible for public records shall 728
organize and maintain public records in a manner that they can 729
be made available for inspection or copying in accordance with 730
division (B) of this section. A public office also shall have 731
available a copy of its current records retention schedule at a 732
location readily available to the public. If a requester makes 733
an ambiguous or overly broad request or has difficulty in making 734
a request for copies or inspection of public records under this 735
section such that the public office or the person responsible 736
for the requested public record cannot reasonably identify what 737
public records are being requested, the public office or the 738
person responsible for the requested public record may deny the 739
request but shall provide the requester with an opportunity to 740
revise the request by informing the requester of the manner in 741
which records are maintained by the public office and accessed 742
in the ordinary course of the public office's or person's 743
duties. 744

(3) If a request is ultimately denied, in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing. The explanation shall not preclude the public office or the person responsible for the requested public record from relying upon additional reasons or legal authority in defending an action commenced under division (C) of this section.

(4) Unless specifically required or authorized by state or federal law or in accordance with division (B) of this section, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any requirement that the requester disclose the requestor's identity or the intended use of the requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or the intended use and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person chooses to obtain a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person seeking the copy under this division. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the person seeking the copy makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by the person seeking the copy. Nothing in this section requires a public office or person responsible for the public record to allow the person seeking a copy of the public record to make the copies of the public record.

(7) Upon a request made in accordance with division (B) of this section and subject to division (B)(6) of this section, a public office or person responsible for public records shall transmit a copy of a public record to any person by United States mail or by any other means of delivery or transmission within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may require the person making the request to pay in advance the cost of postage if the copy is transmitted by United States mail or the cost of delivery if the copy is

transmitted other than by United States mail, and to pay in 806
advance the costs incurred for other supplies used in the 807
mailing, delivery, or transmission. 808

Any public office may adopt a policy and procedures that 809
it will follow in transmitting, within a reasonable period of 810
time after receiving a request, copies of public records by 811
United States mail or by any other means of delivery or 812
transmission pursuant to this division. A public office that 813
adopts a policy and procedures under this division shall comply 814
with them in performing its duties under this division. 815

In any policy and procedures adopted under this division, 816
a public office may limit the number of records requested by a 817
person that the office will transmit by United States mail to 818
ten per month, unless the person certifies to the office in 819
writing that the person does not intend to use or forward the 820
requested records, or the information contained in them, for 821
commercial purposes. For purposes of this division, "commercial" 822
shall be narrowly construed and does not include reporting or 823
gathering news, reporting or gathering information to assist 824
citizen oversight or understanding of the operation or 825
activities of government, or nonprofit educational research. 826

(8) A public office or person responsible for public 827
records is not required to permit a person who is incarcerated 828
pursuant to a criminal conviction or a juvenile adjudication to 829
inspect or to obtain a copy of any public record concerning a 830
criminal investigation or prosecution or concerning what would 831
be a criminal investigation or prosecution if the subject of the 832
investigation or prosecution were an adult, unless the request 833
to inspect or to obtain a copy of the record is for the purpose 834
of acquiring information that is subject to release as a public 835

record under this section and the judge who imposed the sentence 836
or made the adjudication with respect to the person, or the 837
judge's successor in office, finds that the information sought 838
in the public record is necessary to support what appears to be 839
a justiciable claim of the person. 840

(9) (a) Upon written request made and signed by a 841
journalist on or after December 16, 1999, a public office, or 842
person responsible for public records, having custody of the 843
records of the agency employing a specified peace officer, 844
parole officer, probation officer, bailiff, prosecuting 845
attorney, assistant prosecuting attorney, correctional employee, 846
community-based correctional facility employee, youth services 847
employee, firefighter, EMT, or investigator of the bureau of 848
criminal identification and investigation shall disclose to the 849
journalist the address of the actual personal residence of the 850
peace officer, parole officer, probation officer, bailiff, 851
prosecuting attorney, assistant prosecuting attorney, 852
correctional employee, community-based correctional facility 853
employee, youth services employee, firefighter, EMT, or 854
investigator of the bureau of criminal identification and 855
investigation and, if the peace officer's, parole officer's, 856
probation officer's, bailiff's, prosecuting attorney's, 857
assistant prosecuting attorney's, correctional employee's, 858
community-based correctional facility employee's, youth services 859
employee's, firefighter's, EMT's, or investigator of the bureau 860
of criminal identification and investigation's spouse, former 861
spouse, or child is employed by a public office, the name and 862
address of the employer of the peace officer's, parole 863
officer's, probation officer's, bailiff's, prosecuting 864
attorney's, assistant prosecuting attorney's, correctional 865
employee's, community-based correctional facility employee's, 866

youth services employee's, firefighter's, EMT's, or investigator 867
of the bureau of criminal identification and investigation's 868
spouse, former spouse, or child. The request shall include the 869
journalist's name and title and the name and address of the 870
journalist's employer and shall state that disclosure of the 871
information sought would be in the public interest. 872

(b) Division (B) (9) (a) of this section also applies to 873
journalist requests for customer information maintained by a 874
municipally owned or operated public utility, other than social 875
security numbers and any private financial information such as 876
credit reports, payment methods, credit card numbers, and bank 877
account information. 878

(c) As used in division (B) (9) of this section, 879
"journalist" means a person engaged in, connected with, or 880
employed by any news medium, including a newspaper, magazine, 881
press association, news agency, or wire service, a radio or 882
television station, or a similar medium, for the purpose of 883
gathering, processing, transmitting, compiling, editing, or 884
disseminating information for the general public. 885

(C) (1) If a person allegedly is aggrieved by the failure 886
of a public office or the person responsible for public records 887
to promptly prepare a public record and to make it available to 888
the person for inspection in accordance with division (B) of 889
this section or by any other failure of a public office or the 890
person responsible for public records to comply with an 891
obligation in accordance with division (B) of this section, the 892
person allegedly aggrieved may commence a mandamus action to 893
obtain a judgment that orders the public office or the person 894
responsible for the public record to comply with division (B) of 895
this section, that awards court costs and reasonable attorney's 896

fees to the person that instituted the mandamus action, and, if 897
applicable, that includes an order fixing statutory damages 898
under division (C) (1) of this section. The mandamus action may 899
be commenced in the court of common pleas of the county in which 900
division (B) of this section allegedly was not complied with, in 901
the supreme court pursuant to its original jurisdiction under 902
Section 2 of Article IV, Ohio Constitution, or in the court of 903
appeals for the appellate district in which division (B) of this 904
section allegedly was not complied with pursuant to its original 905
jurisdiction under Section 3 of Article IV, Ohio Constitution. 906

If a requestor transmits a written request by hand 907
delivery or certified mail to inspect or receive copies of any 908
public record in a manner that fairly describes the public 909
record or class of public records to the public office or person 910
responsible for the requested public records, except as 911
otherwise provided in this section, the requestor shall be 912
entitled to recover the amount of statutory damages set forth in 913
this division if a court determines that the public office or 914
the person responsible for public records failed to comply with 915
an obligation in accordance with division (B) of this section. 916

The amount of statutory damages shall be fixed at one 917
hundred dollars for each business day during which the public 918
office or person responsible for the requested public records 919
failed to comply with an obligation in accordance with division 920
(B) of this section, beginning with the day on which the 921
requester files a mandamus action to recover statutory damages, 922
up to a maximum of one thousand dollars. The award of statutory 923
damages shall not be construed as a penalty, but as compensation 924
for injury arising from lost use of the requested information. 925
The existence of this injury shall be conclusively presumed. The 926
award of statutory damages shall be in addition to all other 927

remedies authorized by this section.	928
The court may reduce an award of statutory damages or not	929
award statutory damages if the court determines both of the	930
following:	931
(a) That, based on the ordinary application of statutory	932
law and case law as it existed at the time of the conduct or	933
threatened conduct of the public office or person responsible	934
for the requested public records that allegedly constitutes a	935
failure to comply with an obligation in accordance with division	936
(B) of this section and that was the basis of the mandamus	937
action, a well-informed public office or person responsible for	938
the requested public records reasonably would believe that the	939
conduct or threatened conduct of the public office or person	940
responsible for the requested public records did not constitute	941
a failure to comply with an obligation in accordance with	942
division (B) of this section;	943
(b) That a well-informed public office or person	944
responsible for the requested public records reasonably would	945
believe that the conduct or threatened conduct of the public	946
office or person responsible for the requested public records	947
would serve the public policy that underlies the authority that	948
is asserted as permitting that conduct or threatened conduct.	949
(2) (a) If the court issues a writ of mandamus that orders	950
the public office or the person responsible for the public	951
record to comply with division (B) of this section and	952
determines that the circumstances described in division (C) (1)	953
of this section exist, the court shall determine and award to	954
the relator all court costs.	955
(b) If the court renders a judgment that orders the public	956

office or the person responsible for the public record to comply 957
with division (B) of this section, the court may award 958
reasonable attorney's fees subject to reduction as described in 959
division (C) (2) (c) of this section. The court shall award 960
reasonable attorney's fees, subject to reduction as described in 961
division (C) (2) (c) of this section when either of the following 962
applies: 963

(i) The public office or the person responsible for the 964
public records failed to respond affirmatively or negatively to 965
the public records request in accordance with the time allowed 966
under division (B) of this section. 967

(ii) The public office or the person responsible for the 968
public records promised to permit the relator to inspect or 969
receive copies of the public records requested within a 970
specified period of time but failed to fulfill that promise 971
within that specified period of time. 972

(c) Court costs and reasonable attorney's fees awarded 973
under this section shall be construed as remedial and not 974
punitive. Reasonable attorney's fees shall include reasonable 975
fees incurred to produce proof of the reasonableness and amount 976
of the fees and to otherwise litigate entitlement to the fees. 977
The court may reduce an award of attorney's fees to the relator 978
or not award attorney's fees to the relator if the court 979
determines both of the following: 980

(i) That, based on the ordinary application of statutory 981
law and case law as it existed at the time of the conduct or 982
threatened conduct of the public office or person responsible 983
for the requested public records that allegedly constitutes a 984
failure to comply with an obligation in accordance with division 985
(B) of this section and that was the basis of the mandamus 986

action, a well-informed public office or person responsible for 987
the requested public records reasonably would believe that the 988
conduct or threatened conduct of the public office or person 989
responsible for the requested public records did not constitute 990
a failure to comply with an obligation in accordance with 991
division (B) of this section; 992

(ii) That a well-informed public office or person 993
responsible for the requested public records reasonably would 994
believe that the conduct or threatened conduct of the public 995
office or person responsible for the requested public records as 996
described in division (C) (2) (c) (i) of this section would serve 997
the public policy that underlies the authority that is asserted 998
as permitting that conduct or threatened conduct. 999

(D) Chapter 1347. of the Revised Code does not limit the 1000
provisions of this section. 1001

(E) (1) To ensure that all employees of public offices are 1002
appropriately educated about a public office's obligations under 1003
division (B) of this section, all elected officials or their 1004
appropriate designees shall attend training approved by the 1005
attorney general as provided in section 109.43 of the Revised 1006
Code. In addition, all public offices shall adopt a public 1007
records policy in compliance with this section for responding to 1008
public records requests. In adopting a public records policy 1009
under this division, a public office may obtain guidance from 1010
the model public records policy developed and provided to the 1011
public office by the attorney general under section 109.43 of 1012
the Revised Code. Except as otherwise provided in this section, 1013
the policy may not limit the number of public records that the 1014
public office will make available to a single person, may not 1015
limit the number of public records that it will make available 1016

during a fixed period of time, and may not establish a fixed 1017
period of time before it will respond to a request for 1018
inspection or copying of public records, unless that period is 1019
less than eight hours. 1020

(2) The public office shall distribute the public records 1021
policy adopted by the public office under division (E)(1) of 1022
this section to the employee of the public office who is the 1023
records custodian or records manager or otherwise has custody of 1024
the records of that office. The public office shall require that 1025
employee to acknowledge receipt of the copy of the public 1026
records policy. The public office shall create a poster that 1027
describes its public records policy and shall post the poster in 1028
a conspicuous place in the public office and in all locations 1029
where the public office has branch offices. The public office 1030
may post its public records policy on the internet web site of 1031
the public office if the public office maintains an internet web 1032
site. A public office that has established a manual or handbook 1033
of its general policies and procedures for all employees of the 1034
public office shall include the public records policy of the 1035
public office in the manual or handbook. 1036

(F)(1) The bureau of motor vehicles may adopt rules 1037
pursuant to Chapter 119. of the Revised Code to reasonably limit 1038
the number of bulk commercial special extraction requests made 1039
by a person for the same records or for updated records during a 1040
calendar year. The rules may include provisions for charges to 1041
be made for bulk commercial special extraction requests for the 1042
actual cost of the bureau, plus special extraction costs, plus 1043
ten per cent. The bureau may charge for expenses for redacting 1044
information, the release of which is prohibited by law. 1045

(2) As used in division (F)(1) of this section: 1046

(a) "Actual cost" means the cost of depleted supplies, 1047
records storage media costs, actual mailing and alternative 1048
delivery costs, or other transmitting costs, and any direct 1049
equipment operating and maintenance costs, including actual 1050
costs paid to private contractors for copying services. 1051

(b) "Bulk commercial special extraction request" means a 1052
request for copies of a record for information in a format other 1053
than the format already available, or information that cannot be 1054
extracted without examination of all items in a records series, 1055
class of records, or database by a person who intends to use or 1056
forward the copies for surveys, marketing, solicitation, or 1057
resale for commercial purposes. "Bulk commercial special 1058
extraction request" does not include a request by a person who 1059
gives assurance to the bureau that the person making the request 1060
does not intend to use or forward the requested copies for 1061
surveys, marketing, solicitation, or resale for commercial 1062
purposes. 1063

(c) "Commercial" means profit-seeking production, buying, 1064
or selling of any good, service, or other product. 1065

(d) "Special extraction costs" means the cost of the time 1066
spent by the lowest paid employee competent to perform the task, 1067
the actual amount paid to outside private contractors employed 1068
by the bureau, or the actual cost incurred to create computer 1069
programs to make the special extraction. "Special extraction 1070
costs" include any charges paid to a public agency for computer 1071
or records services. 1072

(3) For purposes of divisions (F) (1) and (2) of this 1073
section, "surveys, marketing, solicitation, or resale for 1074
commercial purposes" shall be narrowly construed and does not 1075
include reporting or gathering news, reporting or gathering 1076

information to assist citizen oversight or understanding of the 1077
operation or activities of government, or nonprofit educational 1078
research. 1079

Sec. 2929.18. (A) Except as otherwise provided in this 1080
division and in addition to imposing court costs pursuant to 1081
section 2947.23 of the Revised Code, the court imposing a 1082
sentence upon an offender for a felony may sentence the offender 1083
to any financial sanction or combination of financial sanctions 1084
authorized under this section or, in the circumstances specified 1085
in section 2929.32 of the Revised Code, may impose upon the 1086
offender a fine in accordance with that section. Financial 1087
sanctions that may be imposed pursuant to this section include, 1088
but are not limited to, the following: 1089

(1) Restitution by the offender to the victim of the 1090
offender's crime or any survivor of the victim, in an amount 1091
based on the victim's economic loss. If the court imposes 1092
restitution, the court shall order that the restitution be made 1093
to the victim in open court, to the adult probation department 1094
that serves the county on behalf of the victim, to the clerk of 1095
courts, or to another agency designated by the court. If the 1096
court imposes restitution, at sentencing, the court shall 1097
determine the amount of restitution to be made by the offender. 1098
If the court imposes restitution, the court may base the amount 1099
of restitution it orders on an amount recommended by the victim, 1100
the offender, a presentence investigation report, estimates or 1101
receipts indicating the cost of repairing or replacing property, 1102
and other information, provided that the amount the court orders 1103
as restitution shall not exceed the amount of the economic loss 1104
suffered by the victim as a direct and proximate result of the 1105
commission of the offense. If the court decides to impose 1106
restitution, the court shall hold a hearing on restitution if 1107

the offender, victim, or survivor disputes the amount. All 1108
restitution payments shall be credited against any recovery of 1109
economic loss in a civil action brought by the victim or any 1110
survivor of the victim against the offender. 1111

If the court imposes restitution, the court may order that 1112
the offender pay a surcharge of not more than five per cent of 1113
the amount of the restitution otherwise ordered to the entity 1114
responsible for collecting and processing restitution payments. 1115

The victim or survivor may request that the prosecutor in 1116
the case file a motion, or the offender may file a motion, for 1117
modification of the payment terms of any restitution ordered. If 1118
the court grants the motion, it may modify the payment terms as 1119
it determines appropriate. 1120

(2) Except as provided in division (B)(1), (3), or (4) of 1121
this section, a fine payable by the offender to the state, to a 1122
political subdivision, or as described in division (B)(2) of 1123
this section to one or more law enforcement agencies, with the 1124
amount of the fine based on a standard percentage of the 1125
offender's daily income over a period of time determined by the 1126
court and based upon the seriousness of the offense. A fine 1127
ordered under this division shall not exceed the maximum 1128
conventional fine amount authorized for the level of the offense 1129
under division (A)(3) of this section. 1130

(3) Except as provided in division (B)(1), (3), or (4) of 1131
this section, a fine payable by the offender to the state, to a 1132
political subdivision when appropriate for a felony, or as 1133
described in division (B)(2) of this section to one or more law 1134
enforcement agencies, in the following amount: 1135

(a) For a felony of the first degree, not more than twenty 1136

thousand dollars;	1137
(b) For a felony of the second degree, not more than	1138
fifteen thousand dollars;	1139
(c) For a felony of the third degree, not more than ten	1140
thousand dollars;	1141
(d) For a felony of the fourth degree, not more than five	1142
thousand dollars;	1143
(e) For a felony of the fifth degree, not more than two	1144
thousand five hundred dollars.	1145
(4) A state fine or costs as defined in section 2949.111	1146
of the Revised Code.	1147
(5) (a) Reimbursement by the offender of any or all of the	1148
costs of sanctions incurred by the government, including the	1149
following:	1150
(i) All or part of the costs of implementing any community	1151
control sanction, including a supervision fee under section	1152
2951.021 of the Revised Code;	1153
(ii) All or part of the costs of confinement under a	1154
sanction imposed pursuant to section 2929.14, 2929.142, or	1155
2929.16 of the Revised Code, provided that the amount of	1156
reimbursement ordered under this division shall not exceed the	1157
total amount of reimbursement the offender is able to pay as	1158
determined at a hearing and shall not exceed the actual cost of	1159
the confinement;	1160
(iii) All or part of the cost of purchasing and using an	1161
immobilizing or disabling device, including a certified ignition	1162
interlock device, or a remote alcohol monitoring device that a	1163
court orders an offender to use under section 4510.13 of the	1164

Revised Code. 1165

(b) If the offender is sentenced to a sanction of 1166
confinement pursuant to section 2929.14 or 2929.16 of the 1167
Revised Code that is to be served in a facility operated by a 1168
board of county commissioners, a legislative authority of a 1169
municipal corporation, or another local governmental entity, if, 1170
pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 1171
753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 1172
section 2929.37 of the Revised Code, the board, legislative 1173
authority, or other local governmental entity requires prisoners 1174
to reimburse the county, municipal corporation, or other entity 1175
for its expenses incurred by reason of the prisoner's 1176
confinement, and if the court does not impose a financial 1177
sanction under division (A) (5) (a) (ii) of this section, 1178
confinement costs may be assessed pursuant to section 2929.37 of 1179
the Revised Code. In addition, the offender may be required to 1180
pay the fees specified in section 2929.38 of the Revised Code in 1181
accordance with that section. 1182

(c) Reimbursement by the offender for costs pursuant to 1183
section 2929.71 of the Revised Code. 1184

(B) (1) For a first, second, or third degree felony 1185
violation of any provision of Chapter 2925., 3719., or 4729. of 1186
the Revised Code, the sentencing court shall impose upon the 1187
offender a mandatory fine of at least one-half of, but not more 1188
than, the maximum statutory fine amount authorized for the level 1189
of the offense pursuant to division (A) (3) of this section. If 1190
an offender alleges in an affidavit filed with the court prior 1191
to sentencing that the offender is indigent and unable to pay 1192
the mandatory fine and if the court determines the offender is 1193
an indigent person and is unable to pay the mandatory fine 1194

described in this division, the court shall not impose the 1195
mandatory fine upon the offender. 1196

(2) Any mandatory fine imposed upon an offender under 1197
division (B)(1) of this section and any fine imposed upon an 1198
offender under division (A)(2) or (3) of this section for any 1199
fourth or fifth degree felony violation of any provision of 1200
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 1201
to law enforcement agencies pursuant to division (F) of section 1202
2925.03 of the Revised Code. 1203

(3) For a fourth degree felony OVI offense and for a third 1204
degree felony OVI offense, the sentencing court shall impose 1205
upon the offender a mandatory fine in the amount specified in 1206
division (G)(1)(d) or (e) of section 4511.19 of the Revised 1207
Code, whichever is applicable. The mandatory fine so imposed 1208
shall be disbursed as provided in the division pursuant to which 1209
it is imposed. 1210

(4) Notwithstanding any fine otherwise authorized or 1211
required to be imposed under division (A)(2) or (3) or (B)(1) of 1212
this section or section 2929.31 of the Revised Code for a 1213
violation of section 2925.03 of the Revised Code, in addition to 1214
any penalty or sanction imposed for that offense under section 1215
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 1216
in addition to the forfeiture of property in connection with the 1217
offense as prescribed in Chapter 2981. of the Revised Code, the 1218
court that sentences an offender for a violation of section 1219
2925.03 of the Revised Code may impose upon the offender a fine 1220
in addition to any fine imposed under division (A)(2) or (3) of 1221
this section and in addition to any mandatory fine imposed under 1222
division (B)(1) of this section. The fine imposed under division 1223
(B)(4) of this section shall be used as provided in division (H) 1224

of section 2925.03 of the Revised Code. A fine imposed under 1225
division (B) (4) of this section shall not exceed whichever of 1226
the following is applicable: 1227

(a) The total value of any personal or real property in 1228
which the offender has an interest and that was used in the 1229
course of, intended for use in the course of, derived from, or 1230
realized through conduct in violation of section 2925.03 of the 1231
Revised Code, including any property that constitutes proceeds 1232
derived from that offense; 1233

(b) If the offender has no interest in any property of the 1234
type described in division (B) (4) (a) of this section or if it is 1235
not possible to ascertain whether the offender has an interest 1236
in any property of that type in which the offender may have an 1237
interest, the amount of the mandatory fine for the offense 1238
imposed under division (B) (1) of this section or, if no 1239
mandatory fine is imposed under division (B) (1) of this section, 1240
the amount of the fine authorized for the level of the offense 1241
imposed under division (A) (3) of this section. 1242

(5) Prior to imposing a fine under division (B) (4) of this 1243
section, the court shall determine whether the offender has an 1244
interest in any property of the type described in division (B) 1245
(4) (a) of this section. Except as provided in division (B) (6) or 1246
(7) of this section, a fine that is authorized and imposed under 1247
division (B) (4) of this section does not limit or affect the 1248
imposition of the penalties and sanctions for a violation of 1249
section 2925.03 of the Revised Code prescribed under those 1250
sections or sections 2929.11 to 2929.18 of the Revised Code and 1251
does not limit or affect a forfeiture of property in connection 1252
with the offense as prescribed in Chapter 2981. of the Revised 1253
Code. 1254

(6) If the sum total of a mandatory fine amount imposed 1255
for a first, second, or third degree felony violation of section 1256
2925.03 of the Revised Code under division (B) (1) of this 1257
section plus the amount of any fine imposed under division (B) 1258
(4) of this section does not exceed the maximum statutory fine 1259
amount authorized for the level of the offense under division 1260
(A) (3) of this section or section 2929.31 of the Revised Code, 1261
the court may impose a fine for the offense in addition to the 1262
mandatory fine and the fine imposed under division (B) (4) of 1263
this section. The sum total of the amounts of the mandatory 1264
fine, the fine imposed under division (B) (4) of this section, 1265
and the additional fine imposed under division (B) (6) of this 1266
section shall not exceed the maximum statutory fine amount 1267
authorized for the level of the offense under division (A) (3) of 1268
this section or section 2929.31 of the Revised Code. The clerk 1269
of the court shall pay any fine that is imposed under division 1270
(B) (6) of this section to the county, township, municipal 1271
corporation, park district as created pursuant to section 511.18 1272
or 1545.04 of the Revised Code, or state law enforcement 1273
agencies in this state that primarily were responsible for or 1274
involved in making the arrest of, and in prosecuting, the 1275
offender pursuant to division (F) of section 2925.03 of the 1276
Revised Code. 1277

(7) If the sum total of the amount of a mandatory fine 1278
imposed for a first, second, or third degree felony violation of 1279
section 2925.03 of the Revised Code plus the amount of any fine 1280
imposed under division (B) (4) of this section exceeds the 1281
maximum statutory fine amount authorized for the level of the 1282
offense under division (A) (3) of this section or section 2929.31 1283
of the Revised Code, the court shall not impose a fine under 1284
division (B) (6) of this section. 1285

(8) (a) If an offender who is convicted of or pleads guilty to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code also is convicted of or pleads guilty to a specification of the type described in section 2941.1422 of the Revised Code that charges that the offender knowingly committed the offense in furtherance of human trafficking, the sentencing court shall sentence the offender to a financial sanction of restitution by the offender to the victim or any survivor of the victim, with the restitution including the costs of housing, counseling, and medical and legal assistance incurred by the victim as a direct result of the offense and the greater of the following:

(i) The gross income or value to the offender of the victim's labor or services;

(ii) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the "Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and state labor laws.

(b) If a court imposing sentence upon an offender for a felony is required to impose upon the offender a financial sanction of restitution under division (B) (8) (a) of this section, in addition to that financial sanction of restitution, the court may sentence the offender to any other financial sanction or combination of financial sanctions authorized under this section, including a restitution sanction under division (A) (1) of this section.

(9) In addition to any other fine that is or may be imposed under this section, the court imposing sentence upon an offender for a felony that is a sexually oriented offense or a

child-victim oriented offense, as those terms are defined in 1316
section 2950.01 of the Revised Code, may impose a fine of not 1317
less than fifty nor more than five hundred dollars. 1318

(10) In addition to any other fine that is or may be 1319
imposed under this section, the court imposing sentence upon an 1320
offender for any of the following offenses that is a felony may 1321
impose a fine of not less than seventy nor more than five 1322
hundred dollars, which shall be transmitted to the treasurer of 1323
state to be credited to the address confidentiality program fund 1324
created by section 111.48 of the Revised Code: 1325

(a) Domestic violence; 1326

(b) Menacing by stalking; 1327

(c) Rape; 1328

(d) Sexual battery; 1329

(e) Trafficking in persons; 1330

(f) A violation of section 2905.01, 2905.02, 2907.21, 1331
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 1332
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 1333
the Revised Code, if the offender also is convicted of a 1334
specification of the type described in section 2941.1422 of the 1335
Revised Code that charges that the offender knowingly committed 1336
the offense in furtherance of human trafficking. 1337

(C) (1) Except as provided in section 2951.021 of the 1338
Revised Code, the offender shall pay reimbursements imposed upon 1339
the offender pursuant to division (A) (5) (a) of this section to 1340
pay the costs incurred by a county pursuant to any sanction 1341
imposed under this section or section 2929.16 or 2929.17 of the 1342
Revised Code or in operating a facility used to confine 1343

offenders pursuant to a sanction imposed under section 2929.16 1344
of the Revised Code to the county treasurer. The county 1345
treasurer shall deposit the reimbursements in the sanction cost 1346
reimbursement fund that each board of county commissioners shall 1347
create in its county treasury. The county shall use the amounts 1348
deposited in the fund to pay the costs incurred by the county 1349
pursuant to any sanction imposed under this section or section 1350
2929.16 or 2929.17 of the Revised Code or in operating a 1351
facility used to confine offenders pursuant to a sanction 1352
imposed under section 2929.16 of the Revised Code. 1353

(2) Except as provided in section 2951.021 of the Revised 1354
Code, the offender shall pay reimbursements imposed upon the 1355
offender pursuant to division (A) (5) (a) of this section to pay 1356
the costs incurred by a municipal corporation pursuant to any 1357
sanction imposed under this section or section 2929.16 or 1358
2929.17 of the Revised Code or in operating a facility used to 1359
confine offenders pursuant to a sanction imposed under section 1360
2929.16 of the Revised Code to the treasurer of the municipal 1361
corporation. The treasurer shall deposit the reimbursements in a 1362
special fund that shall be established in the treasury of each 1363
municipal corporation. The municipal corporation shall use the 1364
amounts deposited in the fund to pay the costs incurred by the 1365
municipal corporation pursuant to any sanction imposed under 1366
this section or section 2929.16 or 2929.17 of the Revised Code 1367
or in operating a facility used to confine offenders pursuant to 1368
a sanction imposed under section 2929.16 of the Revised Code. 1369

(3) Except as provided in section 2951.021 of the Revised 1370
Code, the offender shall pay reimbursements imposed pursuant to 1371
division (A) (5) (a) of this section for the costs incurred by a 1372
private provider pursuant to a sanction imposed under this 1373
section or section 2929.16 or 2929.17 of the Revised Code to the 1374

provider. 1375

(D) Except as otherwise provided in this division, a 1376
financial sanction imposed pursuant to division (A) or (B) of 1377
this section is a judgment in favor of the state or a political 1378
subdivision in which the court that imposed the financial 1379
sanction is located, and the offender subject to the financial 1380
sanction is the judgment debtor. A financial sanction of 1381
reimbursement imposed pursuant to division (A) (5) (a) (ii) of this 1382
section upon an offender who is incarcerated in a state facility 1383
or a municipal jail is a judgment in favor of the state or the 1384
municipal corporation, and the offender subject to the financial 1385
sanction is the judgment debtor. A financial sanction of 1386
reimbursement imposed upon an offender pursuant to this section 1387
for costs incurred by a private provider of sanctions is a 1388
judgment in favor of the private provider, and the offender 1389
subject to the financial sanction is the judgment debtor. A 1390
financial sanction of restitution imposed pursuant to division 1391
(A) (1) or (B) (8) of this section is an order in favor of the 1392
victim of the offender's criminal act that can be collected 1393
through a certificate of judgment as described in division (D) 1394
(1) of this section, through execution as described in division 1395
(D) (2) of this section, or through an order as described in 1396
division (D) (3) of this section, and the offender shall be 1397
considered for purposes of the collection as the judgment 1398
debtor. Imposition of a financial sanction and execution on the 1399
judgment does not preclude any other power of the court to 1400
impose or enforce sanctions on the offender. Once the financial 1401
sanction is imposed as a judgment or order under this division, 1402
the victim, private provider, state, or political subdivision 1403
may do any of the following: 1404

(1) Obtain from the clerk of the court in which the 1405

judgment was entered a certificate of judgment that shall be in 1406
the same manner and form as a certificate of judgment issued in 1407
a civil action; 1408

(2) Obtain execution of the judgment or order through any 1409
available procedure, including: 1410

(a) An execution against the property of the judgment 1411
debtor under Chapter 2329. of the Revised Code; 1412

(b) An execution against the person of the judgment debtor 1413
under Chapter 2331. of the Revised Code; 1414

(c) A proceeding in aid of execution under Chapter 2333. 1415
of the Revised Code, including: 1416

(i) A proceeding for the examination of the judgment 1417
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 1418
2333.27 of the Revised Code; 1419

(ii) A proceeding for attachment of the person of the 1420
judgment debtor under section 2333.28 of the Revised Code; 1421

(iii) A creditor's suit under section 2333.01 of the 1422
Revised Code. 1423

(d) The attachment of the property of the judgment debtor 1424
under Chapter 2715. of the Revised Code; 1425

(e) The garnishment of the property of the judgment debtor 1426
under Chapter 2716. of the Revised Code. 1427

(3) Obtain an order for the assignment of wages of the 1428
judgment debtor under section 1321.33 of the Revised Code. 1429

(E) A court that imposes a financial sanction upon an 1430
offender may hold a hearing if necessary to determine whether 1431
the offender is able to pay the sanction or is likely in the 1432

future to be able to pay it. 1433

(F) Each court imposing a financial sanction upon an 1434
offender under this section or under section 2929.32 of the 1435
Revised Code may designate the clerk of the court or another 1436
person to collect the financial sanction. The clerk or other 1437
person authorized by law or the court to collect the financial 1438
sanction may enter into contracts with one or more public 1439
agencies or private vendors for the collection of, amounts due 1440
under the financial sanction imposed pursuant to this section or 1441
section 2929.32 of the Revised Code. Before entering into a 1442
contract for the collection of amounts due from an offender 1443
pursuant to any financial sanction imposed pursuant to this 1444
section or section 2929.32 of the Revised Code, a court shall 1445
comply with sections 307.86 to 307.92 of the Revised Code. 1446

(G) If a court that imposes a financial sanction under 1447
division (A) or (B) of this section finds that an offender 1448
satisfactorily has completed all other sanctions imposed upon 1449
the offender and that all restitution that has been ordered has 1450
been paid as ordered, the court may suspend any financial 1451
sanctions imposed pursuant to this section or section 2929.32 of 1452
the Revised Code that have not been paid. 1453

(H) No financial sanction imposed under this section or 1454
section 2929.32 of the Revised Code shall preclude a victim from 1455
bringing a civil action against the offender. 1456

Sec. 2929.28. (A) In addition to imposing court costs 1457
pursuant to section 2947.23 of the Revised Code, the court 1458
imposing a sentence upon an offender for a misdemeanor, 1459
including a minor misdemeanor, may sentence the offender to any 1460
financial sanction or combination of financial sanctions 1461
authorized under this section. If the court in its discretion 1462

imposes one or more financial sanctions, the financial sanctions 1463
that may be imposed pursuant to this section include, but are 1464
not limited to, the following: 1465

(1) Unless the misdemeanor offense is a minor misdemeanor 1466
or could be disposed of by the traffic violations bureau serving 1467
the court under Traffic Rule 13, restitution by the offender to 1468
the victim of the offender's crime or any survivor of the 1469
victim, in an amount based on the victim's economic loss. The 1470
court may not impose restitution as a sanction pursuant to this 1471
division if the offense is a minor misdemeanor or could be 1472
disposed of by the traffic violations bureau serving the court 1473
under Traffic Rule 13. If the court requires restitution, the 1474
court shall order that the restitution be made to the victim in 1475
open court or to the adult probation department that serves the 1476
jurisdiction or the clerk of the court on behalf of the victim. 1477

If the court imposes restitution, the court shall 1478
determine the amount of restitution to be paid by the offender. 1479
If the court imposes restitution, the court may base the amount 1480
of restitution it orders on an amount recommended by the victim, 1481
the offender, a presentence investigation report, estimates or 1482
receipts indicating the cost of repairing or replacing property, 1483
and other information, provided that the amount the court orders 1484
as restitution shall not exceed the amount of the economic loss 1485
suffered by the victim as a direct and proximate result of the 1486
commission of the offense. If the court decides to impose 1487
restitution, the court shall hold an evidentiary hearing on 1488
restitution if the offender, victim, or survivor disputes the 1489
amount of restitution. If the court holds an evidentiary 1490
hearing, at the hearing the victim or survivor has the burden to 1491
prove by a preponderance of the evidence the amount of 1492
restitution sought from the offender. 1493

All restitution payments shall be credited against any 1494
recovery of economic loss in a civil action brought by the 1495
victim or any survivor of the victim against the offender. No 1496
person may introduce evidence of an award of restitution under 1497
this section in a civil action for purposes of imposing 1498
liability against an insurer under section 3937.18 of the 1499
Revised Code. 1500

If the court imposes restitution, the court may order that 1501
the offender pay a surcharge, of not more than five per cent of 1502
the amount of the restitution otherwise ordered, to the entity 1503
responsible for collecting and processing restitution payments. 1504

The victim or survivor may request that the prosecutor in 1505
the case file a motion, or the offender may file a motion, for 1506
modification of the payment terms of any restitution ordered. If 1507
the court grants the motion, it may modify the payment terms as 1508
it determines appropriate. 1509

(2) A fine of the type described in divisions (A) (2) (a) 1510
and (b) of this section payable to the appropriate entity as 1511
required by law: 1512

(a) A fine in the following amount: 1513

(i) For a misdemeanor of the first degree, not more than 1514
one thousand dollars; 1515

(ii) For a misdemeanor of the second degree, not more than 1516
seven hundred fifty dollars; 1517

(iii) For a misdemeanor of the third degree, not more than 1518
five hundred dollars; 1519

(iv) For a misdemeanor of the fourth degree, not more than 1520
two hundred fifty dollars; 1521

(v) For a minor misdemeanor, not more than one hundred 1522
fifty dollars. 1523

(b) A state fine or cost as defined in section 2949.111 of 1524
the Revised Code. 1525

(3) (a) Reimbursement by the offender of any or all of the 1526
costs of sanctions incurred by the government, including, but 1527
not limited to, the following: 1528

(i) All or part of the costs of implementing any community 1529
control sanction, including a supervision fee under section 1530
2951.021 of the Revised Code; 1531

(ii) All or part of the costs of confinement in a jail or 1532
other residential facility, including, but not limited to, a per 1533
diem fee for room and board, the costs of medical and dental 1534
treatment, and the costs of repairing property damaged by the 1535
offender while confined; 1536

(iii) All or part of the cost of purchasing and using an 1537
immobilizing or disabling device, including a certified ignition 1538
interlock device, or a remote alcohol monitoring device that a 1539
court orders an offender to use under section 4510.13 of the 1540
Revised Code. 1541

(b) The amount of reimbursement ordered under division (A) 1542
(3) (a) of this section shall not exceed the total amount of 1543
reimbursement the offender is able to pay and shall not exceed 1544
the actual cost of the sanctions. The court may collect any 1545
amount of reimbursement the offender is required to pay under 1546
that division. If the court does not order reimbursement under 1547
that division, confinement costs may be assessed pursuant to a 1548
repayment policy adopted under section 2929.37 of the Revised 1549
Code. In addition, the offender may be required to pay the fees 1550

specified in section 2929.38 of the Revised Code in accordance 1551
with that section. 1552

(B) If the court determines a hearing is necessary, the 1553
court may hold a hearing to determine whether the offender is 1554
able to pay the financial sanction imposed pursuant to this 1555
section or court costs or is likely in the future to be able to 1556
pay the sanction or costs. 1557

If the court determines that the offender is indigent and 1558
unable to pay the financial sanction or court costs, the court 1559
shall consider imposing and may impose a term of community 1560
service under division (A) of section 2929.27 of the Revised 1561
Code in lieu of imposing a financial sanction or court costs. If 1562
the court does not determine that the offender is indigent, the 1563
court may impose a term of community service under division (A) 1564
of section 2929.27 of the Revised Code in lieu of or in addition 1565
to imposing a financial sanction under this section and in 1566
addition to imposing court costs. The court may order community 1567
service for a minor misdemeanor pursuant to division (D) of 1568
section 2929.27 of the Revised Code in lieu of or in addition to 1569
imposing a financial sanction under this section and in addition 1570
to imposing court costs. If a person fails to pay a financial 1571
sanction or court costs, the court may order community service 1572
in lieu of the financial sanction or court costs. 1573

(C) (1) The offender shall pay reimbursements imposed upon 1574
the offender pursuant to division (A) (3) of this section to pay 1575
the costs incurred by a county pursuant to any sanction imposed 1576
under this section or section 2929.26 or 2929.27 of the Revised 1577
Code or in operating a facility used to confine offenders 1578
pursuant to a sanction imposed under section 2929.26 of the 1579
Revised Code to the county treasurer. The county treasurer shall 1580

deposit the reimbursements in the county's general fund. The 1581
county shall use the amounts deposited in the fund to pay the 1582
costs incurred by the county pursuant to any sanction imposed 1583
under this section or section 2929.26 or 2929.27 of the Revised 1584
Code or in operating a facility used to confine offenders 1585
pursuant to a sanction imposed under section 2929.26 of the 1586
Revised Code. 1587

(2) The offender shall pay reimbursements imposed upon the 1588
offender pursuant to division (A) (3) of this section to pay the 1589
costs incurred by a municipal corporation pursuant to any 1590
sanction imposed under this section or section 2929.26 or 1591
2929.27 of the Revised Code or in operating a facility used to 1592
confine offenders pursuant to a sanction imposed under section 1593
2929.26 of the Revised Code to the treasurer of the municipal 1594
corporation. The treasurer shall deposit the reimbursements in 1595
the municipal corporation's general fund. The municipal 1596
corporation shall use the amounts deposited in the fund to pay 1597
the costs incurred by the municipal corporation pursuant to any 1598
sanction imposed under this section or section 2929.26 or 1599
2929.27 of the Revised Code or in operating a facility used to 1600
confine offenders pursuant to a sanction imposed under section 1601
2929.26 of the Revised Code. 1602

(3) The offender shall pay reimbursements imposed pursuant 1603
to division (A) (3) of this section for the costs incurred by a 1604
private provider pursuant to a sanction imposed under this 1605
section or section 2929.26 or 2929.27 of the Revised Code to the 1606
provider. 1607

(D) In addition to any other fine that is or may be 1608
imposed under this section, the court imposing sentence upon an 1609
offender for misdemeanor domestic violence or menacing by 1610

stalking may impose a fine of not less than seventy nor more 1611
than five hundred dollars, which shall be transmitted to the 1612
treasurer of state to be credited to the address confidentiality 1613
program fund created by section 111.48 of the Revised Code. 1614

(E) Except as otherwise provided in this division, a 1615
financial sanction imposed under division (A) of this section is 1616
a judgment in favor of the state or the political subdivision 1617
that operates the court that imposed the financial sanction, and 1618
the offender subject to the financial sanction is the judgment 1619
debtor. A financial sanction of reimbursement imposed pursuant 1620
to division (A) (3) (a) (i) of this section upon an offender is a 1621
judgment in favor of the entity administering the community 1622
control sanction, and the offender subject to the financial 1623
sanction is the judgment debtor. A financial sanction of 1624
reimbursement imposed pursuant to division (A) (3) (a) (ii) of this 1625
section upon an offender confined in a jail or other residential 1626
facility is a judgment in favor of the entity operating the jail 1627
or other residential facility, and the offender subject to the 1628
financial sanction is the judgment debtor. A financial sanction 1629
of restitution imposed pursuant to division (A) (1) of this 1630
section is an order in favor of the victim of the offender's 1631
criminal act that can be collected through a certificate of 1632
judgment as described in division ~~(D)~~ (E) (1) of this section, 1633
through execution as described in division ~~(D)~~ (E) (2) of this 1634
section, or through an order as described in division ~~(D)~~ (E) (3) 1635
of this section, and the offender shall be considered for 1636
purposes of the collection as the judgment debtor. 1637

Once the financial sanction is imposed as a judgment or 1638
order under this division, the victim, private provider, state, 1639
or political subdivision may do any of the following: 1640

(1) Obtain from the clerk of the court in which the 1641
judgment was entered a certificate of judgment that shall be in 1642
the same manner and form as a certificate of judgment issued in 1643
a civil action; 1644

(2) Obtain execution of the judgment or order through any 1645
available procedure, including any of the procedures identified 1646
in divisions ~~(D)~~(E) (1) and (2) of section 2929.18 of the Revised 1647
Code. 1648

(3) Obtain an order for the assignment of wages of the 1649
judgment debtor under section 1321.33 of the Revised Code. 1650

~~(E)~~(F) The civil remedies authorized under division ~~(D)~~ 1651
(E) of this section for the collection of the financial sanction 1652
supplement, but do not preclude, enforcement of the criminal 1653
sentence. 1654

~~(F)~~(G) Each court imposing a financial sanction upon an 1655
offender under this section may designate the clerk of the court 1656
or another person to collect the financial sanction. The clerk, 1657
or another person authorized by law or the court to collect the 1658
financial sanction may do the following: 1659

(1) Enter into contracts with one or more public agencies 1660
or private vendors for the collection of amounts due under the 1661
sanction. Before entering into a contract for the collection of 1662
amounts due from an offender pursuant to any financial sanction 1663
imposed pursuant to this section, a court shall comply with 1664
sections 307.86 to 307.92 of the Revised Code. 1665

(2) Permit payment of all or any portion of the sanction 1666
in installments, by financial transaction device if the court is 1667
a county court or a municipal court operated by a county, by 1668
credit or debit card or by another electronic transfer if the 1669

court is a municipal court not operated by a county, or by any 1670
other reasonable method, in any time, and on any terms that 1671
court considers just, except that the maximum time permitted for 1672
payment shall not exceed five years. If the court is a county 1673
court or a municipal court operated by a county, the acceptance 1674
of payments by any financial transaction device shall be 1675
governed by the policy adopted by the board of county 1676
commissioners of the county pursuant to section 301.28 of the 1677
Revised Code. If the court is a municipal court not operated by 1678
a county, the clerk may pay any fee associated with processing 1679
an electronic transfer out of public money or may charge the fee 1680
to the offender. 1681

(3) To defray administrative costs, charge a reasonable 1682
fee to an offender who elects a payment plan rather than a lump 1683
sum payment of any financial sanction. 1684

~~(G)~~ (H) No financial sanction imposed under this section 1685
shall preclude a victim from bringing a civil action against the 1686
offender. 1687

Sec. 3503.13. (A) Except as otherwise provided in section 1688
111.44 of the Revised Code or by state or federal law, 1689
registration forms submitted by applicants and the statewide 1690
voter registration database established under section 3503.15 of 1691
the Revised Code shall be open to public inspection at all times 1692
when the office of the board of elections is open for business, 1693
under such regulations as the board adopts, provided that no 1694
person shall be permitted to inspect voter registration forms 1695
except in the presence of an employee of the board. 1696

(B) A board of elections may use a legible digitized 1697
signature list of voter signatures, copied from the signatures 1698
on the registration forms in a form and manner prescribed by the 1699

secretary of state, provided that the board includes the 1700
required voter registration information in the statewide voter 1701
registration database established under section 3503.15 of the 1702
Revised Code, and provided that the precinct election officials 1703
have computer printouts at the polls prepared in the manner 1704
required under section 3503.23 of the Revised Code. 1705

Sec. 3503.16. (A) ~~Whenever~~ Except as otherwise provided in 1706
division (D) of section 111.44 of the Revised Code, whenever a 1707
registered elector changes the place of residence of that 1708
registered elector from one precinct to another within a county 1709
or from one county to another, or has a change of name, that 1710
registered elector shall report the change by delivering a 1711
change of residence or change of name form, whichever is 1712
appropriate, as prescribed by the secretary of state under 1713
section 3503.14 of the Revised Code to the state or local office 1714
of a designated agency, a public high school or vocational 1715
school, a public library, the office of the county treasurer, 1716
the office of the secretary of state, any office of the 1717
registrar or deputy registrar of motor vehicles, or any office 1718
of a board of elections in person or by a third person. Any 1719
voter registration, change of address, or change of name 1720
application, returned by mail, may be sent only to the secretary 1721
of state or the board of elections. 1722

A registered elector also may update the registration of 1723
that registered elector by filing a change of residence or 1724
change of name form on the day of a special, primary, or general 1725
election at the polling place in the precinct in which that 1726
registered elector resides or at the board of elections or at 1727
another site designated by the board. 1728

(B) (1) (a) Any registered elector who moves within a 1729

precinct on or prior to the day of a general, primary, or 1730
special election and has not filed a notice of change of 1731
residence with the board of elections may vote in that election 1732
by going to that registered elector's assigned polling place, 1733
completing and signing a notice of change of residence, showing 1734
identification in the form of a current and valid photo 1735
identification, a military identification, or a copy of a 1736
current utility bill, bank statement, government check, 1737
paycheck, or other government document, other than a notice of 1738
voter registration mailed by a board of elections under section 1739
3503.19 of the Revised Code, that shows the name and current 1740
address of the elector, and casting a ballot. 1741

(b) Any registered elector who changes the name of that 1742
registered elector and remains within a precinct on or prior to 1743
the day of a general, primary, or special election and has not 1744
filed a notice of change of name with the board of elections may 1745
vote in that election by going to that registered elector's 1746
assigned polling place, completing and signing a notice of a 1747
change of name, and casting a provisional ballot under section 1748
3505.181 of the Revised Code. If the registered elector provides 1749
to the precinct election officials proof of a legal name change, 1750
such as a marriage license or court order that includes the 1751
elector's current and prior names, the elector may complete and 1752
sign a notice of change of name and cast a regular ballot. 1753

(2) Any registered elector who moves from one precinct to 1754
another within a county or moves from one precinct to another 1755
and changes the name of that registered elector on or prior to 1756
the day of a general, primary, or special election and has not 1757
filed a notice of change of residence or change of name, 1758
whichever is appropriate, with the board of elections may vote 1759
in that election if that registered elector complies with 1760

division (G) of this section or does all of the following: 1761

(a) Appears at anytime during regular business hours on or 1762
after the twenty-eighth day prior to the election in which that 1763
registered elector wishes to vote or, if the election is held on 1764
the day of a presidential primary election, the twenty-fifth day 1765
prior to the election, through noon of the Saturday prior to the 1766
election at the office of the board of elections, appears at any 1767
time during regular business hours on the Monday prior to the 1768
election at the office of the board of elections, or appears on 1769
the day of the election at either of the following locations: 1770

(i) The polling place for the precinct in which that 1771
registered elector resides; 1772

(ii) The office of the board of elections or, if pursuant 1773
to division (C) of section 3501.10 of the Revised Code the board 1774
has designated another location in the county at which 1775
registered electors may vote, at that other location instead of 1776
the office of the board of elections. 1777

(b) Completes and signs, under penalty of election 1778
falsification, the written affirmation on the provisional ballot 1779
envelope, which shall serve as a notice of change of residence 1780
or change of name, whichever is appropriate; 1781

(c) Votes a provisional ballot under section 3505.181 of 1782
the Revised Code at the polling place, at the office of the 1783
board of elections, or, if pursuant to division (C) of section 1784
3501.10 of the Revised Code the board has designated another 1785
location in the county at which registered electors may vote, at 1786
that other location instead of the office of the board of 1787
elections, whichever is appropriate, using the address to which 1788
that registered elector has moved or the name of that registered 1789

elector as changed, whichever is appropriate; 1790

(d) Completes and signs, under penalty of election 1791
falsification, a statement attesting that that registered 1792
elector moved or had a change of name, whichever is appropriate, 1793
on or prior to the day of the election, has voted a provisional 1794
ballot at the polling place for the precinct in which that 1795
registered elector resides, at the office of the board of 1796
elections, or, if pursuant to division (C) of section 3501.10 of 1797
the Revised Code the board has designated another location in 1798
the county at which registered electors may vote, at that other 1799
location instead of the office of the board of elections, 1800
whichever is appropriate, and will not vote or attempt to vote 1801
at any other location for that particular election. 1802

(C) Any registered elector who moves from one county to 1803
another county within the state on or prior to the day of a 1804
general, primary, or special election and has not registered to 1805
vote in the county to which that registered elector moved may 1806
vote in that election if that registered elector complies with 1807
division (G) of this section or does all of the following: 1808

(1) Appears at any time during regular business hours on 1809
or after the twenty-eighth day prior to the election in which 1810
that registered elector wishes to vote or, if the election is 1811
held on the day of a presidential primary election, the twenty- 1812
fifth day prior to the election, through noon of the Saturday 1813
prior to the election at the office of the board of elections 1814
or, if pursuant to division (C) of section 3501.10 of the 1815
Revised Code the board has designated another location in the 1816
county at which registered electors may vote, at that other 1817
location instead of the office of the board of elections, 1818
appears during regular business hours on the Monday prior to the 1819

election at the office of the board of elections or, if pursuant 1820
to division (C) of section 3501.10 of the Revised Code the board 1821
has designated another location in the county at which 1822
registered electors may vote, at that other location instead of 1823
the office of the board of elections, or appears on the day of 1824
the election at the office of the board of elections or, if 1825
pursuant to division (C) of section 3501.10 of the Revised Code 1826
the board has designated another location in the county at which 1827
registered electors may vote, at that other location instead of 1828
the office of the board of elections; 1829

(2) Completes and signs, under penalty of election 1830
falsification, the written affirmation on the provisional ballot 1831
envelope, which shall serve as a notice of change of residence; 1832

(3) Votes a provisional ballot under section 3505.181 of 1833
the Revised Code at the office of the board of elections or, if 1834
pursuant to division (C) of section 3501.10 of the Revised Code 1835
the board has designated another location in the county at which 1836
registered electors may vote, at that other location instead of 1837
the office of the board of elections, using the address to which 1838
that registered elector has moved; 1839

(4) Completes and signs, under penalty of election 1840
falsification, a statement attesting that that registered 1841
elector has moved from one county to another county within the 1842
state on or prior to the day of the election, has voted at the 1843
office of the board of elections or, if pursuant to division (C) 1844
of section 3501.10 of the Revised Code the board has designated 1845
another location in the county at which registered electors may 1846
vote, at that other location instead of the office of the board 1847
of elections, and will not vote or attempt to vote at any other 1848
location for that particular election. 1849

(D) A person who votes by absent voter's ballots pursuant 1850
to division (G) of this section shall not make written 1851
application for the ballots pursuant to Chapter 3509. of the 1852
Revised Code. Ballots cast pursuant to division (G) of this 1853
section shall be set aside in a special envelope and counted 1854
during the official canvass of votes in the manner provided for 1855
in sections 3505.32 and 3509.06 of the Revised Code insofar as 1856
that manner is applicable. The board shall examine the pollbooks 1857
to verify that no ballot was cast at the polls or by absent 1858
voter's ballots under Chapter 3509. or 3511. of the Revised Code 1859
by an elector who has voted by absent voter's ballots pursuant 1860
to division (G) of this section. Any ballot determined to be 1861
insufficient for any of the reasons stated above or stated in 1862
section 3509.07 of the Revised Code shall not be counted. 1863

Subject to division (C) of section 3501.10 of the Revised 1864
Code, a board of elections may lease or otherwise acquire a site 1865
different from the office of the board at which registered 1866
electors may vote pursuant to division (B) or (C) of this 1867
section. 1868

(E) Upon receiving a notice of change of residence or 1869
change of name, the board of elections shall immediately send 1870
the registrant an acknowledgment notice. If the change of 1871
residence or change of name notice is valid, the board shall 1872
update the voter's registration as appropriate. If that form is 1873
incomplete, the board shall inform the registrant in the 1874
acknowledgment notice specified in this division of the 1875
information necessary to complete or update that registrant's 1876
registration. 1877

(F) Change of residence and change of name forms shall be 1878
available at each polling place, and when these forms are 1879

completed, noting changes of residence or name, as appropriate, 1880
they shall be filed with election officials at the polling 1881
place. Election officials shall return completed forms, together 1882
with the pollbooks and tally sheets, to the board of elections. 1883

The board of elections shall provide change of residence 1884
and change of name forms to the probate court and court of 1885
common pleas. The court shall provide the forms to any person 1886
eighteen years of age or older who has a change of name by order 1887
of the court or who applies for a marriage license. The court 1888
shall forward all completed forms to the board of elections 1889
within five days after receiving them. 1890

(G) A registered elector who otherwise would qualify to 1891
vote under division (B) or (C) of this section but is unable to 1892
appear at the office of the board of elections or, if pursuant 1893
to division (C) of section 3501.10 of the Revised Code the board 1894
has designated another location in the county at which 1895
registered electors may vote, at that other location, on account 1896
of personal illness, physical disability, or infirmity, may vote 1897
on the day of the election if that registered elector does all 1898
of the following: 1899

(1) Makes a written application that includes all of the 1900
information required under section 3509.03 of the Revised Code 1901
to the appropriate board for an absent voter's ballot on or 1902
after the twenty-seventh day prior to the election in which the 1903
registered elector wishes to vote through noon of the Saturday 1904
prior to that election and requests that the absent voter's 1905
ballot be sent to the address to which the registered elector 1906
has moved if the registered elector has moved, or to the address 1907
of that registered elector who has not moved but has had a 1908
change of name; 1909

(2) Declares that the registered elector has moved or had a change of name, whichever is appropriate, and otherwise is qualified to vote under the circumstances described in division (B) or (C) of this section, whichever is appropriate, but that the registered elector is unable to appear at the board of elections because of personal illness, physical disability, or infirmity;

(3) Completes and returns along with the completed absent voter's ballot a notice of change of residence indicating the address to which the registered elector has moved, or a notice of change of name, whichever is appropriate;

(4) Completes and signs, under penalty of election falsification, a statement attesting that the registered elector has moved or had a change of name on or prior to the day before the election, has voted by absent voter's ballot because of personal illness, physical disability, or infirmity that prevented the registered elector from appearing at the board of elections, and will not vote or attempt to vote at any other location or by absent voter's ballot mailed to any other location or address for that particular election.

(H) A registered elector who has a confidential voter registration record, as described in section 111.44 of the Revised Code, and who moves or has a change of name on or prior to the day of an election and has not filed a notice of change of residence or change of name under division (D) of that section may vote in that election if that registered elector does all of the following:

(1) Appears on the day of the election at the polling place for the precinct in which that registered elector resides;

(2) Completes and signs, under penalty of election 1939
falsification, the written affirmation on the provisional ballot 1940
envelope, which shall serve as a notice of change of residence 1941
or change of name, whichever is appropriate; 1942

(3) Votes a provisional ballot under section 3505.181 of 1943
the Revised Code at the polling place using the address to which 1944
that registered elector has moved or the name of that registered 1945
elector as changed, whichever is appropriate; 1946

(4) Completes and signs, under penalty of election 1947
falsification, a statement attesting that that registered 1948
elector moved or had a change of name, whichever is appropriate, 1949
on or prior to the day of the election, has voted a provisional 1950
ballot at the polling place for the precinct in which that 1951
registered elector resides, and will not vote or attempt to vote 1952
at any other location or by any other method for that particular 1953
election. 1954

Sec. 3503.21. (A) The registration of a registered elector 1955
shall be canceled upon the occurrence of any of the following: 1956

(1) The filing by a registered elector of a written 1957
request with a board of elections, on a form prescribed by the 1958
secretary of state and signed by the elector, that the 1959
registration be canceled. The filing of such a request does not 1960
prohibit an otherwise qualified elector from reregistering to 1961
vote at any time. 1962

(2) The filing of a notice of the death of a registered 1963
elector as provided in section 3503.18 of the Revised Code; 1964

(3) The filing with the board of elections of a certified 1965
copy of the death certificate of a registered elector by the 1966
deceased elector's spouse, parent, or child, by the 1967

administrator of the deceased elector's estate, or by the	1968
executor of the deceased elector's will;	1969
(4) The conviction of the registered elector of a felony	1970
under the laws of this state, any other state, or the United	1971
States as provided in section 2961.01 of the Revised Code;	1972
(5) The adjudication of incompetency of the registered	1973
elector for the purpose of voting as provided in section	1974
5122.301 of the Revised Code;	1975
(6) The change of residence of the registered elector to a	1976
location outside the county of registration in accordance with	1977
division (B) of this section;	1978
(7) The failure of the registered elector, after having	1979
been mailed a confirmation notice, to do either of the	1980
following:	1981
(a) Respond to such a notice and vote at least once during	1982
a period of four consecutive years, which period shall include	1983
two general federal elections;	1984
(b) Update the elector's registration and vote at least	1985
once during a period of four consecutive years, which period	1986
shall include two general federal elections.	1987
<u>(8) The receipt by the board of elections of a</u>	1988
<u>cancellation notice or request pursuant to section 111.44 of the</u>	1989
<u>Revised Code.</u>	1990
(B) (1) The secretary of state shall prescribe procedures	1991
to identify and cancel the registration in a prior county of	1992
residence of any registrant who changes the registrant's voting	1993
residence to a location outside the registrant's current county	1994
of registration. Any procedures prescribed in this division	1995

shall be uniform and nondiscriminatory, and shall comply with 1996
the Voting Rights Act of 1965. The secretary of state may 1997
prescribe procedures under this division that include the use of 1998
the national change of address service provided by the United 1999
States postal system through its licensees. Any program so 2000
prescribed shall be completed not later than ninety days prior 2001
to the date of any primary or general election for federal 2002
office. 2003

(2) The registration of any elector identified as having 2004
changed the elector's voting residence to a location outside the 2005
elector's current county of registration shall not be canceled 2006
unless the registrant is sent a confirmation notice on a form 2007
prescribed by the secretary of state and the registrant fails to 2008
respond to the confirmation notice or otherwise update the 2009
registration and fails to vote in any election during the period 2010
of two federal elections subsequent to the mailing of the 2011
confirmation notice. 2012

(C) The registration of a registered elector shall not be 2013
canceled except as provided in this section, section 111.44 of 2014
the Revised Code, division (Q) of section 3501.05 of the Revised 2015
Code, division (C) (2) of section 3503.19 of the Revised Code, or 2016
division (C) of section 3503.24 of the Revised Code. 2017

(D) Boards of elections shall send their voter 2018
registration information to the secretary of state as required 2019
under section 3503.15 of the Revised Code. The secretary of 2020
state may prescribe by rule adopted pursuant to section 111.15 2021
of the Revised Code the format in which the boards of elections 2022
must send that information to the secretary of state. In the 2023
first quarter of each year, the secretary of state shall send 2024
the information to the national change of address service 2025

described in division (B) of this section and request that 2026
service to provide the secretary of state with a list of any 2027
voters sent by the secretary of state who have moved within the 2028
last twelve months. The secretary of state shall transmit to 2029
each appropriate board of elections whatever lists the secretary 2030
of state receives from that service. The board shall send a 2031
notice to each person on the list transmitted by the secretary 2032
of state requesting confirmation of the person's change of 2033
address, together with a postage prepaid, preaddressed return 2034
envelope containing a form on which the voter may verify or 2035
correct the change of address information. 2036

(E) The registration of a registered elector described in 2037
division (A)(7) or (B)(2) of this section shall be canceled not 2038
later than one hundred twenty days after the date of the second 2039
general federal election in which the elector fails to vote or 2040
not later than one hundred twenty days after the expiration of 2041
the four-year period in which the elector fails to vote or 2042
respond to a confirmation notice, whichever is later. 2043

(F)(1) When a registration is canceled pursuant to 2044
division (A)(2) or (3) of this section, the applicable board of 2045
elections shall send a written notice, on a form prescribed by 2046
the secretary of state, to the address at which the elector was 2047
registered, informing the recipient that the elector's 2048
registration has been canceled, of the reason for the 2049
cancellation, and that if the cancellation was made in error, 2050
the elector may contact the board of elections to correct the 2051
error. 2052

(2) If the elector's registration is canceled pursuant to 2053
division (A)(2) or (3) of this section in error, it shall be 2054
restored and treated as though it were never canceled. 2055

Sec. 3503.23. (A) Fourteen days before an election, the board of elections shall cause to be prepared from the statewide voter registration database established under section 3503.15 of the Revised Code a complete and official registration list for each precinct, containing the names, addresses, and political party whose ballot the elector voted in the most recent primary election within the current year and the immediately preceding two calendar years, of all qualified registered voters in the precinct, except as otherwise provided in section 111.44 of the Revised Code. All the names, insofar as practicable, shall be arranged in alphabetical order. The lists may be prepared either in sheet form on one side of the paper or in electronic form, at the discretion of the board. Each precinct list shall be headed "Register of Voters," and under the heading shall be indicated the district or ward and precinct.

Appended to each precinct list shall be attached the names of the members of the board and the name of the director. A sufficient number of such lists shall be provided for distribution to the candidates, political parties, or organized groups that apply for them. The board shall have each precinct list available at the board for viewing by the public during normal business hours. The board shall ensure that, by the opening of the polls on the day of a general or primary election, each precinct has a paper copy of the registration list of voters in that precinct.

(B) On the day of a general or primary election, precinct election officials shall do both of the following:

(1) By the time the polls open, conspicuously post and display at the polling place one copy of the registration list of voters in that precinct in an area of the polling place that

is easily accessible; 2086

(2) At 11 a.m. and 4 p.m. place a mark, on the official 2087
registration list posted at the polling place, before the name 2088
of those registered voters who have voted. 2089

(C) Notwithstanding division (B) of section 3501.35 of the 2090
Revised Code, any person may enter the polling place for the 2091
sole purpose of reviewing the official registration list posted 2092
in accordance with division (B) of this section, provided that 2093
the person does not engage in conduct that would constitute 2094
harassment in violation of the election law, as defined in 2095
section 3501.90 of the Revised Code. 2096

Sec. 3503.24. (A) Application for the correction of any 2097
precinct registration list or a challenge of the right to vote 2098
of any registered elector may be made by any qualified elector 2099
of the county at the office of the board of elections not later 2100
than twenty days prior to the election. The applications or 2101
challenges, with the reasons for the application or challenge, 2102
shall be filed with the board on a form prescribed by the 2103
secretary of state and shall be signed under penalty of election 2104
falsification. 2105

(B) On receiving an application or challenge filed under 2106
this section, the board of elections promptly shall review the 2107
board's records. If the board is able to determine that an 2108
application or challenge should be granted or denied solely on 2109
the basis of the records maintained by the board, the board 2110
immediately shall vote to grant or deny that application or 2111
challenge. 2112

If the board is not able to determine whether an 2113
application or challenge should be granted or denied solely on 2114

the basis of the records maintained by the board, the director 2115
shall promptly set a time and date for a hearing before the 2116
board. Except as otherwise provided in division (D) of this 2117
section, the hearing shall be held, and the application or 2118
challenge shall be decided, no later than ten days after the 2119
board receives the application or challenge. The director shall 2120
send written notice to any elector whose right to vote is 2121
challenged and to any person whose name is alleged to have been 2122
omitted from a registration list. The notice shall inform the 2123
person of the time and date of the hearing, and of the person's 2124
right to appear and testify, call witnesses, and be represented 2125
by counsel. The notice shall be sent by first class mail no 2126
later than three days before the day of any scheduled hearing. 2127
~~The~~ Except as otherwise provided in division (E) of this 2128
section, the director shall also provide the person who filed 2129
the application or challenge with such written notice of the 2130
date and time of the hearing. 2131

At the request of either party or any member of the board, 2132
the board shall issue subpoenas to witnesses to appear and 2133
testify before the board at a hearing held under this section. 2134
All witnesses shall testify under oath. The board shall reach a 2135
decision on all applications and challenges immediately after 2136
hearing. 2137

(C) If the board decides that any such person is not 2138
entitled to have the person's name on the registration list, the 2139
person's name shall be removed from the list and the person's 2140
registration forms canceled. If the board decides that the name 2141
of any such person should appear on the registration list, it 2142
shall be added to the list, and the person's registration forms 2143
placed in the proper registration files. All such corrections 2144
and additions shall be made on a copy of the precinct lists, 2145

which shall constitute the poll lists, to be furnished to the 2146
respective precincts with other election supplies on the day 2147
preceding the election, to be used by the election officials in 2148
receiving the signatures of voters and in checking against the 2149
registration forms. 2150

(D) (1) If an application or challenge for which a hearing 2151
is required to be conducted under division (B) of this section 2152
is filed after the thirtieth day before the day of an election, 2153
the board of elections, in its discretion, may postpone that 2154
hearing and any notifications of that hearing until after the 2155
day of the election. Any hearing postponed under this division 2156
shall be conducted not later than ten days after the day of the 2157
election. 2158

(2) The board of elections shall cause the name of any 2159
registered elector whose registration is challenged and whose 2160
challenge hearing is postponed under division (D) (1) of this 2161
section to be marked in the official registration list and in 2162
the poll list or signature pollbook for that elector's precinct 2163
to indicate that the elector's registration is subject to 2164
challenge. 2165

(3) Any elector who is the subject of an application or 2166
challenge hearing that is postponed under division (D) (1) of 2167
this section shall be permitted to vote a provisional ballot 2168
under section 3505.181 of the Revised Code. The validity of a 2169
provisional ballot cast pursuant to this section shall be 2170
determined in accordance with section 3505.183 of the Revised 2171
Code, except that no such provisional ballot shall be counted 2172
unless the hearing conducted under division (B) of this section 2173
after the day of the election results in the elector's inclusion 2174
in the official registration list. 2175

(E) If an elector who is the subject of an application or challenge hearing has a confidential voter registration record, as described in section 111.44 of the Revised Code, all of the following apply: 2176
2177
2178
2179

(1) If the elector's right to vote has been challenged, the person who filed the challenge shall not receive notice of the date and time of any hearing held concerning the challenge, shall not be permitted to attend the hearing, and shall not receive notice of the disposition of the challenge. 2180
2181
2182
2183
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(2) If the elector is the subject of an application for the correction of the precinct registration list and the elector is not the person who filed the application, the person who filed the application shall not receive notice of the date and time of any hearing held concerning the application, shall not be permitted to attend the hearing, and shall not receive notice of the disposition of the application. 2185
2186
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(3) Notwithstanding section 121.22 of the Revised Code, any hearing held concerning the application or challenge shall not be open to the public. 2192
2193
2194

(4) Any records created as a result of the application or challenge that include the elector's residence address or precinct shall not be open to public inspection. 2195
2196
2197

Sec. 3503.26. (A) All registration forms and lists, when 2198
not in official use by the registrars or precinct election 2199
officials, shall be in the possession of the board of elections. 2200
Names and addresses of electors may be copied from the 2201
registration lists only in the office of the board when it is 2202
open for business; but no such copying shall be permitted during 2203
the period of time commencing twenty-one days before an election 2204

and ending on the eleventh day after an election if such copying 2205
will, in the opinion of the board, interfere with the necessary 2206
work of the board. ~~The~~ Except as provided in section 111.44 of 2207
the Revised Code, the board shall keep in convenient form and 2208
available for public inspection a correct set of the 2209
registration lists of all precincts in the county. 2210

(B) Notwithstanding division (A) of this section, and 2211
except as provided in section 111.44 of the Revised Code, the 2212
board of elections shall maintain and make available for public 2213
inspection and copying at a reasonable cost all records 2214
concerning the implementation of programs and activities 2215
conducted for the purpose of ensuring the accuracy and currency 2216
of voter registration lists, including the names and addresses 2217
of all registered electors sent confirmation notices and whether 2218
or not the elector responded to the confirmation notice. The 2219
board shall maintain all records described in this division for 2220
a period of two years. 2221

Sec. 3504.02. (A) Any citizen who desires to vote in a 2222
presidential election under this chapter shall, not later than 2223
four p.m. of the thirtieth day prior to the date of the 2224
presidential election, complete a certificate of intent to vote 2225
for presidential and vice-presidential electors. The certificate 2226
of intent shall be completed in duplicate on a form prescribed 2227
by the secretary of state that may be obtained and filed 2228
personally in the office of the board of elections of the county 2229
in which such person last resided before removal from this 2230
state, or mailed to such board of elections. 2231

(B) Immediately following the spaces on the certificate 2232
for inserting information as requested by the secretary of 2233
state, the following statement shall be printed: "I declare 2234

under penalty of election falsification that the statements 2235
herein contained are true to the best of my knowledge and 2236
belief; that I am legally qualified to vote; that I am not 2237
registered to vote in any other state; and that I have not voted 2238
in an election in any other state since removing myself from the 2239
state of Ohio. 2240

..... 2241

Signature of applicant 2242

..... 2243

Date 2244

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 2245
FELONY OF THE FIFTH DEGREE." 2246

(C) If the applicant has a confidential voter registration 2247
record, as described in section 111.44 of the Revised Code, the 2248
applicant may include the applicant's program participant 2249
identification number instead of the applicant's residence 2250
address or precinct in the certificate of intent. 2251

Sec. 3504.04. ~~On~~ (A) Except as provided in division (B) of 2252
this section, on or before election day, the director of the 2253
board of elections shall deliver to the polling place a list of 2254
persons who have filed certificates of intent to vote as former 2255
resident voters and who appear, from their voting address, 2256
entitled to vote at such polling place. Those persons whose 2257
names appear on the list of former resident voters, and who have 2258
otherwise complied with sections 3504.01 to 3504.06 of the 2259
Revised Code, shall then be entitled to vote for presidential 2260
and vice-presidential electors only at their polling place on 2261
election day or by absent voter's ballots. Such voter who votes 2262
at that voter's polling place on election day shall sign that 2263

voter's name in the poll book or poll list followed by, "Former 2264
Resident's Presidential Ballot." Qualified former residents 2265
shall be entitled to cast absent voter's ballots for 2266
presidential and vice-presidential electors. 2267

(B) The list of persons described in division (A) of this 2268
section shall not include any person who has a confidential 2269
voter registration record, as described in section 111.44 of the 2270
Revised Code. Such a person may vote for presidential and vice- 2271
presidential electors only by casting absent voter's ballots or 2272
a provisional ballot. 2273

Sec. 3505.181. (A) All of the following individuals shall 2274
be permitted to cast a provisional ballot at an election: 2275

(1) An individual who declares that the individual is a 2276
registered voter in the precinct in which the individual desires 2277
to vote and that the individual is eligible to vote in an 2278
election, but the name of the individual does not appear on the 2279
official list of eligible voters for the precinct or an election 2280
official asserts that the individual is not eligible to vote, 2281
including an individual who has a confidential voter 2282
registration record, as described in section 111.44 of the 2283
Revised Code; 2284

(2) An individual who does not have or is unable to 2285
provide to the election officials any of the forms of 2286
identification required under division (A)(1) of section 3505.18 2287
of the Revised Code; 2288

(3) An individual whose name in the poll list or signature 2289
pollbook has been marked under section 3509.09 or 3511.13 of the 2290
Revised Code as having requested an absent voter's ballot or a 2291
uniformed services or overseas absent voter's ballot for that 2292

election and who appears to vote at the polling place;	2293
(4) An individual whose notification of registration has	2294
been returned undelivered to the board of elections and whose	2295
name in the official registration list and in the poll list or	2296
signature pollbook has been marked under division (C) (2) of	2297
section 3503.19 of the Revised Code;	2298
(5) An individual who has been successfully challenged	2299
under section 3505.20 or 3513.20 of the Revised Code or whose	2300
application or challenge hearing has been postponed until after	2301
the day of the election under division (D) (1) of section 3503.24	2302
of the Revised Code;	2303
(6) An individual who changes the individual's name and	2304
remains within the precinct without providing proof of that name	2305
change under division (B) (1) (b) of section 3503.16 of the	2306
Revised Code, moves from one precinct to another within a	2307
county, moves from one precinct to another and changes the	2308
individual's name, or moves from one county to another within	2309
the state, and completes and signs the required forms and	2310
statements under division (B) or (C) of section 3503.16 of the	2311
Revised Code;	2312
(7) An individual whose signature, in the opinion of the	2313
precinct officers under section 3505.22 of the Revised Code, is	2314
not that of the person who signed that name in the registration	2315
forms.	2316
(B) An individual who is eligible to cast a provisional	2317
ballot under division (A) of this section shall be permitted to	2318
cast a provisional ballot as follows:	2319
(1) An election official at the polling place shall notify	2320
the individual that the individual may cast a provisional ballot	2321

in that election. 2322

(2) Except as otherwise provided in division (F) of this 2323
section, the individual shall complete and execute a written 2324
affirmation before an election official at the polling place 2325
stating that the individual is both of the following: 2326

(a) A registered voter in the precinct in which the 2327
individual desires to vote; 2328

(b) Eligible to vote in that election. 2329

(3) An election official at the polling place shall 2330
transmit the ballot cast by the individual and the voter 2331
information contained in the written affirmation executed by the 2332
individual under division (B) (2) of this section to an 2333
appropriate local election official for verification under 2334
division (B) (4) of this section. 2335

(4) If the appropriate local election official to whom the 2336
ballot or voter or address information is transmitted under 2337
division (B) (3) of this section determines that the individual 2338
is eligible to vote, the individual's provisional ballot shall 2339
be counted as a vote in that election. 2340

(5) (a) At the time that an individual casts a provisional 2341
ballot, the appropriate local election official shall give the 2342
individual written information that states that any individual 2343
who casts a provisional ballot will be able to ascertain under 2344
the system established under division (B) (5) (b) of this section 2345
whether the vote was counted, and, if the vote was not counted, 2346
the reason that the vote was not counted. 2347

(b) The appropriate state or local election official shall 2348
establish a free access system, in the form of a toll-free 2349
telephone number, that any individual who casts a provisional 2350

ballot may access to discover whether the vote of that 2351
individual was counted, and, if the vote was not counted, the 2352
reason that the vote was not counted. The free access system 2353
established under this division also shall provide to an 2354
individual whose provisional ballot was not counted information 2355
explaining how that individual may contact the board of 2356
elections to register to vote or to resolve problems with the 2357
individual's voter registration. 2358

The appropriate state or local election official shall 2359
establish and maintain reasonable procedures necessary to 2360
protect the security, confidentiality, and integrity of personal 2361
information collected, stored, or otherwise used by the free 2362
access system established under this division. The system shall 2363
permit an individual only to gain access to information about 2364
the individual's own provisional ballot. 2365

(6) If, at the time that an individual casts a provisional 2366
ballot, the individual provides identification in the form of a 2367
current and valid photo identification, a military 2368
identification, or a copy of a current utility bill, bank 2369
statement, government check, paycheck, or other government 2370
document, other than a notice of voter registration mailed by a 2371
board of elections under section 3503.19 of the Revised Code, 2372
that shows the individual's name and current address, or 2373
provides the individual's driver's license or state 2374
identification card number or the last four digits of the 2375
individual's social security number, the individual shall record 2376
the type of identification provided or the driver's license, 2377
state identification card, or social security number information 2378
and include that information on the provisional ballot 2379
affirmation under division (B) (3) of this section. 2380

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

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

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

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

(b) For a provisional ballot cast by an individual who has been successfully challenged under section 3505.20 of the Revised Code to be eligible to be counted, the individual who cast that ballot, within seven days after the day of that election, shall provide to the board of elections any

identification or other documentation required to be provided by 2411
the applicable challenge questions asked of that individual 2412
under section 3505.20 of the Revised Code. 2413

(C) (1) If an individual declares that the individual is 2414
eligible to vote in a precinct other than the precinct in which 2415
the individual desires to vote, or if, upon review of the 2416
precinct voting location guide using the residential street 2417
address provided by the individual, an election official at the 2418
precinct at which the individual desires to vote determines that 2419
the individual is not eligible to vote in that precinct, the 2420
election official shall direct the individual to the precinct 2421
and polling place in which the individual appears to be eligible 2422
to vote, explain that the individual may cast a provisional 2423
ballot at the current location but the ballot or a portion of 2424
the ballot will not be counted if it is cast in the wrong 2425
precinct, and provide the telephone number of the board of 2426
elections in case the individual has additional questions. 2427

(2) If the individual refuses to travel to the correct 2428
precinct or to the office of the board of elections to cast a 2429
ballot, the individual shall be permitted to vote a provisional 2430
ballot at that precinct in accordance with division (B) of this 2431
section. If the individual is in the correct polling location 2432
for the precinct in which the individual is registered and 2433
eligible to vote, the election official shall complete and sign, 2434
under penalty of election falsification, a form that includes 2435
all of the following, and attach the form to the individual's 2436
provisional ballot affirmation: 2437

(a) The name or number of the individual's correct 2438
precinct; 2439

(b) A statement that the election official instructed the 2440

individual to travel to the correct precinct to vote; 2441

(c) A statement that the election official informed the 2442
individual that casting a provisional ballot in the wrong 2443
precinct would result in all or a portion of the votes on the 2444
ballot being rejected; 2445

(d) The name or number of the precinct in which the 2446
individual is casting a provisional ballot; and 2447

(e) The name of the polling location in which the 2448
individual is casting a provisional ballot. 2449

(D) The appropriate local election official shall cause 2450
voting information to be publicly posted at each polling place 2451
on the day of each election. 2452

(E) As used in this section and sections 3505.182 and 2453
3505.183 of the Revised Code: 2454

(1) "Precinct voting location guide" means either of the 2455
following: 2456

(a) An electronic or paper record that lists the correct 2457
precinct and polling place for either each specific residential 2458
street address in the county or the range of residential street 2459
addresses located in each neighborhood block in the county; 2460

(b) Any other method that a board of elections creates 2461
that allows a precinct election official or any elector who is 2462
at a polling place in that county to determine the correct 2463
precinct and polling place of any qualified elector who resides 2464
in the county. 2465

(2) "Voting information" means all of the following: 2466

(a) A sample version of the ballot that will be used for 2467

that election; 2468

(b) Information regarding the date of the election and the 2469
hours during which polling places will be open; 2470

(c) Instructions on how to vote, including how to cast a 2471
vote and how to cast a provisional ballot; 2472

(d) Instructions for mail-in registrants and first-time 2473
voters under applicable federal and state laws; 2474

(e) General information on voting rights under applicable 2475
federal and state laws, including information on the right of an 2476
individual to cast a provisional ballot and instructions on how 2477
to contact the appropriate officials if these rights are alleged 2478
to have been violated; 2479

(f) General information on federal and state laws 2480
regarding prohibitions against acts of fraud and 2481
misrepresentation. 2482

(F) Nothing in this section or section 3505.183 of the 2483
Revised Code is in derogation of section 3505.24 of the Revised 2484
Code, which permits a blind, disabled, or illiterate elector to 2485
receive assistance in the marking of the elector's ballot by two 2486
precinct election officials of different political parties. A 2487
blind, disabled, or illiterate elector may receive assistance in 2488
marking that elector's provisional ballot and in completing the 2489
required affirmation in the same manner as an elector may 2490
receive assistance on the day of an election under that section. 2491

Sec. 3505.182. Each individual who casts a provisional 2492
ballot under section 3505.181 of the Revised Code shall execute 2493
a written affirmation. The form of the written affirmation shall 2494
be printed upon the face of the provisional ballot envelope and 2495
shall be as follows: 2496

"Provisional Ballot Affirmation	2497
(A) Clearly print your full name:	2498
(B) Write your date of birth:	2499
(C) (1) Write your current address:	2500
.....	2501
(2) Have you moved without updating your voter registration?:	2502 2503
Yes No	2504
If yes, write your former address:	2505
.....	2506
Failure to provide your former address will not cause your provisional ballot to be rejected.	2507 2508
<u>(3) If you have a confidential voter registration record,</u>	2509
<u>write your address confidentiality program participant</u>	2510
<u>identification number:</u>	2511
<u>If you have a confidential voter registration record and</u>	2512
<u>you have not moved without updating your voter registration, you</u>	2513
<u>may provide your participant identification number instead of</u>	2514
<u>your current address.</u>	2515
(D) Provide one of the following forms of identification:	2516
(1) Write your full Ohio driver's license or state identification card number:	2517 2518
(2) Write the last four digits of your Social Security number:	2519 2520
(3) If you did not write your full Ohio driver's license	2521

or state identification card number or the last four digits of 2522
your Social Security number, you must show one of the following 2523
forms of identification to the precinct election official. If 2524
you do not check one of the following boxes affirming the type 2525
of identification you showed to the precinct election official, 2526
the board of elections will conclude that you did not show 2527
identification to your precinct election official and that you 2528
must show identification at the board of elections during the 2529
seven days after the election for your vote to be eligible to be 2530
counted. 2531

..... A form of photo identification that was issued by 2532
the United States government or the State of Ohio, that contains 2533
your name and current address (or your former address if the 2534
identification is an Ohio driver's license or state 2535
identification card), and that has an expiration date that has 2536
not passed; 2537

..... A military identification card; or 2538

..... A current utility bill, bank statement, government 2539
check, paycheck, or other government document, other than a 2540
notice of voter registration mailed by a board of elections, 2541
that contains your name and current address. 2542

(4) If you fail to provide identification at this time, 2543
you must go to the board of elections on or before the seventh 2544
day following this election to provide a qualifying form of 2545
identification in order for this ballot to count. 2546

(E) If your right to vote has been challenged, you must 2547
provide any required additional information to the board of 2548
elections on or before the seventh day following this election. 2549

(F) Sign and date the following statement: 2550

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

I understand that, if the information I provide on this provisional ballot affirmation is not fully completed and correct, if the board of elections determines that I am not registered to vote, a resident of this precinct, or eligible to vote in this election, or if the board of elections determines that I have already voted in this election, my provisional ballot will not be counted. I understand that, if I am not currently registered to vote or if I am not registered at my current address or under my current name, this form will serve as an application to register to vote or update my registration for future elections, as long as I provide all of the information required to register to vote or update my registration. I further understand that knowingly providing false information is a violation of law and subjects me to possible criminal prosecution.

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

..... 2577

Signature of Voter 2578

..... 2579

Date 2580

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 2581
FELONY OF THE FIFTH DEGREE." 2582

In addition to any information required to be included on 2583
the written affirmation, an individual casting a provisional 2584
ballot may provide additional information to the election 2585
official to assist the board of elections in determining the 2586
individual's eligibility to vote in that election, including the 2587
date and location at which the individual registered to vote, if 2588
known. 2589

If the individual provided all of the information required 2590
under section 3503.14 of the Revised Code to register to vote or 2591
to update the individual's registration on the provisional 2592
ballot affirmation, the board of elections shall consider the 2593
individual's provisional ballot affirmation to also serve as a 2594
notice of change of name, change of residence, or both, or as a 2595
voter registration form, as applicable, for that individual only 2596
for the purposes of future elections. 2597

Sec. 3505.183. (A) When the ballot boxes are delivered to 2598
the board of elections from the precincts, the board shall 2599
separate the provisional ballot envelopes from the rest of the 2600
ballots. Teams of employees of the board consisting of one 2601
member of each major political party shall place the sealed 2602
provisional ballot envelopes in a secure location within the 2603
office of the board. The sealed provisional ballot envelopes 2604
shall remain in that secure location until the validity of those 2605
ballots is determined under division (B) of this section. While 2606
the provisional ballot is stored in that secure location, and 2607
prior to the counting of the provisional ballots, if the board 2608
receives information regarding the validity of a specific 2609

provisional ballot under division (B) of this section, the board 2610
may note, on the sealed provisional ballot envelope for that 2611
ballot, whether the ballot is valid and entitled to be counted. 2612

(B) (1) To determine whether a provisional ballot is valid 2613
and entitled to be counted, the board shall examine its records 2614
and determine whether the individual who cast the provisional 2615
ballot is registered and eligible to vote in the applicable 2616
election. The board shall examine the information contained in 2617
the written affirmation executed by the individual who cast the 2618
provisional ballot under division (B) (2) of section 3505.181 of 2619
the Revised Code. ~~The~~ 2620

(a) Except as otherwise provided in division (B) (1) (b) of 2621
this section, the following information shall be included in the 2622
written affirmation in order for the provisional ballot to be 2623
eligible to be counted: 2624

~~(a) (i)~~ The individual's printed name, signature, date of 2625
birth, and current address; 2626

~~(b) (ii)~~ A statement that the individual is a registered 2627
voter in the precinct in which the provisional ballot is being 2628
voted; 2629

~~(c) (iii)~~ A statement that the individual is eligible to 2630
vote in the election in which the provisional ballot is being 2631
voted. 2632

(b) If the individual has a confidential voter 2633
registration record and the written affirmation includes the 2634
individual's program participant identification number, the 2635
written affirmation need not include the individual's current 2636
address in order for the provisional ballot to be eligible to be 2637
counted. 2638

(2) In addition to the information required to be included 2639
in an affirmation under division (B)(1) of this section, in 2640
determining whether a provisional ballot is valid and entitled 2641
to be counted, the board also shall examine any additional 2642
information for determining ballot validity provided by the 2643
provisional voter on the affirmation, provided by the 2644
provisional voter to an election official under section 3505.182 2645
of the Revised Code, or provided to the board of elections 2646
during the seven days after the day of the election under 2647
division (B)(7) of section 3505.181 of the Revised Code, to 2648
assist the board in determining the individual's eligibility to 2649
vote. 2650

(3) If, in examining a provisional ballot affirmation and 2651
additional information under divisions (B)(1) and (2) of this 2652
section and comparing the information required under division 2653
(B)(1) of this section with the elector's information in the 2654
statewide voter registration database, the board determines that 2655
all of the following apply, the provisional ballot envelope 2656
shall be opened, and the ballot shall be placed in a ballot box 2657
to be counted: 2658

(a) The individual named on the affirmation is properly 2659
registered to vote. 2660

(b) The individual named on the affirmation is eligible to 2661
cast a ballot in the precinct and for the election in which the 2662
individual cast the provisional ballot. 2663

(c) The individual provided all of the information 2664
required under division (B)(1) of this section in the 2665
affirmation that the individual executed at the time the 2666
individual cast the provisional ballot. 2667

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

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

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

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

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

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

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

(h) If applicable, the hearing conducted under division

(B) of section 3503.24 of the Revised Code after the day of the 2697
election resulted in the individual's inclusion in the official 2698
registration list. 2699

(4) (a) Except as otherwise provided in division (D) of 2700
this section, if, in examining a provisional ballot affirmation 2701
and additional information under divisions (B) (1) and (2) of 2702
this section and comparing the information required under 2703
division (B) (1) of this section with the elector's information 2704
in the statewide voter registration database, the board 2705
determines that any of the following applies, the provisional 2706
ballot envelope shall not be opened, and the ballot shall not be 2707
counted: 2708

(i) The individual named on the affirmation is not 2709
qualified or is not properly registered to vote. 2710

(ii) The individual named on the affirmation is not 2711
eligible to cast a ballot in the precinct or for the election in 2712
which the individual cast the provisional ballot. 2713

(iii) The individual did not provide all of the 2714
information required under division (B) (1) of this section in 2715
the affirmation that the individual executed at the time the 2716
individual cast the provisional ballot. 2717

(iv) The individual has already cast a ballot for the 2718
election in which the individual cast the provisional ballot. 2719

(v) If applicable, the individual did not provide any 2720
additional information required under division (B) (7) of section 2721
3505.181 of the Revised Code within seven days after the day of 2722
the election. 2723

(vi) If applicable, the hearing conducted under division 2724
(B) of section 3503.24 of the Revised Code after the day of the 2725

election did not result in the individual's inclusion in the 2726
official registration list. 2727

(vii) The individual failed to provide a current and valid 2728
photo identification, a military identification, a copy of a 2729
current utility bill, bank statement, government check, 2730
paycheck, or other government document, other than a notice of 2731
voter registration mailed by a board of elections under section 2732
3503.19 of the Revised Code, with the voter's name and current 2733
address, the individual's driver's license or state 2734
identification card number, or the last four digits of the 2735
individual's social security number or to execute an affirmation 2736
under division (B) of section 3505.181 of the Revised Code. 2737

(viii) The last four digits of the elector's social 2738
security number or the elector's driver's license number or 2739
state identification card number are different from the last 2740
four digits of the elector's social security number or the 2741
elector's driver's license number or state identification card 2742
number contained in the statewide voter registration database. 2743

(ix) Except as otherwise provided in this division, the 2744
month and day of the elector's date of birth are different from 2745
the day and month of the elector's date of birth contained in 2746
the statewide voter registration database. 2747

This division does not apply to an elector's provisional 2748
ballot if either of the following is true: 2749

(I) The elector's date of birth contained in the statewide 2750
voter registration database is January 1, 1800. 2751

(II) The board of elections has found, by a vote of at 2752
least three of its members, that the elector has met all of the 2753
requirements of division (B) (3) of this section, other than the 2754

requirements of division (B) (3) (e) of this section. 2755

(x) The elector's current address is different from the 2756
elector's address contained in the statewide voter registration 2757
database, unless the elector indicated that the elector is 2758
casting a provisional ballot because the elector has moved and 2759
has not submitted a notice of change of address, as described in 2760
division (A) (6) of section 3505.181 of the Revised Code. 2761

(b) If, in examining a provisional ballot affirmation and 2762
additional information under divisions (B) (1) and (2) of this 2763
section and comparing the information required under division 2764
(B) (1) of this section with the elector's information in the 2765
statewide voter registration database, the board is unable to 2766
determine either of the following, the provisional ballot 2767
envelope shall not be opened, and the ballot shall not be 2768
counted: 2769

(i) Whether the individual named on the affirmation is 2770
qualified or properly registered to vote; 2771

(ii) Whether the individual named on the affirmation is 2772
eligible to cast a ballot in the precinct or for the election in 2773
which the individual cast the provisional ballot. 2774

(C) For each provisional ballot rejected under division 2775
(B) (4) of this section, the board shall record the name of the 2776
provisional voter who cast the ballot, the identification number 2777
of the provisional ballot envelope, the names of the election 2778
officials who determined the validity of that ballot, the date 2779
and time that the determination was made, and the reason that 2780
the ballot was not counted, unless the board has already 2781
recorded that information in another database. 2782

(D) (1) If an individual cast a provisional ballot in a 2783

precinct in which the individual is not registered and eligible 2784
to vote, but in the correct polling location for the precinct in 2785
which the individual is registered and eligible to vote, and the 2786
election official failed to direct the individual to the correct 2787
precinct, the individual's ballot shall be remade under division 2788
(D) (2) of this section. The election official shall be deemed to 2789
have directed the individual to the correct precinct if the 2790
election official correctly completed the form described in 2791
division (C) (2) of section 3505.181 of the Revised Code. 2792

(2) A board of elections that remakes a provisional ballot 2793
under division (D) (1) of this section shall remake the 2794
provisional ballot on a ballot for the appropriate precinct to 2795
reflect the offices, questions, and issues for which the 2796
individual was eligible to cast a ballot and for which the 2797
individual attempted to cast a provisional ballot. The remade 2798
ballot shall be counted for each office, question, and issue for 2799
which the individual was eligible to vote. 2800

(3) If an individual cast a provisional ballot in a 2801
precinct in which the individual is not registered and eligible 2802
to vote and in the incorrect polling location for the precinct 2803
in which the individual is registered and eligible to vote, the 2804
provisional ballot envelope shall not be opened, and the ballot 2805
shall not be counted. 2806

(E) Provisional ballots that are rejected under division 2807
(B) (4) of this section shall not be counted but shall be 2808
preserved in their provisional ballot envelopes unopened until 2809
the time provided by section 3505.31 of the Revised Code for the 2810
destruction of all other ballots used at the election for which 2811
ballots were provided, at which time they shall be destroyed. 2812

(F) (1) Provisional ballots that the board determines are 2813

eligible to be counted under division (B) (3) or (D) of this 2814
section shall be counted in the same manner as provided for 2815
other ballots under section 3505.27 of the Revised Code. No 2816
provisional ballots shall be counted in a particular county 2817
until the board determines the eligibility to be counted of all 2818
provisional ballots cast in that county under division (B) of 2819
this section for that election. ~~Observers~~ 2820

(2) (a) Except as otherwise provided in division (F) (2) (b) 2821
of this section, observers, as provided in section 3505.21 of 2822
the Revised Code, may be present at all times that the board is 2823
determining the eligibility of provisional ballots to be counted 2824
and counting those provisional ballots determined to be 2825
eligible. ~~No~~ 2826

(b) Observers shall not be permitted to witness the 2827
determination of the eligibility to be counted of, or the 2828
counting of, provisional ballots cast by electors who have 2829
confidential voter registration records in a manner that would 2830
permit the observers to learn the identities or residence 2831
addresses of those electors. 2832

(3) No person shall recklessly disclose the count or any 2833
portion of the count of provisional ballots in such a manner as 2834
to jeopardize the secrecy of any individual ballot. 2835

(G) (1) Except as otherwise provided in division (G) (2) of 2836
this section, nothing in this section shall prevent a board of 2837
elections from examining provisional ballot affirmations and 2838
additional information under divisions (B) (1) and (2) of this 2839
section to determine the eligibility of provisional ballots to 2840
be counted during the ten days after the day of an election. 2841

(2) A board of elections shall not examine the provisional 2842

ballot affirmation and additional information under divisions 2843
(B) (1) and (2) of this section of any provisional ballot cast by 2844
an individual who must provide additional information to the 2845
board of elections under division (B) (7) of section 3505.181 of 2846
the Revised Code for the board to determine the individual's 2847
eligibility until the individual provides that information, 2848
until any hearing required to be conducted under section 3503.24 2849
of the Revised Code with regard to the provisional voter is 2850
held, or until the eleventh day after the day of the election, 2851
whichever is earlier. 2852

Sec. 3509.03. (A) Except as provided in division (B) of 2853
section 3509.08 of the Revised Code, any qualified elector 2854
desiring to vote absent voter's ballots at an election shall 2855
make written application for those ballots to the director of 2856
elections of the county in which the elector's voting residence 2857
is located. ~~The~~ 2858

(B) Except as otherwise provided in division (C) of this 2859
section, the application need not be in any particular form but 2860
shall contain all of the following: 2861

~~(A)~~ (1) The elector's name; 2862

~~(B)~~ (2) The elector's signature; 2863

~~(C)~~ (3) The address at which the elector is registered to 2864
vote; 2865

~~(D)~~ (4) The elector's date of birth; 2866

~~(E)~~ (5) One of the following: 2867

~~(1)~~ (a) The elector's driver's license number; 2868

~~(2)~~ (b) The last four digits of the elector's social 2869
security number; 2870

~~(3)~~ (c) A copy of the elector's current and valid photo identification, a copy of a military identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.

~~(F)~~ (6) A statement identifying the election for which absent voter's ballots are requested;

~~(G)~~ (7) A statement that the person requesting the ballots is a qualified elector;

~~(H)~~ (8) If the request is for primary election ballots, the elector's party affiliation;

~~(I)~~ (9) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed.

(C) If the elector has a confidential voter registration record, as described in section 111.44 of the Revised Code, the elector may provide the elector's program participant identification number instead of the address at which the elector is registered to vote.

(D) Each application for absent voter's ballots shall be delivered to the director not earlier than the first day of January of the year of the elections for which the absent voter's ballots are requested or not earlier than ninety days before the day of the election at which the ballots are to be voted, whichever is earlier, and not later than twelve noon of the third day before the day of the election at which the ballots are to be voted, or not later than six p.m. on the last Friday before the day of the election at which the ballots are

to be voted if the application is delivered in person to the office of the board.

(E) A board of elections that mails an absent voter's ballot application to an elector under this section shall not prepay the return postage for that application.

(F) Except as otherwise provided in this section and in sections 3505.24 and 3509.08 of the Revised Code, an election official shall not fill out any portion of an application for absent voter's ballots on behalf of an applicant. The secretary of state or a board of elections may preprint only an applicant's name and address on an application for absent voter's ballots before mailing that application to the applicant, except that if the applicant has a confidential voter registration record, the secretary of state or a board of elections shall not preprint the applicant's address on the application.

Sec. 3509.04. (A) If a director of a board of elections receives an application for absent voter's ballots that does not contain all of the required information, the director promptly shall notify the applicant of the additional information required to be provided by the applicant to complete that application.

(B) Upon receipt by the director of elections of an application for absent voter's ballots that contains all of the required information, as provided by section 3509.03 and division (G) of section 3503.16 of the Revised Code, the director, if the director finds that the applicant is a qualified elector, shall deliver to the applicant in person or mail directly to the applicant by special delivery mail, air mail, or regular mail, postage prepaid, proper absent voter's

ballots. The director shall deliver or mail with the ballots an 2930
unsealed identification envelope upon the face of which shall be 2931
printed a form substantially as follows: 2932

"Identification Envelope Statement of Voter 2933

I,(Name of voter), declare under 2934
penalty of election falsification that the within ballot or 2935
ballots contained no voting marks of any kind when I received 2936
them, and I caused the ballot or ballots to be marked, enclosed 2937
in the identification envelope, and sealed in that envelope. 2938

My voting residence in Ohio is 2939
..... 2940

(Street and Number, if any, or Rural Route and Number) 2941
of (City, Village, or Township) 2942
Ohio, which is in Ward Precinct 2943
in that city, village, or township. 2944

If I have a confidential voter registration record, I am 2945
providing my program participant identification number instead 2946
of my residence address: 2947

The primary election ballots, if any, within this envelope 2948
are primary election ballots of the Party. 2949

Ballots contained within this envelope are to be voted at 2950
the (general, special, or primary) election to be 2951
held on the day 2952
of, 2953

My date of birth is (Month and 2954
Day), (Year). 2955

(Voter must provide one of the following:) 2956

My driver's license number is (Driver's license number). 2957
2958

The last four digits of my Social Security Number are (Last four digits of Social Security Number). 2959
2960
2961

..... In lieu of providing a driver's license number or the last four digits of my Social Security Number, I am enclosing a copy of one of the following in the return envelope in which this identification envelope will be mailed: a current and valid photo identification, a military identification, or a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration mailed by a board of elections, that shows my name and address. 2962
2963
2964
2965
2966
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2970

I hereby declare, under penalty of election falsification, that the statements above are true, as I verily believe. 2971
2972

..... (Signature of Voter) 2973

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE." 2974
2975

The director shall mail with the ballots and the unsealed identification envelope an unsealed return envelope upon the face of which shall be printed the official title and post-office address of the director. In the upper left corner on the face of the return envelope, several blank lines shall be printed upon which the voter may write the voter's name and return address. The return envelope shall be of such size that the identification envelope can be conveniently placed within it for returning the identification envelope to the director. 2976
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A board of elections that mails or otherwise delivers 2985

absent voter's ballots to an elector under this section shall 2986
not prepay the return postage for those ballots. 2987

Except as otherwise provided in this section and in 2988
sections 3505.24 and 3509.08 of the Revised Code, an election 2989
official shall not fill out any portion of an identification 2990
envelope statement of voter or an absent voter's ballot on 2991
behalf of an elector. A board of elections may preprint only an 2992
elector's name and address on an identification envelope 2993
statement of voter before mailing absent voter's ballots to the 2994
elector, except that if the elector has a confidential voter 2995
registration record, as described in section 111.44 of the 2996
Revised Code, the board of elections shall not preprint the 2997
elector's address on the identification envelope statement of 2998
voter. 2999

Sec. 3509.05. (A) When an elector receives an absent 3000
voter's ballot pursuant to the elector's application or request, 3001
the elector shall, before placing any marks on the ballot, note 3002
whether there are any voting marks on it. If there are any 3003
voting marks, the ballot shall be returned immediately to the 3004
board of elections; otherwise, the elector shall cause the 3005
ballot to be marked, folded in a manner that the stub on it and 3006
the indorsements and facsimile signatures of the members of the 3007
board of elections on the back of it are visible, and placed and 3008
sealed within the identification envelope received from the 3009
director of elections for that purpose. Then, the elector shall 3010
cause the statement of voter on the outside of the 3011
identification envelope to be completed and signed, under 3012
penalty of election falsification. 3013

If the elector does not provide the elector's driver's 3014
license number or the last four digits of the elector's social 3015

security number on the statement of voter on the identification 3016
envelope, the elector also shall include in the return envelope 3017
with the identification envelope a copy of the elector's current 3018
valid photo identification, a copy of a military identification, 3019
or a copy of a current utility bill, bank statement, government 3020
check, paycheck, or other government document, other than a 3021
notice of voter registration mailed by a board of elections 3022
under section 3503.19 of the Revised Code, that shows the name 3023
and address of the elector. 3024

The elector shall mail the identification envelope to the 3025
director from whom it was received in the return envelope, 3026
postage prepaid, or the elector may personally deliver it to the 3027
director, or the spouse of the elector, the father, mother, 3028
father-in-law, mother-in-law, grandfather, grandmother, brother, 3029
or sister of the whole or half blood, or the son, daughter, 3030
adopting parent, adopted child, stepparent, stepchild, uncle, 3031
aunt, nephew, or niece of the elector may deliver it to the 3032
director. The return envelope shall be transmitted to the 3033
director in no other manner, except as provided in section 3034
3509.08 of the Revised Code. 3035

When absent voter's ballots are delivered to an elector at 3036
the office of the board, the elector may retire to a voting 3037
compartment provided by the board and there mark the ballots. 3038
Thereupon, the elector shall fold them, place them in the 3039
identification envelope provided, seal the envelope, fill in and 3040
sign the statement on the envelope under penalty of election 3041
falsification, and deliver the envelope to the director of the 3042
board. 3043

Except as otherwise provided in division (B) of this 3044
section, all other envelopes containing marked absent voter's 3045

ballots shall be delivered to the director not later than the 3046
close of the polls on the day of an election. Absent voter's 3047
ballots delivered to the director later than the times specified 3048
shall not be counted, but shall be kept by the board in the 3049
sealed identification envelopes in which they are delivered to 3050
the director, until the time provided by section 3505.31 of the 3051
Revised Code for the destruction of all other ballots used at 3052
the election for which ballots were provided, at which time they 3053
shall be destroyed. 3054

(B) (1) Except as otherwise provided in division (B) (2) of 3055
this section, any return envelope that is postmarked prior to 3056
the day of the election shall be delivered to the director prior 3057
to the eleventh day after the election. Ballots delivered in 3058
envelopes postmarked prior to the day of the election that are 3059
received after the close of the polls on election day through 3060
the tenth day thereafter shall be counted on the eleventh day at 3061
the board of elections in the manner provided in divisions (C) 3062
and (D) of section 3509.06 of the Revised Code or in the manner 3063
provided in division (E) of that section, as applicable. Any 3064
such ballots that are received by the director later than the 3065
tenth day following the election shall not be counted, but shall 3066
be kept by the board in the sealed identification envelopes as 3067
provided in division (A) of this section. 3068

(2) Division (B) (1) of this section shall not apply to any 3069
mail that is postmarked using a postage evidencing system, 3070
including a postage meter, as defined in 39 C.F.R. 501.1. 3071

Sec. 3509.06. (A) The board of elections shall determine 3072
whether absent voter's ballots shall be counted in each 3073
precinct, at the office of the board, or at some other location 3074
designated by the board, and shall proceed accordingly under 3075

division (B) ~~or, (C), or (E)~~ of this section, as applicable. 3076

(B) ~~When~~ (1) Except as otherwise provided in division (B) 3077
(2) of this section, when the board of elections determines that 3078
absent voter's ballots shall be counted in each precinct, the 3079
director shall deliver to the voting location manager of each 3080
precinct on election day identification envelopes purporting to 3081
contain absent voter's ballots of electors whose voting 3082
residence appears from the statement of voter on the outside of 3083
each of those envelopes, to be located in that manager's 3084
precinct, and which were received by the director not later than 3085
the close of the polls on election day. The director shall 3086
deliver to the voting location manager a list containing the 3087
name and voting residence of each person whose voting residence 3088
is in such precinct to whom absent voter's ballots were mailed. 3089

(2) The director shall not deliver to the voting location 3090
manager identification envelopes cast by electors who provided a 3091
program participant identification number instead of a residence 3092
address on the identification envelope and shall not inform the 3093
voting location manager of the names and voting residences of 3094
persons who have confidential voter registration records. Those 3095
identification envelopes shall be examined and processed as 3096
described in division (E) of this section. 3097

(C) When the board of elections determines that absent 3098
voter's ballots shall be counted at the office of the board of 3099
elections or at another location designated by the board, 3100
special election officials shall be appointed by the board for 3101
that purpose having the same authority as is exercised by 3102
precinct election officials. The votes so cast shall be added to 3103
the vote totals by the board, and the absent voter's ballots 3104
shall be preserved separately by the board, in the same manner 3105

and for the same length of time as provided by section 3505.31 3106
of the Revised Code. 3107

(D) Each of the identification envelopes purporting to 3108
contain absent voter's ballots delivered to the voting location 3109
manager of the precinct or the special election official 3110
appointed by the board of elections shall be handled as follows: 3111

(1) The election officials shall compare the signature of 3112
the elector on the outside of the identification envelope with 3113
the signature of that elector on the elector's registration form 3114
and verify that the absent voter's ballot is eligible to be 3115
counted under section 3509.07 of the Revised Code. 3116

(2) (a) Any of the precinct officials may challenge the 3117
right of the elector named on the identification envelope to 3118
vote the absent voter's ballots upon the ground that the 3119
signature on the envelope is not the same as the signature on 3120
the registration form, that the identification envelope 3121
statement of voter is incomplete, or upon any other of the 3122
grounds upon which the right of persons to vote may be lawfully 3123
challenged. 3124

(b) If the elector's name does not appear in the pollbook 3125
or poll list or signature pollbook, the precinct officials shall 3126
deliver the absent voter's ballots to the director of the board 3127
of elections to be examined and processed in the manner 3128
described in division (E) of this section. 3129

(3) (a) ~~An~~ Except as otherwise provided in division (D) (3) 3130
(c) of this section, an identification envelope statement of 3131
voter shall be considered incomplete if it does not include all 3132
of the following: 3133

(i) The voter's name; 3134

(ii) The voter's residence address;	3135
(iii) The voter's date of birth. The requirements of this division are satisfied if the voter provided a date of birth and any of the following is true:	3136 3137 3138
(I) The month and day of the voter's date of birth on the identification envelope statement of voter are not different from the month and day of the voter's date of birth contained in the statewide voter registration database.	3139 3140 3141 3142
(II) The voter's date of birth contained in the statewide voter registration database is January 1, 1800.	3143 3144
(III) The board of elections has found, by a vote of at least three of its members, that the voter has met the requirements of divisions (D) (3) (a) (i), (ii), (iv), and (v) of this section.	3145 3146 3147 3148
(iv) The voter's signature; and	3149
(v) One of the following forms of identification:	3150
(I) The voter's driver's license number;	3151
(II) The last four digits of the voter's social security number; or	3152 3153
(III) A copy of a current and valid photo identification, a military identification, or a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration mailed by a board of elections, that shows the voter's name and address.	3154 3155 3156 3157 3158
(b) If the election officials find that the identification envelope statement of voter is incomplete or that the information contained in that statement does not conform to the	3159 3160 3161

information contained in the statewide voter registration 3162
database concerning the voter, the election officials shall mail 3163
a written notice to the voter, informing the voter of the nature 3164
of the defect. The notice shall inform the voter that in order 3165
for the voter's ballot to be counted, the voter must provide the 3166
necessary information to the board of elections in writing and 3167
on a form prescribed by the secretary of state not later than 3168
the seventh day after the day of the election. The voter may 3169
deliver the form to the office of the board in person or by 3170
mail. If the voter provides the necessary information to the 3171
board of elections not later than the seventh day after the day 3172
of the election and the ballot is not successfully challenged on 3173
another basis, the voter's ballot shall be counted in accordance 3174
with this section. 3175

(c) An identification envelope statement of voter that 3176
does not contain the voter's residence address shall not be 3177
considered incomplete if the voter has a confidential voter 3178
registration record, as described in section 111.44 of the 3179
Revised Code, and the voter provided the voter's program 3180
participant identification number. 3181

(4) If no such challenge is made, or if such a challenge 3182
is made and not sustained, the voting location manager shall 3183
open the envelope without defacing the statement of voter and 3184
without mutilating the ballots in it, and shall remove the 3185
ballots contained in it and proceed to count them. 3186

~~(5) The~~ (a) Except as otherwise provided in division (D) 3187
(5) (b) of this section, the name of each person voting who is 3188
entitled to vote only an absent voter's presidential ballot 3189
shall be entered in a pollbook or poll list or signature 3190
pollbook followed by the words "Absentee Presidential Ballot." 3191

The name of each person voting an absent voter's ballot, other than such persons entitled to vote only a presidential ballot, shall be entered in the pollbook or poll list or signature pollbook and the person's registration card marked to indicate that the person has voted.

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

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

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

(2) If the director and the deputy director find that the identification envelope statement of voter is incomplete or that the information contained in that statement does not conform to the information contained in the statewide voter registration database concerning the voter or to the information contained in the voter's confidential voter registration record, the director and the deputy director shall mail a written notice to the voter informing the voter of the nature of the defect. The notice

shall inform the voter that in order for the voter's ballot to 3222
be counted the voter must provide the necessary information to 3223
the board of elections in writing and on a form prescribed by 3224
the secretary of state not later than the seventh day after the 3225
day of the election. The voter may deliver the form to the 3226
office of the board in person or by mail. If the voter provides 3227
the necessary information to the board of elections not later 3228
than the seventh day after the day of the election and the 3229
ballot is not successfully challenged on another basis, the 3230
voter's ballot shall be counted in accordance with this section. 3231

(3) The director or the deputy director may challenge the 3232
ballot on the ground that the signature on the envelope is not 3233
the same as the signature on the registration form, that the 3234
identification envelope statement of voter is incomplete, or 3235
upon any other of the grounds upon which the right of persons to 3236
vote may be lawfully challenged. If such a challenge is made, 3237
the board of elections shall decide whether to sustain the 3238
challenge. 3239

(4) If neither the director nor the deputy director 3240
challenges the ballot, or if such a challenge is made and not 3241
sustained, the director and the deputy director shall open the 3242
envelope without defacing the statement of voter and without 3243
mutilating the ballots in it, shall remove the ballots contained 3244
in it, and shall transmit the ballots to the election officials 3245
to be counted with other absent voter's ballots from that 3246
precinct. 3247

(F) Special election officials, employees or members of 3248
the board of elections, or observers shall not disclose the 3249
count or any portion of the count of absent voter's ballots 3250
prior to the time of the closing of the polling places. No 3251

person shall recklessly disclose the count or any portion of the 3252
count of absent voter's ballots in such a manner as to 3253
jeopardize the secrecy of any individual ballot. 3254

~~(F) Observers~~ (G) (1) Except as otherwise provided in 3255
division (G) (2) of this section, observers may be appointed 3256
under section 3505.21 of the Revised Code to witness the 3257
examination and opening of identification envelopes and the 3258
counting of absent voters' ballots under this section. 3259

(2) Observers shall not be permitted to witness the 3260
examination and opening of identification envelopes returned by, 3261
and the counting of absent voter's ballots cast by, electors who 3262
have confidential voter registration records in a manner that 3263
would permit the observers to learn the identities or residence 3264
addresses of those electors. 3265

Sec. 3509.07. If election officials find that any of the 3266
following are true concerning an absent voter's ballot or absent 3267
voter's presidential ballot and, if applicable, the person did 3268
not provide any required additional information to the board of 3269
elections not later than the seventh day after the day of the 3270
election, as permitted under division (D) (3) (b) or (E) (2) of 3271
section 3509.06 of the Revised Code, the ballot shall not be 3272
accepted or counted: 3273

(A) The statement accompanying the ballot is incomplete as 3274
described in division (D) (3) (a) of section 3509.06 of the 3275
Revised Code or is insufficient; 3276

(B) The signatures do not correspond with the person's 3277
registration signature; 3278

(C) The applicant is not a qualified elector in the 3279
precinct; 3280

(D) The ballot envelope contains more than one ballot of 3281
any one kind, or any voted ballot that the elector is not 3282
entitled to vote; 3283

(E) Stub A is detached from the absent voter's ballot or 3284
absent voter's presidential ballot; or 3285

(F) The elector has not included with the elector's ballot 3286
any identification required under section 3509.05 or 3511.09 of 3287
the Revised Code. 3288

The vote of any absent voter may be challenged for cause 3289
in the same manner as other votes are challenged, and the 3290
election officials shall determine the legality of that ballot. 3291
Every ballot not counted shall be endorsed on its back "Not 3292
Counted" with the reasons the ballot was not counted, and shall 3293
be enclosed and returned to or retained by the board of 3294
elections along with the contested ballots. 3295

Sec. 3509.09. (A) The poll list or signature pollbook for 3296
each precinct shall identify each registered elector in that 3297
precinct who has requested an absent voter's ballot for that 3298
election, other than an elector who has a confidential voter 3299
registration record, as described in section 111.44 of the 3300
Revised Code. 3301

(B) (1) If a registered elector appears to vote in that 3302
precinct and that elector has requested an absent voter's ballot 3303
for that election but the director has not received a sealed 3304
identification envelope purporting to contain that elector's 3305
voted absent voter's ballots for that election, the elector 3306
shall be permitted to cast a provisional ballot under section 3307
3505.181 of the Revised Code in that precinct on the day of that 3308
election. 3309

(2) If a registered elector appears to vote in that precinct and that elector has requested an absent voter's ballot for that election and the director has received a sealed identification envelope purporting to contain that elector's voted absent voter's ballots for that election, the elector shall be permitted to cast a provisional ballot under section 3505.181 of the Revised Code in that precinct on the day of that election.

(C) (1) In counting absent voter's ballots under section 3509.06 of the Revised Code, the board of elections shall compare the signature of each elector from whom the director has received a sealed identification envelope purporting to contain that elector's voted absent voter's ballots for that election to the signature on that elector's registration form. Except as otherwise provided in division (C) (3) of this section, if the board of elections determines that the absent voter's ballot in the sealed identification envelope is valid, it shall be counted. If the board of elections determines that the signature on the sealed identification envelope purporting to contain the elector's voted absent voter's ballot does not match the signature on the elector's registration form, the ballot shall be set aside and the board shall examine, during the time prior to the beginning of the official canvass, the poll list or signature pollbook from the precinct in which the elector is registered to vote to determine if the elector also cast a provisional ballot under section 3505.181 of the Revised Code in that precinct on the day of the election.

(2) The board of elections shall count the provisional ballot, instead of the absent voter's ballot, if both of the following apply:

(a) The board of elections determines that the signature 3340
of the elector on the outside of the identification envelope in 3341
which the absent voter's ballots are enclosed does not match the 3342
signature of the elector on the elector's registration form; 3343

(b) The elector cast a provisional ballot in the precinct 3344
on the day of the election. 3345

(3) If the board of elections does not receive the sealed 3346
identification envelope purporting to contain the elector's 3347
voted absent voter's ballot by the applicable deadline 3348
established under section 3509.05 of the Revised Code, the 3349
provisional ballot cast under section 3505.181 of the Revised 3350
Code in that precinct on the day of the election shall be 3351
counted as valid, if that provisional ballot is otherwise 3352
determined to be valid pursuant to section 3505.183 of the 3353
Revised Code. 3354

(D) If the board of elections counts a provisional ballot 3355
under division (C) (2) or (3) of this section, the returned 3356
identification envelope of that elector shall not be opened, and 3357
the ballot within that envelope shall not be counted. The 3358
identification envelope shall be endorsed "Not Counted" with the 3359
reason the ballot was not counted. 3360

Sec. 3511.02. (A) Notwithstanding any section of the 3361
Revised Code to the contrary, whenever any person applies for 3362
registration as a voter on a form adopted in accordance with 3363
federal regulations relating to the "Uniformed and Overseas 3364
Citizens Absentee Voting Act," 100 Stat. 924, 42 U.S.C.A. 1973ff 3365
(1986), this application shall be sufficient for voter 3366
registration and as a request for an absent voter's ballot. 3367
Uniformed services or overseas absent voter's ballots may be 3368
obtained by any person meeting the requirements of section 3369

3511.011 of the Revised Code by applying electronically to the 3370
secretary of state or to the board of elections of the county in 3371
which the person's voting residence is located in accordance 3372
with section 3511.021 of the Revised Code or by applying to the 3373
director of the board of elections of the county in which the 3374
person's voting residence is located, in one of the following 3375
ways: 3376

~~(A)~~ ~~(1)~~ That person may make written application for those 3377
ballots. The person may personally deliver the application to 3378
the director or may mail it, send it by facsimile machine, send 3379
it by electronic mail, send it through internet delivery if such 3380
delivery is offered by the board of elections or the secretary 3381
of state, or otherwise send it to the director. ~~The~~ Except as 3382
otherwise provided in division (B) of this section, the 3383
application need not be in any particular form but shall contain 3384
all of the following information: 3385

~~(1)~~ ~~(a)~~ The elector's name; 3386
~~(2)~~ ~~(b)~~ The elector's signature; 3387
~~(3)~~ ~~(c)~~ The address at which the elector is registered to 3388
vote; 3389

~~(4)~~ ~~(d)~~ The elector's date of birth; 3390
~~(5)~~ ~~(e)~~ One of the following: 3391

~~(a)~~ ~~(i)~~ The elector's driver's license number; 3392
~~(b)~~ ~~(ii)~~ The last four digits of the elector's social 3393
security number; 3394

~~(c)~~ ~~(iii)~~ A copy of the elector's current and valid photo 3395
identification, a copy of a military identification, or a copy 3396
of a current utility bill, bank statement, government check, 3397

paycheck, or other government document, other than a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.

~~(6)~~ (f) A statement identifying the election for which absent voter's ballots are requested;

~~(7)~~ (g) A statement that the person requesting the ballots is a qualified elector;

~~(8)~~ (h) A statement that the elector is an absent uniformed services voter or overseas voter as defined in 42 U.S.C. 1973ff-6;

~~(9)~~ (i) A statement of the elector's length of residence in the state immediately preceding the commencement of service, immediately preceding the date of leaving to be with or near the service member, or immediately preceding leaving the United States, or a statement that the elector's parent or legal guardian resided in this state long enough to establish residency for voting purposes immediately preceding leaving the United States, whichever is applicable;

~~(10)~~ (j) If the request is for primary election ballots, the elector's party affiliation;

~~(11)~~ (k) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed;

~~(12)~~ (l) If the elector desires ballots to be sent to the elector by facsimile machine, the telephone number to which they shall be so sent;

~~(13)~~ (m) If the elector desires ballots to be sent to the elector by electronic mail or, if offered by the board of

elections or the secretary of state, through internet delivery, 3426
the elector's electronic mail address or other internet contact 3427
information. 3428

~~(B)~~ (2) A voter or any relative of a voter listed in 3429
division ~~(C)~~ (A) (3) of this section may use a single federal 3430
post card application to apply for uniformed services or 3431
overseas absent voter's ballots for use at the primary and 3432
general elections in a given year and any special election to be 3433
held on the day in that year specified by division (E) of 3434
section 3501.01 of the Revised Code for the holding of a primary 3435
election, designated by the general assembly for the purpose of 3436
submitting constitutional amendments proposed by the general 3437
assembly to the voters of the state. A single federal postcard 3438
application shall be processed by the board of elections 3439
pursuant to section 3511.04 of the Revised Code the same as if 3440
the voter had applied separately for uniformed services or 3441
overseas absent voter's ballots for each election. 3442

~~(C)~~ (3) Application to have uniformed services or overseas 3443
absent voter's ballots mailed or sent by facsimile machine to 3444
such a person may be made by the spouse, father, mother, father- 3445
in-law, mother-in-law, grandfather, grandmother, brother or 3446
sister of the whole blood or half blood, son, daughter, adopting 3447
parent, adopted child, stepparent, stepchild, daughter-in-law, 3448
son-in-law, uncle, aunt, nephew, or niece of such a person. The 3449
application shall be in writing upon a blank form furnished only 3450
by the director or on a single federal post card as provided in 3451
division ~~(B)~~ (A) (2) of this section. The form of the application 3452
shall be prescribed by the secretary of state. The director 3453
shall furnish that blank form to any of the relatives specified 3454
in this division desiring to make the application, only upon the 3455
request of such a relative made in person at the office of the 3456

board or upon the written request of such a relative mailed to 3457
the office of the board. ~~The~~ Except as otherwise provided in 3458
division (B) of this section, the application, subscribed and 3459
sworn to by the applicant, shall contain all of the following: 3460

~~(1)~~ (a) The full name of the elector for whom ballots are 3461
requested; 3462

~~(2)~~ (b) A statement that the elector is an absent 3463
uniformed services voter or overseas voter as defined in 42 3464
U.S.C. 1973ff-6; 3465

~~(3)~~ (c) The address at which the elector is registered to 3466
vote; 3467

~~(4)~~ (d) A statement identifying the elector's length of 3468
residence in the state immediately preceding the commencement of 3469
service, immediately preceding the date of leaving to be with or 3470
near a service member, or immediately preceding leaving the 3471
United States, or a statement that the elector's parent or legal 3472
guardian resided in this state long enough to establish 3473
residency for voting purposes immediately preceding leaving the 3474
United States, as the case may be; 3475

~~(5)~~ (e) The elector's date of birth; 3476

~~(6)~~ (f) One of the following: 3477

~~(a)~~ (i) The elector's driver's license number; 3478

~~(b)~~ (ii) The last four digits of the elector's social 3479
security number; 3480

~~(c)~~ (iii) A copy of the elector's current and valid photo 3481
identification, a copy of a military identification, or a copy 3482
of a current utility bill, bank statement, government check, 3483
paycheck, or other government document, other than a notice of 3484

voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector. 3485
3486
3487

~~(7)~~(g) A statement identifying the election for which absent voter's ballots are requested; 3488
3489

~~(8)~~(h) A statement that the person requesting the ballots is a qualified elector; 3490
3491

~~(9)~~(i) If the request is for primary election ballots, the elector's party affiliation; 3492
3493

~~(10)~~(j) A statement that the applicant bears a relationship to the elector as specified in division ~~(C)~~(A) (3) of this section; 3494
3495
3496

~~(11)~~(k) The address to which ballots shall be mailed, the telephone number to which ballots shall be sent by facsimile machine, the electronic mail address to which ballots shall be sent by electronic mail, or, if internet delivery is offered by the board of elections or the secretary of state, the internet contact information to which ballots shall be sent through internet delivery; 3497
3498
3499
3500
3501
3502
3503

~~(12)~~(l) The signature and address of the person making the application. 3504
3505

(B) If the elector has a confidential voter registration record, as described in section 111.44 of the Revised Code, the application may include the elector's program participant identification number instead of the address at which the elector is registered to vote. 3506
3507
3508
3509
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(C) Each application for uniformed services or overseas absent voter's ballots shall be delivered to the director not 3511
3512

earlier than the first day of January of the year of the 3513
elections for which the uniformed services or overseas absent 3514
voter's ballots are requested or not earlier than ninety days 3515
before the day of the election at which the ballots are to be 3516
voted, whichever is earlier, and not later than twelve noon of 3517
the third day preceding the day of the election, or not later 3518
than six p.m. on the last Friday before the day of the election 3519
at which those ballots are to be voted if the application is 3520
delivered in person to the office of the board. 3521

(D) If the voter for whom the application is made is 3522
entitled to vote for presidential and vice-presidential electors 3523
only, the applicant shall submit to the director in addition to 3524
the requirements of ~~divisions~~ division (A), ~~(B)~~, and ~~(C)~~ of this 3525
section, a statement to the effect that the voter is qualified 3526
to vote for presidential and vice-presidential electors and for 3527
no other offices. 3528

(E) A board of elections that mails a federal post card 3529
application or other absent voter's ballot application to an 3530
elector under this section shall not prepay the return postage 3531
for that application. 3532

(F) Except as otherwise provided in this section and in 3533
sections 3505.24 and 3509.08 of the Revised Code, an election 3534
official shall not fill out any portion of a federal post card 3535
application or other application for absent voter's ballots on 3536
behalf of an applicant. The secretary of state or a board of 3537
elections may preprint only an applicant's name and address on a 3538
federal post card application or other application for absent 3539
voter's ballots before mailing that application to the 3540
applicant, except that if the applicant has a confidential voter 3541
registration record, the secretary of state or the board of 3542

elections shall not preprint the applicant's address on the 3543
application. 3544

Sec. 3511.05. (A) The director of the board of elections 3545
shall place uniformed services or overseas absent voter's 3546
ballots sent by mail in an unsealed identification envelope, 3547
gummed ready for sealing. The director shall include with 3548
uniformed services or overseas absent voter's ballots sent 3549
electronically, including by facsimile machine, an instruction 3550
sheet for preparing a gummed envelope in which the ballots shall 3551
be returned. The envelope for returning ballots sent by either 3552
means shall have printed or written on its face a form 3553
substantially as follows: 3554

"Identification Envelope Statement of Voter 3555

I,(Name of voter), declare under 3556
penalty of election falsification that the within ballot or 3557
ballots contained no voting marks of any kind when I received 3558
them, and I caused the ballot or ballots to be marked, enclosed 3559
in the identification envelope, and sealed in that envelope. 3560

My voting residence in Ohio is 3561

..... 3562

(Street and Number, if any, or Rural Route and Number) 3563

of (City, Village, or Township) 3564

Ohio, which is in Ward Precinct 3565

in that city, village, or township. 3566

If I have a confidential voter registration record, I am 3567
providing my program participant identification number instead 3568
of my residence address: 3569

The primary election ballots, if any, within this envelope 3570

are primary election ballots of the Party. 3571

Ballots contained within this envelope are to be voted at 3572
the (general, special, or primary) election to be 3573
held on the day 3574
of, 3575

My date of birth is (Month and 3576
Day), (Year). 3577

(Voter must provide one of the following:) 3578

My driver's license number is (Driver's 3579
license number). 3580

The last four digits of my Social Security Number 3581
are (Last four digits of Social Security 3582
Number). 3583

..... In lieu of providing a driver's license number or 3584
the last four digits of my Social Security Number, I am 3585
enclosing a copy of one of the following in the return envelope 3586
in which this identification envelope will be mailed: a current 3587
and valid photo identification, a military identification, or a 3588
current utility bill, bank statement, government check, 3589
paycheck, or other government document, other than a notice of 3590
voter registration mailed by a board of elections, that shows my 3591
name and address. 3592

I hereby declare, under penalty of election falsification, 3593
that the statements above are true, as I verily believe. 3594

..... 3595
(Signature of Voter) 3596

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 3597
THE FIFTH DEGREE." 3598

(B) The director shall also mail with the ballots and the unsealed identification envelope sent by mail an unsealed return envelope, gummed, ready for sealing, for use by the voter in returning the voter's marked ballots to the director. The director shall send with the ballots and the instruction sheet for preparing a gummed envelope sent electronically, including by facsimile machine, an instruction sheet for preparing a second gummed envelope as described in this division, for use by the voter in returning that voter's marked ballots to the director. The return envelope shall have two parallel lines, each one quarter of an inch in width, printed across its face paralleling the top, with an intervening space of one quarter of an inch between such lines. The top line shall be one and one-quarter inches from the top of the envelope. Between the parallel lines shall be printed: "OFFICIAL ELECTION UNIFORMED SERVICES OR OVERSEAS ABSENT VOTER'S BALLOTS -- VIA AIR MAIL." Three blank lines shall be printed in the upper left corner on the face of the envelope for the use by the voter in placing the voter's complete military, naval, or mailing address on these lines, and beneath these lines there shall be printed a box beside the words "check if out-of-country." The voter shall check this box if the voter will be outside the United States on the day of the election. The official title and the post-office address of the director to whom the envelope shall be returned shall be printed on the face of such envelope in the lower right portion below the bottom parallel line.

(C) On the back of each identification envelope and each return envelope shall be printed the following:

"Instructions to voter:

If the flap on this envelope is so firmly stuck to the

back of the envelope when received by you as to require forcible 3629
opening in order to use it, open the envelope in the manner 3630
least injurious to it, and, after marking your ballots and 3631
enclosing same in the envelope for mailing them to the director 3632
of the board of elections, reclose the envelope in the most 3633
practicable way, by sealing or otherwise, and sign the blank 3634
form printed below. 3635

The flap on this envelope was firmly stuck to the back of 3636
the envelope when received, and required forced opening before 3637
sealing and mailing. 3638

..... 3639

(Signature of voter)" 3640

(D) Division (C) of this section does not apply when 3641
absent voter's ballots are sent electronically, including by 3642
facsimile machine. 3643

(E) Except as otherwise provided in this division and in 3644
sections 3505.24 and 3509.08 of the Revised Code, an election 3645
official shall not fill out any portion of an identification 3646
envelope statement of voter or an absent voter's ballot on 3647
behalf of an elector. A board of elections may preprint only an 3648
elector's name and address on an identification envelope 3649
statement of voter before mailing or electronically transmitting 3650
absent voter's ballots to the elector, except that if the 3651
elector has a confidential voter registration record, as 3652
described in section 111.44 of the Revised Code, the board of 3653
elections shall not preprint the elector's address on the 3654
identification envelope statement of voter. 3655

Sec. 3511.11. (A) Upon receipt of any return envelope 3656
bearing the designation "Official Election Uniformed Services or 3657

Overseas Absent Voter's Ballot" prior to the eleventh day after 3658
the day of any election, the director of the board of elections 3659
shall open it but shall not open the identification envelope 3660
contained in it. If, upon so opening the return envelope, the 3661
director finds ballots in it that are not enclosed in and 3662
properly sealed in the identification envelope, the director 3663
shall not look at the markings upon the ballots and shall 3664
promptly place them in the identification envelope and promptly 3665
seal it. If, upon so opening the return envelope, the director 3666
finds that ballots are enclosed in the identification envelope 3667
but that it is not properly sealed, the director shall not look 3668
at the markings upon the ballots and shall promptly seal the 3669
identification envelope. 3670

(B) Uniformed services or overseas absent voter's ballots 3671
delivered to the director not later than the close of the polls 3672
on election day shall be counted in the manner provided in 3673
section 3509.06 of the Revised Code. 3674

(C) A return envelope is not required to be postmarked in 3675
order for a uniformed services or overseas absent voter's ballot 3676
contained in it to be valid. Except as otherwise provided in 3677
this division, whether or not the return envelope containing the 3678
ballot is postmarked, contains a late postmark, or contains an 3679
illegible postmark, a uniformed services or overseas absent 3680
voter's ballot that is received after the close of the polls on 3681
election day through the tenth day after the election day shall 3682
be counted on the eleventh day after the election day at the 3683
office of the board of elections in the manner provided in 3684
divisions (C) and (D) of section 3509.06 of the Revised Code or 3685
in the manner provided in division (E) of that section, as 3686
applicable, if the voter signed the identification envelope by 3687
the time specified in section 3511.09 of the Revised Code. 3688

However, if a return envelope containing a uniformed services or 3689
overseas absent voter's ballot is so received and so indicates, 3690
but the identification envelope in it is signed after the close 3691
of the polls on election day, the uniformed services or overseas 3692
absent voter's ballot shall not be counted. 3693

(D) The following types of uniformed services or overseas 3694
absent voter's ballots shall not be counted: 3695

(1) Uniformed services or overseas absent voter's ballots 3696
contained in return envelopes that bear the designation 3697
"Official Election Uniformed Services or Overseas Absent Voter's 3698
Ballots," that are received by the director after the close of 3699
the polls on the day of the election, and that contain an 3700
identification envelope that is signed after the time specified 3701
in section 3511.09 of the Revised Code; 3702

(2) Uniformed services or overseas absent voter's ballots 3703
contained in return envelopes that bear that designation and 3704
that are received after the tenth day following the election. 3705

The uncounted ballots shall be preserved in their 3706
identification envelopes unopened until the time provided by 3707
section 3505.31 of the Revised Code for the destruction of all 3708
other ballots used at the election for which ballots were 3709
provided, at which time they shall be destroyed. 3710

Sec. 3511.12. In counting uniformed services or overseas 3711
absent voter's ballots pursuant to section 3511.11 of the 3712
Revised Code, the name of each voter, followed by "Uniformed 3713
Services or Overseas Absent Voter's Ballot," shall be written in 3714
the poll book or poll list together with such notations as will 3715
indicate the kinds of ballots the envelope contained, except 3716
that if the voter has a confidential voter registration record, 3717

as described in section 111.44 of the Revised Code, that 3718
information shall be marked in the voter's registration record 3719
but not in the poll book or poll list. If any challenge is made 3720
and sustained, the identification envelope of such voter shall 3721
not be opened and shall be indorsed "not counted" with the 3722
reasons therefor. 3723

Section 2. That existing sections 149.43, 2929.18, 3724
2929.28, 3503.13, 3503.16, 3503.21, 3503.23, 3503.24, 3503.26, 3725
3504.02, 3504.04, 3505.181, 3505.182, 3505.183, 3509.03, 3726
3509.04, 3509.05, 3509.06, 3509.07, 3509.09, 3511.02, 3511.05, 3727
3511.11, and 3511.12 of the Revised Code are hereby repealed. 3728

Section 3. The General Assembly respectfully requests the 3729
Supreme Court of Ohio to revise Rule 4.2 of the Ohio Rules of 3730
Civil Procedure to allow service of process to be made upon a 3731
program participant by serving the Secretary of State as the 3732
program participant's agent, as described in section 111.43 of 3733
the Revised Code, as enacted by this act. As used in this 3734
section, "program participant" has the meaning defined in 3735
section 111.41 of the Revised Code, as enacted by this act. 3736

Section 4. Section 3509.06 of the Revised Code is 3737
presented in this act as a composite of the section as amended 3738
by Am. Sub. S.B. 109, Sub. S.B. 205, and Sub. S.B. 216, all of 3739
the 130th General Assembly. The General Assembly, applying the 3740
principle stated in division (B) of section 1.52 of the Revised 3741
Code that amendments are to be harmonized if reasonably capable 3742
of simultaneous operation, finds that the composite is the 3743
resulting version of the section in effect prior to the 3744
effective date of the section as presented in this act. 3745