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**131st General Assembly**

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**Sub. H. B. No. 359**

**Representatives Duffey, Gonzales**

**Cosponsors: Representatives Bishoff, Anielski, Hall, LaTourette, Perales, Stinziano, Antani, Grossman, Sears, Scherer, Sprague, Patmon, Buchy, Butler, Curtin, Leland, Amstutz, Antonio, Arndt, Ashford, Baker, Bocchieri, Boggs, Boose, Boyce, Boyd, Brenner, Brown, Burkley, Celebrezze, Conditt, Craig, Cupp, Derickson, Dever, DeVitis, Dovilla, Driehaus, Fedor, Ginter, Green, Hackett, Hagan, Hambley, Hayes, Henne, Hill, Howse, Huffman, Johnson, T., Koehler, Kuhns, Kunze, Landis, Lepore-Hagan, Maag, Manning, McClain, O'Brien, M., O'Brien, S., Patterson, Pelanda, Phillips, Ramos, Reece, Reineke, Retherford, Rezabek, Roegner, Rogers, Ruhl, Ryan, Schaffer, Schuring, Sheehy, Slaby, Slesnick, Smith, K., Strahorn, Sweeney, Sykes, Terhar, Thompson, Young**

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**A BILL**

To amend sections 109.57, 149.43, 149.45, 2929.18, 1  
2929.28, 3503.13, 3503.16, 3503.21, 3503.23, 2  
3503.24, 3503.26, 3504.02, 3504.04, 3505.181, 3  
3505.182, 3505.183, 3509.03, 3509.04, 3509.05, 4  
3509.06, 3509.07, 3509.09, 3511.02, 3511.05, 5  
3511.11, and 3511.12 and to enact sections 6  
111.41, 111.42, 111.43, 111.44, 111.45, 111.46, 7  
111.47, 111.48, and 111.99 of the Revised Code 8  
to create an address confidentiality program for 9  
victims of domestic violence, menacing by 10  
stalking, human trafficking, trafficking in 11  
persons, rape, or sexual battery. 12

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

**Section 1.** That sections 109.57, 149.43, 149.45, 2929.18, 13  
2929.28, 3503.13, 3503.16, 3503.21, 3503.23, 3503.24, 3503.26, 14  
3504.02, 3504.04, 3505.181, 3505.182, 3505.183, 3509.03, 15  
3509.04, 3509.05, 3509.06, 3509.07, 3509.09, 3511.02, 3511.05, 16  
3511.11, and 3511.12 be amended and sections 111.41, 111.42, 17  
111.43, 111.44, 111.45, 111.46, 111.47, 111.48, and 111.99 of 18  
the Revised Code be enacted to read as follows: 19

**Sec. 109.57.** (A) (1) The superintendent of the bureau of 20  
criminal identification and investigation shall procure from 21  
wherever procurable and file for record photographs, pictures, 22  
descriptions, fingerprints, measurements, and other information 23  
that may be pertinent of all persons who have been convicted of 24  
committing within this state a felony, any crime constituting a 25  
misdemeanor on the first offense and a felony on subsequent 26  
offenses, or any misdemeanor described in division (A) (1) (a), 27  
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 28  
of all children under eighteen years of age who have been 29  
adjudicated delinquent children for committing within this state 30  
an act that would be a felony or an offense of violence if 31  
committed by an adult or who have been convicted of or pleaded 32  
guilty to committing within this state a felony or an offense of 33  
violence, and of all well-known and habitual criminals. The 34  
person in charge of any county, multicounty, municipal, 35  
municipal-county, or multicounty-municipal jail or workhouse, 36  
community-based correctional facility, halfway house, 37  
alternative residential facility, or state correctional 38  
institution and the person in charge of any state institution 39  
having custody of a person suspected of having committed a 40  
felony, any crime constituting a misdemeanor on the first 41  
offense and a felony on subsequent offenses, or any misdemeanor 42  
described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 43

section 109.572 of the Revised Code or having custody of a child 44  
under eighteen years of age with respect to whom there is 45  
probable cause to believe that the child may have committed an 46  
act that would be a felony or an offense of violence if 47  
committed by an adult shall furnish such material to the 48  
superintendent of the bureau. Fingerprints, photographs, or 49  
other descriptive information of a child who is under eighteen 50  
years of age, has not been arrested or otherwise taken into 51  
custody for committing an act that would be a felony or an 52  
offense of violence who is not in any other category of child 53  
specified in this division, if committed by an adult, has not 54  
been adjudicated a delinquent child for committing an act that 55  
would be a felony or an offense of violence if committed by an 56  
adult, has not been convicted of or pleaded guilty to committing 57  
a felony or an offense of violence, and is not a child with 58  
respect to whom there is probable cause to believe that the 59  
child may have committed an act that would be a felony or an 60  
offense of violence if committed by an adult shall not be 61  
procured by the superintendent or furnished by any person in 62  
charge of any county, multicounty, municipal, municipal-county, 63  
or multicounty-municipal jail or workhouse, community-based 64  
correctional facility, halfway house, alternative residential 65  
facility, or state correctional institution, except as 66  
authorized in section 2151.313 of the Revised Code. 67

(2) Every clerk of a court of record in this state, other 68  
than the supreme court or a court of appeals, shall send to the 69  
superintendent of the bureau a weekly report containing a 70  
summary of each case involving a felony, involving any crime 71  
constituting a misdemeanor on the first offense and a felony on 72  
subsequent offenses, involving a misdemeanor described in 73  
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 74

of the Revised Code, or involving an adjudication in a case in 75  
which a child under eighteen years of age was alleged to be a 76  
delinquent child for committing an act that would be a felony or 77  
an offense of violence if committed by an adult. The clerk of 78  
the court of common pleas shall include in the report and 79  
summary the clerk sends under this division all information 80  
described in divisions (A) (2) (a) to (f) of this section 81  
regarding a case before the court of appeals that is served by 82  
that clerk. The summary shall be written on the standard forms 83  
furnished by the superintendent pursuant to division (B) of this 84  
section and shall include the following information: 85

(a) The incident tracking number contained on the standard 86  
forms furnished by the superintendent pursuant to division (B) 87  
of this section; 88

(b) The style and number of the case; 89

(c) The date of arrest, offense, summons, or arraignment; 90

(d) The date that the person was convicted of or pleaded 91  
guilty to the offense, adjudicated a delinquent child for 92  
committing the act that would be a felony or an offense of 93  
violence if committed by an adult, found not guilty of the 94  
offense, or found not to be a delinquent child for committing an 95  
act that would be a felony or an offense of violence if 96  
committed by an adult, the date of an entry dismissing the 97  
charge, an entry declaring a mistrial of the offense in which 98  
the person is discharged, an entry finding that the person or 99  
child is not competent to stand trial, or an entry of a nolle 100  
prosequi, or the date of any other determination that 101  
constitutes final resolution of the case; 102

(e) A statement of the original charge with the section of 103

the Revised Code that was alleged to be violated; 104

(f) If the person or child was convicted, pleaded guilty, 105  
or was adjudicated a delinquent child, the sentence or terms of 106  
probation imposed or any other disposition of the offender or 107  
the delinquent child. 108

If the offense involved the disarming of a law enforcement 109  
officer or an attempt to disarm a law enforcement officer, the 110  
clerk shall clearly state that fact in the summary, and the 111  
superintendent shall ensure that a clear statement of that fact 112  
is placed in the bureau's records. 113

(3) The superintendent shall cooperate with and assist 114  
sheriffs, chiefs of police, and other law enforcement officers 115  
in the establishment of a complete system of criminal 116  
identification and in obtaining fingerprints and other means of 117  
identification of all persons arrested on a charge of a felony, 118  
any crime constituting a misdemeanor on the first offense and a 119  
felony on subsequent offenses, or a misdemeanor described in 120  
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 121  
of the Revised Code and of all children under eighteen years of 122  
age arrested or otherwise taken into custody for committing an 123  
act that would be a felony or an offense of violence if 124  
committed by an adult. The superintendent also shall file for 125  
record the fingerprint impressions of all persons confined in a 126  
county, multicounty, municipal, municipal-county, or 127  
multicounty-municipal jail or workhouse, community-based 128  
correctional facility, halfway house, alternative residential 129  
facility, or state correctional institution for the violation of 130  
state laws and of all children under eighteen years of age who 131  
are confined in a county, multicounty, municipal, municipal- 132  
county, or multicounty-municipal jail or workhouse, community- 133

based correctional facility, halfway house, alternative 134  
residential facility, or state correctional institution or in 135  
any facility for delinquent children for committing an act that 136  
would be a felony or an offense of violence if committed by an 137  
adult, and any other information that the superintendent may 138  
receive from law enforcement officials of the state and its 139  
political subdivisions. 140

(4) The superintendent shall carry out Chapter 2950. of 141  
the Revised Code with respect to the registration of persons who 142  
are convicted of or plead guilty to a sexually oriented offense 143  
or a child-victim oriented offense and with respect to all other 144  
duties imposed on the bureau under that chapter. 145

(5) The bureau shall perform centralized recordkeeping 146  
functions for criminal history records and services in this 147  
state for purposes of the national crime prevention and privacy 148  
compact set forth in section 109.571 of the Revised Code and is 149  
the criminal history record repository as defined in that 150  
section for purposes of that compact. The superintendent or the 151  
superintendent's designee is the compact officer for purposes of 152  
that compact and shall carry out the responsibilities of the 153  
compact officer specified in that compact. 154

(B) The superintendent shall prepare and furnish to every 155  
county, multicounty, municipal, municipal-county, or 156  
multicounty-municipal jail or workhouse, community-based 157  
correctional facility, halfway house, alternative residential 158  
facility, or state correctional institution and to every clerk 159  
of a court in this state specified in division (A) (2) of this 160  
section standard forms for reporting the information required 161  
under division (A) of this section. The standard forms that the 162  
superintendent prepares pursuant to this division may be in a 163

tangible format, in an electronic format, or in both tangible 164  
formats and electronic formats. 165

(C) (1) The superintendent may operate a center for 166  
electronic, automated, or other data processing for the storage 167  
and retrieval of information, data, and statistics pertaining to 168  
criminals and to children under eighteen years of age who are 169  
adjudicated delinquent children for committing an act that would 170  
be a felony or an offense of violence if committed by an adult, 171  
criminal activity, crime prevention, law enforcement, and 172  
criminal justice, and may establish and operate a statewide 173  
communications network to be known as the Ohio law enforcement 174  
gateway to gather and disseminate information, data, and 175  
statistics for the use of law enforcement agencies and for other 176  
uses specified in this division. The superintendent may gather, 177  
store, retrieve, and disseminate information, data, and 178  
statistics that pertain to children who are under eighteen years 179  
of age and that are gathered pursuant to sections 109.57 to 180  
109.61 of the Revised Code together with information, data, and 181  
statistics that pertain to adults and that are gathered pursuant 182  
to those sections. 183

(2) The superintendent or the superintendent's designee 184  
shall gather information of the nature described in division (C) 185  
(1) of this section that pertains to the offense and delinquency 186  
history of a person who has been convicted of, pleaded guilty 187  
to, or been adjudicated a delinquent child for committing a 188  
sexually oriented offense or a child-victim oriented offense for 189  
inclusion in the state registry of sex offenders and child- 190  
victim offenders maintained pursuant to division (A) (1) of 191  
section 2950.13 of the Revised Code and in the internet database 192  
operated pursuant to division (A) (13) of that section and for 193  
possible inclusion in the internet database operated pursuant to 194

division (A) (11) of that section. 195

(3) In addition to any other authorized use of 196  
information, data, and statistics of the nature described in 197  
division (C) (1) of this section, the superintendent or the 198  
superintendent's designee may provide and exchange the 199  
information, data, and statistics pursuant to the national crime 200  
prevention and privacy compact as described in division (A) (5) 201  
of this section. 202

(4) The Ohio law enforcement gateway shall contain the 203  
name, confidential address, and telephone number of program 204  
participants in the address confidentiality program established 205  
under sections 111.41 to 111.47 of the Revised Code. 206

(5) The attorney general may adopt rules under Chapter 207  
119. of the Revised Code establishing guidelines for the 208  
operation of and participation in the Ohio law enforcement 209  
gateway. The rules may include criteria for granting and 210  
restricting access to information gathered and disseminated 211  
through the Ohio law enforcement gateway. The attorney general 212  
shall adopt rules under Chapter 119. of the Revised Code that 213  
grant access to information in the gateway regarding an address 214  
confidentiality program participant under sections 111.41 to 215  
111.47 of the Revised Code to only chiefs of police, village 216  
marshals, county sheriffs, county prosecuting attorneys, and a 217  
designee of each of these individuals. The attorney general 218  
shall permit the state medical board and board of nursing to 219  
access and view, but not alter, information gathered and 220  
disseminated through the Ohio law enforcement gateway. 221

The attorney general may appoint a steering committee to 222  
advise the attorney general in the operation of the Ohio law 223  
enforcement gateway that is comprised of persons who are 224



representatives of the criminal justice agencies in this state 225  
that use the Ohio law enforcement gateway and is chaired by the 226  
superintendent or the superintendent's designee. 227

(D) (1) The following are not public records under section 228  
149.43 of the Revised Code: 229

(a) Information and materials furnished to the 230  
superintendent pursuant to division (A) of this section; 231

(b) Information, data, and statistics gathered or 232  
disseminated through the Ohio law enforcement gateway pursuant 233  
to division (C) (1) of this section; 234

(c) Information and materials furnished to any board or 235  
person under division (F) or (G) of this section. 236

(2) The superintendent or the superintendent's designee 237  
shall gather and retain information so furnished under division 238  
(A) of this section that pertains to the offense and delinquency 239  
history of a person who has been convicted of, pleaded guilty 240  
to, or been adjudicated a delinquent child for committing a 241  
sexually oriented offense or a child-victim oriented offense for 242  
the purposes described in division (C) (2) of this section. 243

(E) (1) The attorney general shall adopt rules, in 244  
accordance with Chapter 119. of the Revised Code and subject to 245  
division (E) (2) of this section, setting forth the procedure by 246  
which a person may receive or release information gathered by 247  
the superintendent pursuant to division (A) of this section. A 248  
reasonable fee may be charged for this service. If a temporary 249  
employment service submits a request for a determination of 250  
whether a person the service plans to refer to an employment 251  
position has been convicted of or pleaded guilty to an offense 252  
listed or described in division (A) (1), (2), or (3) of section 253

109.572 of the Revised Code, the request shall be treated as a 254  
single request and only one fee shall be charged. 255

(2) Except as otherwise provided in this division or 256  
division (E) (3) or (4) of this section, a rule adopted under 257  
division (E) (1) of this section may provide only for the release 258  
of information gathered pursuant to division (A) of this section 259  
that relates to the conviction of a person, or a person's plea 260  
of guilty to, a criminal offense or to the arrest of a person as 261  
provided in division (E) (3) of this section. The superintendent 262  
shall not release, and the attorney general shall not adopt any 263  
rule under division (E) (1) of this section that permits the 264  
release of, any information gathered pursuant to division (A) of 265  
this section that relates to an adjudication of a child as a 266  
delinquent child, or that relates to a criminal conviction of a 267  
person under eighteen years of age if the person's case was 268  
transferred back to a juvenile court under division (B) (2) or 269  
(3) of section 2152.121 of the Revised Code and the juvenile 270  
court imposed a disposition or serious youthful offender 271  
disposition upon the person under either division, unless either 272  
of the following applies with respect to the adjudication or 273  
conviction: 274

(a) The adjudication or conviction was for a violation of 275  
section 2903.01 or 2903.02 of the Revised Code. 276

(b) The adjudication or conviction was for a sexually 277  
oriented offense, the juvenile court was required to classify 278  
the child a juvenile offender registrant for that offense under 279  
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 280  
classification has not been removed, and the records of the 281  
adjudication or conviction have not been sealed or expunged 282  
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 283

section 2952.32 of the Revised Code. 284

(3) A rule adopted under division (E) (1) of this section 285  
may provide for the release of information gathered pursuant to 286  
division (A) of this section that relates to the arrest of a 287  
person who is eighteen years of age or older when the person has 288  
not been convicted as a result of that arrest if any of the 289  
following applies: 290

(a) The arrest was made outside of this state. 291

(b) A criminal action resulting from the arrest is 292  
pending, and the superintendent confirms that the criminal 293  
action has not been resolved at the time the criminal records 294  
check is performed. 295

(c) The bureau cannot reasonably determine whether a 296  
criminal action resulting from the arrest is pending, and not 297  
more than one year has elapsed since the date of the arrest. 298

(4) A rule adopted under division (E) (1) of this section 299  
may provide for the release of information gathered pursuant to 300  
division (A) of this section that relates to an adjudication of 301  
a child as a delinquent child if not more than five years have 302  
elapsed since the date of the adjudication, the adjudication was 303  
for an act that would have been a felony if committed by an 304  
adult, the records of the adjudication have not been sealed or 305  
expunged pursuant to sections 2151.355 to 2151.358 of the 306  
Revised Code, and the request for information is made under 307  
division (F) of this section or under section 109.572 of the 308  
Revised Code. In the case of an adjudication for a violation of 309  
the terms of community control or supervised release, the five- 310  
year period shall be calculated from the date of the 311  
adjudication to which the community control or supervised 312

release pertains. 313

(F) (1) As used in division (F) (2) of this section, "head 314  
start agency" means an entity in this state that has been 315  
approved to be an agency for purposes of subchapter II of the 316  
"Community Economic Development Act," 95 Stat. 489 (1981), 42 317  
U.S.C.A. 9831, as amended. 318

(2) (a) In addition to or in conjunction with any request 319  
that is required to be made under section 109.572, 2151.86, 320  
3301.32, 3301.541, division (C) of section 3310.58, or section 321  
3319.39, 3319.391, 3327.10, 3701.881, 5104.013, 5123.081, or 322  
5153.111 of the Revised Code or that is made under section 323  
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 324  
board of education of any school district; the director of 325  
developmental disabilities; any county board of developmental 326  
disabilities; any provider or subcontractor as defined in 327  
section 5123.081 of the Revised Code; the chief administrator of 328  
any chartered nonpublic school; the chief administrator of a 329  
registered private provider that is not also a chartered 330  
nonpublic school; the chief administrator of any home health 331  
agency; the chief administrator of or person operating any child 332  
day-care center, type A family day-care home, or type B family 333  
day-care home licensed under Chapter 5104. of the Revised Code; 334  
the chief administrator of any head start agency; the executive 335  
director of a public children services agency; a private company 336  
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 337  
the Revised Code; or an employer described in division (J) (2) of 338  
section 3327.10 of the Revised Code may request that the 339  
superintendent of the bureau investigate and determine, with 340  
respect to any individual who has applied for employment in any 341  
position after October 2, 1989, or any individual wishing to 342  
apply for employment with a board of education may request, with 343

regard to the individual, whether the bureau has any information 344  
gathered under division (A) of this section that pertains to 345  
that individual. On receipt of the request, subject to division 346  
(E) (2) of this section, the superintendent shall determine 347  
whether that information exists and, upon request of the person, 348  
board, or entity requesting information, also shall request from 349  
the federal bureau of investigation any criminal records it has 350  
pertaining to that individual. The superintendent or the 351  
superintendent's designee also may request criminal history 352  
records from other states or the federal government pursuant to 353  
the national crime prevention and privacy compact set forth in 354  
section 109.571 of the Revised Code. Within thirty days of the 355  
date that the superintendent receives a request, subject to 356  
division (E) (2) of this section, the superintendent shall send 357  
to the board, entity, or person a report of any information that 358  
the superintendent determines exists, including information 359  
contained in records that have been sealed under section 2953.32 360  
of the Revised Code, and, within thirty days of its receipt, 361  
subject to division (E) (2) of this section, shall send the 362  
board, entity, or person a report of any information received 363  
from the federal bureau of investigation, other than information 364  
the dissemination of which is prohibited by federal law. 365

(b) When a board of education or a registered private 366  
provider is required to receive information under this section 367  
as a prerequisite to employment of an individual pursuant to 368  
division (C) of section 3310.58 or section 3319.39 of the 369  
Revised Code, it may accept a certified copy of records that 370  
were issued by the bureau of criminal identification and 371  
investigation and that are presented by an individual applying 372  
for employment with the district in lieu of requesting that 373  
information itself. In such a case, the board shall accept the 374

certified copy issued by the bureau in order to make a photocopy 375  
of it for that individual's employment application documents and 376  
shall return the certified copy to the individual. In a case of 377  
that nature, a district or provider only shall accept a 378  
certified copy of records of that nature within one year after 379  
the date of their issuance by the bureau. 380

(c) Notwithstanding division (F) (2) (a) of this section, in 381  
the case of a request under section 3319.39, 3319.391, or 382  
3327.10 of the Revised Code only for criminal records maintained 383  
by the federal bureau of investigation, the superintendent shall 384  
not determine whether any information gathered under division 385  
(A) of this section exists on the person for whom the request is 386  
made. 387

(3) The state board of education may request, with respect 388  
to any individual who has applied for employment after October 389  
2, 1989, in any position with the state board or the department 390  
of education, any information that a school district board of 391  
education is authorized to request under division (F) (2) of this 392  
section, and the superintendent of the bureau shall proceed as 393  
if the request has been received from a school district board of 394  
education under division (F) (2) of this section. 395

(4) When the superintendent of the bureau receives a 396  
request for information under section 3319.291 of the Revised 397  
Code, the superintendent shall proceed as if the request has 398  
been received from a school district board of education and 399  
shall comply with divisions (F) (2) (a) and (c) of this section. 400

(5) When a recipient of a classroom reading improvement 401  
grant paid under section 3301.86 of the Revised Code requests, 402  
with respect to any individual who applies to participate in 403  
providing any program or service funded in whole or in part by 404

the grant, the information that a school district board of 405  
education is authorized to request under division (F) (2) (a) of 406  
this section, the superintendent of the bureau shall proceed as 407  
if the request has been received from a school district board of 408  
education under division (F) (2) (a) of this section. 409

(G) In addition to or in conjunction with any request that 410  
is required to be made under section 3701.881, 3712.09, or 411  
3721.121 of the Revised Code with respect to an individual who 412  
has applied for employment in a position that involves providing 413  
direct care to an older adult or adult resident, the chief 414  
administrator of a home health agency, hospice care program, 415  
home licensed under Chapter 3721. of the Revised Code, or adult 416  
day-care program operated pursuant to rules adopted under 417  
section 3721.04 of the Revised Code may request that the 418  
superintendent of the bureau investigate and determine, with 419  
respect to any individual who has applied after January 27, 420  
1997, for employment in a position that does not involve 421  
providing direct care to an older adult or adult resident, 422  
whether the bureau has any information gathered under division 423  
(A) of this section that pertains to that individual. 424

In addition to or in conjunction with any request that is 425  
required to be made under section 173.27 of the Revised Code 426  
with respect to an individual who has applied for employment in 427  
a position that involves providing ombudsman services to 428  
residents of long-term care facilities or recipients of 429  
community-based long-term care services, the state long-term 430  
care ombudsman, the director of aging, a regional long-term care 431  
ombudsman program, or the designee of the ombudsman, director, 432  
or program may request that the superintendent investigate and 433  
determine, with respect to any individual who has applied for 434  
employment in a position that does not involve providing such 435

ombudsman services, whether the bureau has any information 436  
gathered under division (A) of this section that pertains to 437  
that applicant. 438

In addition to or in conjunction with any request that is 439  
required to be made under section 173.38 of the Revised Code 440  
with respect to an individual who has applied for employment in 441  
a direct-care position, the chief administrator of a provider, 442  
as defined in section 173.39 of the Revised Code, may request 443  
that the superintendent investigate and determine, with respect 444  
to any individual who has applied for employment in a position 445  
that is not a direct-care position, whether the bureau has any 446  
information gathered under division (A) of this section that 447  
pertains to that applicant. 448

In addition to or in conjunction with any request that is 449  
required to be made under section 3712.09 of the Revised Code 450  
with respect to an individual who has applied for employment in 451  
a position that involves providing direct care to a pediatric 452  
respite care patient, the chief administrator of a pediatric 453  
respite care program may request that the superintendent of the 454  
bureau investigate and determine, with respect to any individual 455  
who has applied for employment in a position that does not 456  
involve providing direct care to a pediatric respite care 457  
patient, whether the bureau has any information gathered under 458  
division (A) of this section that pertains to that individual. 459

On receipt of a request under this division, the 460  
superintendent shall determine whether that information exists 461  
and, on request of the individual requesting information, shall 462  
also request from the federal bureau of investigation any 463  
criminal records it has pertaining to the applicant. The 464  
superintendent or the superintendent's designee also may request 465



criminal history records from other states or the federal 466  
government pursuant to the national crime prevention and privacy 467  
compact set forth in section 109.571 of the Revised Code. Within 468  
thirty days of the date a request is received, subject to 469  
division (E) (2) of this section, the superintendent shall send 470  
to the requester a report of any information determined to 471  
exist, including information contained in records that have been 472  
sealed under section 2953.32 of the Revised Code, and, within 473  
thirty days of its receipt, shall send the requester a report of 474  
any information received from the federal bureau of 475  
investigation, other than information the dissemination of which 476  
is prohibited by federal law. 477

(H) Information obtained by a government entity or person 478  
under this section is confidential and shall not be released or 479  
disseminated. 480

(I) The superintendent may charge a reasonable fee for 481  
providing information or criminal records under division (F) (2) 482  
or (G) of this section. 483

(J) As used in this section: 484

(1) "Pediatric respite care program" and "pediatric care 485  
patient" have the same meanings as in section 3712.01 of the 486  
Revised Code. 487

(2) "Sexually oriented offense" and "child-victim oriented 488  
offense" have the same meanings as in section 2950.01 of the 489  
Revised Code. 490

(3) "Registered private provider" means a nonpublic school 491  
or entity registered with the superintendent of public 492  
instruction under section 3310.41 of the Revised Code to 493  
participate in the autism scholarship program or section 3310.58 494

of the Revised Code to participate in the Jon Peterson special 495  
needs scholarship program. 496

Sec. 111.41. As used in sections 111.41 to 111.99 of the 497  
Revised Code: 498

(A) "Application assistant" means an employee or volunteer 499  
at an agency or organization that serves victims of domestic 500  
violence, menacing by stalking, human trafficking, trafficking 501  
in persons, rape, or sexual battery who has received training 502  
and certification from the secretary of state to help 503  
individuals complete applications to be program participants. 504

(B) "Confidential address" means the address of a program 505  
participant's residence, school, institution of higher 506  
education, business, or place of employment, as specified on an 507  
application to be a program participant or on a notice of change 508  
of address filed under section 111.42 of the Revised Code. A 509  
confidential address is not a public record under section 149.43 510  
of the Revised Code, and shall be kept confidential. 511

(C) "Governmental entity" means the state, a political 512  
subdivision of the state, or any department, agency, board, 513  
commission, or other instrumentality of the state or a political 514  
subdivision of the state. 515

(D) "Guardian," "incompetent," "parent," and "ward" have 516  
the same meanings as in section 2111.01 of the Revised Code. 517

(E) "Human trafficking" has the same meaning as in section 518  
2929.01 of the Revised Code. 519

(F) "Process" means judicial process and all orders, 520  
demands, notices, or other papers required or permitted by law 521  
to be served on a program participant. 522

(G) "Program participant" means a person who is certified 523  
by the secretary of state as a program participant under section 524  
111.42 of the Revised Code. 525

(H) "Tier I sex offender/child-victim offender," "tier II 526  
sex offender/child-victim offender," and "tier III sex 527  
offender/child-victim offender" have the same meanings as in 528  
section 2950.01 of the Revised Code. 529

**Sec. 111.42.** (A) Except for a person described in division 530  
(F) of this section, an adult person, or a parent or guardian 531  
acting on behalf of a minor, incompetent, or ward, when changing 532  
residence, may apply to the secretary of state with the 533  
assistance of an application assistant to have an address 534  
designated by the secretary of state serve as the person's 535  
address or the address of the minor, incompetent, or ward. The 536  
application shall be made on a form prescribed by the secretary 537  
of state and filed in the office of the secretary of state in 538  
the manner prescribed by the secretary of state. The application 539  
shall contain all of the following: 540

(1) A notarized statement by the applicant that the 541  
applicant fears for the safety of the applicant, a member of the 542  
applicant's household, or the minor, incompetent, or ward on 543  
whose behalf the application is made because the applicant, 544  
household member, minor, incompetent, or ward is a victim of 545  
domestic violence, menacing by stalking, human trafficking, 546  
trafficking in persons, rape, or sexual battery; 547

(2) A knowing and voluntary designation of the secretary 548  
of state as the agent for the purposes of receiving service of 549  
process and the receipt of mail; 550

(3) The mailing address and telephone number or numbers at 551

which the secretary of state may contact the applicant; 552

(4) The address or addresses of the applicant's residence, 553  
school, institution of higher education, business, or place of 554  
employment that the applicant requests not be disclosed for the 555  
reason that disclosure will increase the risk that the 556  
applicant, a member of the applicant's household, or the minor, 557  
incompetent, or ward on whose behalf the application is made 558  
will be threatened or physically harmed by another person; 559

(5) The signature of the applicant, the name and signature 560  
of the application assistant who assisted the applicant, and the 561  
date on which the applicant and the application assistant signed 562  
the application; 563

(6) Except for a claim based on the performance or 564  
nonperformance of a public duty that was manifestly outside the 565  
scope of the officer's or employee's office or employment or in 566  
which the officer or employee acted with malicious purpose, in 567  
bad faith, or in a wanton or reckless manner, a voluntary 568  
release and waiver of all future claims against the state for 569  
any claim that may arise from participation in the address 570  
confidentiality program. 571

(B) Upon receiving a properly completed application under 572  
division (A) of this section, the secretary of state shall do 573  
all of the following: 574

(1) Certify the applicant or the minor, incompetent, or 575  
ward on whose behalf the application is filed as a program 576  
participant; 577

(2) Designate each eligible address listed in the 578  
application as a confidential address; 579

(3) Issue the program participant a unique program 580

participant identification number; 581

(4) Provide information to the program participant 582  
concerning the manner in which the program participant may use 583  
the secretary of state as the program participant's agent for 584  
the purposes of receiving mail and receiving service of process; 585

(5) Provide information to the program participant 586  
concerning the process to register to vote and to vote as a 587  
program participant, if the program participant is eligible to 588  
vote. 589

(C) A program participant shall update the person's 590  
application information, within thirty days after any change has 591  
occurred, by submitting a notice of change to the office of the 592  
secretary of state on a form prescribed by the secretary of 593  
state. The secretary of state may, with proper notice, cancel a 594  
program participant from the program if the participant is found 595  
to be unreachable for a period of sixty days or more. 596

(D) The certification of a program participant shall be 597  
valid for four years after the date of the filing of the 598  
application for the program participant unless the certification 599  
is withdrawn or invalidated before the end of that four-year 600  
period. 601

(E) (1) A program participant who continues to be eligible 602  
to participate in the address confidentiality program may renew 603  
the program participant's certification by submitting a renewal 604  
application to the secretary of state with the assistance of an 605  
application assistant. The renewal application shall be on a 606  
form prescribed by the secretary of state and shall contain all 607  
of the information described in division (A) of this section. 608

(2) The secretary of state may prescribe by rule a grace 609

period during which a program participant whose certification 610  
has expired may renew the program participant's certification 611  
without being considered to have ceased being a program 612  
participant during that period. 613

(3) When a program participant renews the program 614  
participant's certification, the program participant shall 615  
continue to use the program participant's original program 616  
participant identification number. 617

(F) A tier I sex offender/child-victim offender, a tier II 618  
sex offender/child-victim offender, or a tier III sex 619  
offender/child-victim offender is not eligible to participate in 620  
the address confidentiality program described in sections 111.41 621  
to 111.99 of the Revised Code. 622

**Sec. 111.43.** (A) A program participant may request that a 623  
governmental entity, other than a board of elections, use the 624  
address designated by the secretary of state as the program 625  
participant's address. Except as otherwise provided in division 626  
(D) of this section and in section 111.44 of the Revised Code, 627  
if the program participant requests that a governmental entity 628  
use that address, the governmental entity shall accept that 629  
address. 630

(B) If a program participant's employer, school, or 631  
institution of higher education is not a governmental entity, 632  
the program participant may request that the employer, school, 633  
or institution of higher education use the address designated by 634  
the secretary of state as the program participant's address. 635

(C) (1) The office of the secretary of state shall, on each 636  
day that the secretary of state's office is open for business, 637  
place all first class mail of a program participant that the 638

secretary of state receives into an envelope or package and mail 639  
that envelope or package to the program participant at the 640  
mailing address the program participant provided to the 641  
secretary of state for that purpose. The secretary of state may 642  
contract with the United States postal service to establish 643  
special postal rates for the envelopes or packages used in 644  
mailing a program participant's first class mail under this 645  
section. 646

(2) (a) Upon receiving service of process on behalf of a 647  
program participant, the office of the secretary of state shall 648  
immediately forward the process by certified mail, return 649  
receipt requested, to the program participant at the mailing 650  
address the program participant provided to the secretary of 651  
state for that purpose. Service of process upon the office of 652  
the secretary of state on behalf of a program participant 653  
constitutes service upon the program participant under rule 4.2 654  
of the Rules of Civil Procedure. 655

(b) The secretary of state may prescribe by rule the 656  
manner in which process may be served on the secretary of state 657  
as the agent of a program participant. 658

(c) Upon request by a person who intends to serve process 659  
on an individual, the secretary of state shall confirm whether 660  
the individual is a program participant but shall not disclose 661  
any other information concerning a program participant. 662

(D) Division (A) of this section does not apply to a 663  
municipal-owned public utility. The confidential addresses of 664  
participants of the address confidentiality program that are 665  
maintained by a municipal-owned public utility are not a public 666  
record and shall not be released by a municipal-owned public 667  
utility or by any employee of a municipal-owned public utility. 668

Sec. 111.44. (A) A program participant who is eligible to 669  
vote may apply to the board of elections of the county in which 670  
the program participant resides to request that the program 671  
participant's voter registration record be kept confidential. 672  
The program participant shall submit an application to the 673  
director of the board of elections, on a form prescribed by the 674  
secretary of state, that includes all of the following: 675

(1) The information required under section 3503.14 of the 676  
Revised Code to register to vote; 677

(2) The program participant's program participant 678  
identification number; 679

(3) If the program participant is currently registered to 680  
vote in another county or another state, the address at which 681  
the program participant is registered to vote and a statement 682  
that the program participant authorizes the director to instruct 683  
the appropriate authority to cancel the program participant's 684  
existing voter registration; 685

(4) A statement that the program participant understands 686  
that during the time the program participant chooses to have a 687  
confidential voter registration record, the program participant 688  
may vote only by absent voter's ballots and the program 689  
participant may provide the program participant's program 690  
participant identification number instead of the program 691  
participant's residence address on an application for absent 692  
voter's ballots or on an absent voter's ballot identification 693  
envelope statement of voter. 694

(B) Upon the receipt by the director of the board of 695  
elections of a valid application under division (A) of this 696  
section, all of the following shall apply: 697



(1) The director or the deputy director shall contact the secretary of state to confirm that the program participant identification number provided on the application matches the number the secretary of state issued to the program participant. 698  
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(2) The application shall be treated as the program participant's voter registration form. The form shall be stored in a secure manner, such that only the members of the board of elections, the director, and the deputy director have access to the form and to the residence address contained in the form. 702  
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(3) The director or the deputy director shall record the program participant's program participant identification number in the statewide voter registration database and the official registration list instead of the program participant's residence address and precinct. 707  
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(4) If the program participant is currently registered to vote in the county, the director or the deputy director shall do all of the following: 712  
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(a) Remove the residence address and precinct information from the program participant's voter registration record, the statewide voter registration database, and the official registration list; 715  
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(b) Remove the program participant's name and registration information from any pollbook, poll list, or signature pollbook in which it appears and from any publicly available registration list in which it appears. 719  
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(5) If the program participant is currently registered to vote in another county, the director or the deputy director shall notify the board of elections of the county in which the program participant is registered to cancel the program 723  
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participant's registration. The program participant's existing 727  
registration shall be considered to have been transferred to the 728  
county in which the program participant currently resides. 729  
Notwithstanding any contrary provision of section 3503.01 of the 730  
Revised Code, if the program participant submitted the 731  
application less than thirty days before the day of an election, 732  
the program participant shall be eligible to vote in that 733  
election. 734

(6) If the program participant is currently registered to 735  
vote in another state, the director or the deputy director shall 736  
notify the appropriate authority in that state to cancel the 737  
program participant's registration. 738

(7) The director or the deputy director shall promptly 739  
send an acknowledgment notice to the program participant on a 740  
form prescribed by the secretary of state. 741

(C) (1) (a) The residence address or precinct of a program 742  
participant who has a confidential voter registration record, as 743  
described in this section, shall not appear in the statewide 744  
voter registration database or in the official registration 745  
list. The program participant's program participant 746  
identification number shall appear in place of that information. 747

(b) No information concerning the program participant, 748  
including the program participant's name, shall be included in 749  
any pollbook, poll list, or signature pollbook. 750

(c) No information concerning the program participant, 751  
including the program participant's name, shall be included in 752  
the version of the statewide voter registration database that is 753  
available to the public or in any version of an official 754  
registration list that is available to the public. 755

(2) Notwithstanding any contrary provision of the Revised Code, a program participant who has a confidential voter registration record may vote only by casting absent voter's ballots or by casting a provisional ballot. 756  
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(D) (1) A program participant who has a confidential voter registration record and who has had a change of name or change of address may do either of the following: 760  
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(a) Submit an application under division (A) of this section that includes the program participant's updated information. The director or the deputy director shall treat that application as a notice of change of name or change of address. 763  
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(b) Cast a provisional ballot in accordance with division (H) of section 3503.16 of the Revised Code. 768  
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(2) If the program participant currently resides in that county, the director or the deputy director shall replace the program participant's existing registration form with the new registration form or with the information contained in the provisional ballot affirmation, as applicable. 770  
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(3) If the program participant currently resides in another county in this state, the director or the deputy director shall cancel the program participant's existing registration form and shall transmit the program participant's new registration form to the director of the board of elections of the county in which the elector currently resides, and the new registration form shall be processed in accordance with division (B) of this section. 775  
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(E) A person who has a confidential voter registration record and who ceases being a program participant or who wishes 783  
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to cease having a confidential voter registration record shall 785  
submit an application, on a form prescribed by the secretary of 786  
state, that includes all of the following: 787

(1) The information required under section 3503.14 of the 788  
Revised Code to register to vote; 789

(2) The person's program participant identification 790  
number; 791

(3) A statement that the person has ceased being a program 792  
participant or that the person wishes to cease having a 793  
confidential voter registration record; 794

(4) A statement that the director should do one of the 795  
following: 796

(a) Treat the person's existing voter registration form in 797  
the same manner as other voter registration forms; 798

(b) Cancel the person's voter registration. 799

(F) (1) Upon receiving a valid application under division 800  
(E) of this section from a person who wishes the board of 801  
elections to treat the person's existing voter registration form 802  
in the same manner as other voter registration forms, or upon 803  
receiving a notice from the secretary of state under division 804  
(B) of section 111.45 of the Revised Code concerning a person 805  
who has a confidential voter registration record, the director 806  
or the deputy director shall do all of the following: 807

(a) Store the person's voter registration form in the same 808  
manner as other voter registration forms; 809

(b) Remove the person's program participant identification 810  
number from the person's registration form and from the 811  
statewide voter registration database; 812

(c) Ensure that the statewide voter registration database 813  
and any poll list, pollbook, or registration list accurately 814  
reflect the person's current name and registration information. 815

(2) Notwithstanding any contrary provision of section 816  
3503.01 of the Revised Code, if the director receives an 817  
application or notice described in division (F) (1) of this 818  
section concerning an elector less than thirty days before the 819  
day of an election, the elector shall be eligible to vote in 820  
that election. 821

(G) Upon receiving a valid application under division (E) 822  
of this section from a person who wishes to have the person's 823  
voter registration canceled, the director or the deputy director 824  
shall cancel the person's voter registration. 825

**Sec. 111.45.** (A) The secretary of state shall cancel the 826  
certification of a program participant if any of the following 827  
are true: 828

(1) The program participant's application contained one or 829  
more false statements. 830

(2) The program participant has filed a written, notarized 831  
request with the secretary of state, on a form prescribed by the 832  
secretary of state, asking to cease being a program participant. 833

(3) The program participant's certification has expired 834  
and the program participant has not renewed the certification in 835  
accordance with division (E) of section 111.42 of the Revised 836  
Code not later than the deadline specified by the secretary of 837  
state by rule to renew the certification. 838

(B) Upon canceling a certification under division (A) of 839  
this section, the secretary of state shall notify the director 840  
of the board of elections of the county in which the former 841

program participant resides. 842

Sec. 111.46. (A) The secretary of state shall make 843  
available to the attorney general, for inclusion into the Ohio 844  
law enforcement gateway, the name, telephone number, and 845  
confidential address of each program participant. Access to 846  
information in the gateway regarding an address confidentiality 847  
program participant may only be granted to chiefs of police, 848  
village marshals, county sheriffs, county prosecuting attorneys, 849  
and a designee of each of these individuals. 850

A city director of law or similar chief legal officer who 851  
requires access to a program participant's confidential address 852  
or telephone number for a legitimate governmental purpose may 853  
petition the court of common pleas of Franklin county to order 854  
the secretary of state to make that confidential address or 855  
telephone number available to the petitioner. 856

(B) Upon the filing of a petition under this section, the 857  
court shall fix a date for a hearing on it and shall require the 858  
clerk of the court to serve a notice of the date, time, place, 859  
and purpose of the hearing upon the petitioner. The clerk also 860  
shall serve that notice upon the secretary of state so that the 861  
secretary of state may send the notice to the program 862  
participant in accordance with division (C) of this section. 863

(C) Upon receiving a notice under division (B) of this 864  
section, the secretary of state immediately shall send a copy of 865  
the notice to the program participant by certified mail, return 866  
receipt requested. 867

(D) At a hearing under this section, the petitioner shall 868  
appear, and the program participant or the program participant's 869  
attorney may appear and be heard. After the hearing and 870

considering the testimony, the court shall issue the requested 871  
order only if it appears to the court by clear and convincing 872  
evidence that the disclosure of the program participant's 873  
confidential address or telephone number to the petitioner is 874  
necessary for a legitimate governmental purpose. 875

(E) Upon request by a city director of law or similar 876  
chief legal officer, who intends to petition the court for 877  
access to an individual's address or telephone number under this 878  
section, the secretary of state shall confirm whether the 879  
individual is a program participant but shall not disclose any 880  
other information concerning a program participant. 881

**Sec. 111.47.** (A) Notwithstanding division (A) (3) of 882  
section 2743.02 of the Revised Code and except if the 883  
performance or nonperformance was manifestly outside the scope 884  
of the officer's or employee's office or employment or the 885  
officer or employee acted with malicious purpose, in bad faith, 886  
or in a wanton or reckless manner, the state is immune from 887  
liability in any civil action or proceeding involving the 888  
performance or nonperformance of a public duty under the address 889  
confidentiality program. 890

(B) The secretary of state shall adopt rules under Chapter 891  
119. of the Revised Code to facilitate the administration of 892  
sections 111.41 to 111.46 of the Revised Code. 893

**Sec. 111.48.** There is in the state treasury the address 894  
confidentiality program fund. The fund shall consist of money 895  
paid into the fund pursuant to division (B) (10) of section 896  
2929.18 and division (D) of section 2929.28 of the Revised Code 897  
and any money appropriated to the fund by the general assembly 898  
or donated to the fund. The secretary of state shall use the 899  
money in the fund for the purpose of administering the address 900

confidentiality program described in sections 111.41 to 111.47 901  
of the Revised Code. 902

**Sec. 111.99.** (A) No person who submits an application 903  
under section 111.42 of the Revised Code shall knowingly make a 904  
false attestation in the application that the applicant fears 905  
for the applicant's safety, the safety of a member of the 906  
applicant's household, or the safety of the minor, incompetent, 907  
or ward on whose behalf the application is made because the 908  
applicant, household member, minor, incompetent, or ward is a 909  
victim of domestic violence, menacing by stalking, human 910  
trafficking, trafficking in persons, rape, or sexual battery. 911

(B) No person who has access to a confidential address or 912  
telephone number because of the person's employment or official 913  
position shall knowingly disclose that confidential address or 914  
telephone number to any person, except as required by law. 915

(C) No person who obtains a confidential address or 916  
telephone number from the Ohio law enforcement gateway shall 917  
knowingly disclose that confidential address or telephone number 918  
to any person, except as is necessary for a law enforcement 919  
purpose when related to the performance of official duties, or 920  
for another legitimate governmental purpose. 921

(D) Whoever violates this section is guilty of a 922  
misdemeanor of the first degree. 923

**Sec. 149.43.** (A) As used in this section: 924

(1) "Public record" means records kept by any public 925  
office, including, but not limited to, state, county, city, 926  
village, township, and school district units, and records 927  
pertaining to the delivery of educational services by an 928  
alternative school in this state kept by the nonprofit or for- 929



profit entity operating the alternative school pursuant to	930
section 3313.533 of the Revised Code. "Public record" does not	931
mean any of the following:	932
(a) Medical records;	933
(b) Records pertaining to probation and parole proceedings	934
or to proceedings related to the imposition of community control	935
sanctions and post-release control sanctions;	936
(c) Records pertaining to actions under section 2151.85	937
and division (C) of section 2919.121 of the Revised Code and to	938
appeals of actions arising under those sections;	939
(d) Records pertaining to adoption proceedings, including	940
the contents of an adoption file maintained by the department of	941
health under sections 3705.12 to 3705.124 of the Revised Code;	942
(e) Information in a record contained in the putative	943
father registry established by section 3107.062 of the Revised	944
Code, regardless of whether the information is held by the	945
department of job and family services or, pursuant to section	946
3111.69 of the Revised Code, the office of child support in the	947
department or a child support enforcement agency;	948
(f) Records specified in division (A) of section 3107.52	949
of the Revised Code;	950
(g) Trial preparation records;	951
(h) Confidential law enforcement investigatory records;	952
(i) Records containing information that is confidential	953
under section 2710.03 or 4112.05 of the Revised Code;	954
(j) DNA records stored in the DNA database pursuant to	955
section 109.573 of the Revised Code;	956

(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	957 958 959 960
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	961 962 963 964
(m) Intellectual property records;	965
(n) Donor profile records;	966
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	967 968
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, <del>or</del> investigator of the bureau of criminal identification and investigation, <u>or federal law enforcement officer</u> residential and familial information;	969 970 971 972 973 974 975
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	976 977 978 979 980
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	981 982
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a	983 984

review conducted pursuant to guidelines established by the 985  
director of health under section 3701.70 of the Revised Code, 986  
records provided to the board or director, statements made by 987  
board members during meetings of the board or by persons 988  
participating in the director's review, and all work products of 989  
the board or director, and in the case of a child fatality 990  
review board, child fatality review data submitted by the board 991  
to the department of health or a national child death review 992  
database, other than the report prepared pursuant to division 993  
(A) of section 307.626 of the Revised Code; 994

(t) Records provided to and statements made by the 995  
executive director of a public children services agency or a 996  
prosecuting attorney acting pursuant to section 5153.171 of the 997  
Revised Code other than the information released under that 998  
section; 999

(u) Test materials, examinations, or evaluation tools used 1000  
in an examination for licensure as a nursing home administrator 1001  
that the board of executives of long-term services and supports 1002  
administers under section 4751.04 of the Revised Code or 1003  
contracts under that section with a private or government entity 1004  
to administer; 1005

(v) Records the release of which is prohibited by state or 1006  
federal law; 1007

(w) Proprietary information of or relating to any person 1008  
that is submitted to or compiled by the Ohio venture capital 1009  
authority created under section 150.01 of the Revised Code; 1010

(x) Financial statements and data any person submits for 1011  
any purpose to the Ohio housing finance agency or the 1012  
controlling board in connection with applying for, receiving, or 1013

accounting for financial assistance from the agency, and 1014  
information that identifies any individual who benefits directly 1015  
or indirectly from financial assistance from the agency; 1016

(y) Records listed in section 5101.29 of the Revised Code; 1017

(z) Discharges recorded with a county recorder under 1018  
section 317.24 of the Revised Code, as specified in division (B) 1019  
(2) of that section; 1020

(aa) Usage information including names and addresses of 1021  
specific residential and commercial customers of a municipally 1022  
owned or operated public utility; 1023

(bb) Records described in division (C) of section 187.04 1024  
of the Revised Code that are not designated to be made available 1025  
to the public as provided in that division; 1026

(cc) Information and records that are made confidential, 1027  
privileged, and not subject to disclosure under divisions (B) 1028  
and (C) of section 2949.221 of the Revised Code. 1029

(dd) The confidential name, address, and other personally 1030  
identifiable information of a program participant in the address 1031  
confidentiality program established under sections 111.41 to 1032  
111.47 of the Revised Code, and records or portions of records 1033  
pertaining to that program that identify the number of program 1034  
participants that reside within a precinct, ward, township, 1035  
municipal corporation, county, or any other geographic area 1036  
smaller than the state. As used in this division, "confidential 1037  
address" and "program participant" have the meaning defined in 1038  
section 111.41 of the Revised Code. 1039

(2) "Confidential law enforcement investigatory record" 1040  
means any record that pertains to a law enforcement matter of a 1041  
criminal, quasi-criminal, civil, or administrative nature, but 1042

only to the extent that the release of the record would create a 1043  
high probability of disclosure of any of the following: 1044

(a) The identity of a suspect who has not been charged 1045  
with the offense to which the record pertains, or of an 1046  
information source or witness to whom confidentiality has been 1047  
reasonably promised; 1048

(b) Information provided by an information source or 1049  
witness to whom confidentiality has been reasonably promised, 1050  
which information would reasonably tend to disclose the source's 1051  
or witness's identity; 1052

(c) Specific confidential investigatory techniques or 1053  
procedures or specific investigatory work product; 1054

(d) Information that would endanger the life or physical 1055  
safety of law enforcement personnel, a crime victim, a witness, 1056  
or a confidential information source. 1057

(3) "Medical record" means any document or combination of 1058  
documents, except births, deaths, and the fact of admission to 1059  
or discharge from a hospital, that pertains to the medical 1060  
history, diagnosis, prognosis, or medical condition of a patient 1061  
and that is generated and maintained in the process of medical 1062  
treatment. 1063

(4) "Trial preparation record" means any record that 1064  
contains information that is specifically compiled in reasonable 1065  
anticipation of, or in defense of, a civil or criminal action or 1066  
proceeding, including the independent thought processes and 1067  
personal trial preparation of an attorney. 1068

(5) "Intellectual property record" means a record, other 1069  
than a financial or administrative record, that is produced or 1070  
collected by or for faculty or staff of a state institution of 1071

higher learning in the conduct of or as a result of study or 1072  
research on an educational, commercial, scientific, artistic, 1073  
technical, or scholarly issue, regardless of whether the study 1074  
or research was sponsored by the institution alone or in 1075  
conjunction with a governmental body or private concern, and 1076  
that has not been publicly released, published, or patented. 1077

(6) "Donor profile record" means all records about donors 1078  
or potential donors to a public institution of higher education 1079  
except the names and reported addresses of the actual donors and 1080  
the date, amount, and conditions of the actual donation. 1081

(7) "Peace officer, parole officer, probation officer, 1082  
bailiff, prosecuting attorney, assistant prosecuting attorney, 1083  
correctional employee, community-based correctional facility 1084  
employee, youth services employee, firefighter, EMT, ~~or~~ 1085  
investigator of the bureau of criminal identification and 1086  
investigation, or federal law enforcement officer residential 1087  
and familial information" means any information that discloses 1088  
any of the following about a peace officer, parole officer, 1089  
probation officer, bailiff, prosecuting attorney, assistant 1090  
prosecuting attorney, correctional employee, community-based 1091  
correctional facility employee, youth services employee, 1092  
firefighter, EMT, ~~or~~ investigator of the bureau of criminal 1093  
identification and investigation, or federal law enforcement 1094  
officer: 1095

(a) The address of the actual personal residence of a 1096  
peace officer, parole officer, probation officer, bailiff, 1097  
assistant prosecuting attorney, correctional employee, 1098  
community-based correctional facility employee, youth services 1099  
employee, firefighter, EMT, ~~or~~ an investigator of the bureau of 1100  
criminal identification and investigation, or federal law 1101

enforcement officer, except for the state or political 1102  
subdivision in which the peace officer, parole officer, 1103  
probation officer, bailiff, assistant prosecuting attorney, 1104  
correctional employee, community-based correctional facility 1105  
employee, youth services employee, firefighter, EMT, ~~or~~ 1106  
investigator of the bureau of criminal identification and 1107  
investigation, or federal law enforcement officer resides; 1108

(b) Information compiled from referral to or participation 1109  
in an employee assistance program; 1110

(c) The social security number, the residential telephone 1111  
number, any bank account, debit card, charge card, or credit 1112  
card number, or the emergency telephone number of, or any 1113  
medical information pertaining to, a peace officer, parole 1114  
officer, probation officer, bailiff, prosecuting attorney, 1115  
assistant prosecuting attorney, correctional employee, 1116  
community-based correctional facility employee, youth services 1117  
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1118  
criminal identification and investigation, or federal law 1119  
enforcement officer; 1120

(d) The name of any beneficiary of employment benefits, 1121  
including, but not limited to, life insurance benefits, provided 1122  
to a peace officer, parole officer, probation officer, bailiff, 1123  
prosecuting attorney, assistant prosecuting attorney, 1124  
correctional employee, community-based correctional facility 1125  
employee, youth services employee, firefighter, EMT, ~~or~~ 1126  
investigator of the bureau of criminal identification and 1127  
investigation, or federal law enforcement officer by the peace 1128  
officer's, parole officer's, probation officer's, bailiff's, 1129  
prosecuting attorney's, assistant prosecuting attorney's, 1130  
correctional employee's, community-based correctional facility 1131

employee's, youth services employee's, firefighter's, EMT's, ~~or~~ 1132  
investigator of the bureau of criminal identification and 1133  
investigation's, or federal law enforcement officer's employer; 1134

(e) The identity and amount of any charitable or 1135  
employment benefit deduction made by the peace officer's, parole 1136  
officer's, probation officer's, bailiff's, prosecuting 1137  
attorney's, assistant prosecuting attorney's, correctional 1138  
employee's, community-based correctional facility employee's, 1139  
youth services employee's, firefighter's, EMT's, ~~or~~ investigator 1140  
of the bureau of criminal identification and investigation's, or 1141  
federal law enforcement officer's employer from the peace 1142  
officer's, parole officer's, probation officer's, bailiff's, 1143  
prosecuting attorney's, assistant prosecuting attorney's, 1144  
correctional employee's, community-based correctional facility 1145  
employee's, youth services employee's, firefighter's, EMT's, ~~or~~ 1146  
investigator of the bureau of criminal identification and 1147  
investigation's, or federal law enforcement officer's 1148  
compensation unless the amount of the deduction is required by 1149  
state or federal law; 1150

(f) The name, the residential address, the name of the 1151  
employer, the address of the employer, the social security 1152  
number, the residential telephone number, any bank account, 1153  
debit card, charge card, or credit card number, or the emergency 1154  
telephone number of the spouse, a former spouse, or any child of 1155  
a peace officer, parole officer, probation officer, bailiff, 1156  
prosecuting attorney, assistant prosecuting attorney, 1157  
correctional employee, community-based correctional facility 1158  
employee, youth services employee, firefighter, EMT, ~~or~~ 1159  
investigator of the bureau of criminal identification and 1160  
investigation, or federal law enforcement officer; 1161



(g) A photograph of a peace officer who holds a position 1162  
or has an assignment that may include undercover or plain 1163  
clothes positions or assignments as determined by the peace 1164  
officer's appointing authority. 1165

As used in divisions (A) (7) and (B) (9) of this section, 1166  
"peace officer" has the same meaning as in section 109.71 of the 1167  
Revised Code and also includes the superintendent and troopers 1168  
of the state highway patrol; it does not include the sheriff of 1169  
a county or a supervisory employee who, in the absence of the 1170  
sheriff, is authorized to stand in for, exercise the authority 1171  
of, and perform the duties of the sheriff. 1172

As used in divisions (A) (7) and (B) (9) of this section, 1173  
"correctional employee" means any employee of the department of 1174  
rehabilitation and correction who in the course of performing 1175  
the employee's job duties has or has had contact with inmates 1176  
and persons under supervision. 1177

As used in divisions (A) (7) and (B) (9) of this section, 1178  
"youth services employee" means any employee of the department 1179  
of youth services who in the course of performing the employee's 1180  
job duties has or has had contact with children committed to the 1181  
custody of the department of youth services. 1182

As used in divisions (A) (7) and (B) (9) of this section, 1183  
"firefighter" means any regular, paid or volunteer, member of a 1184  
lawfully constituted fire department of a municipal corporation, 1185  
township, fire district, or village. 1186

As used in divisions (A) (7) and (B) (9) of this section, 1187  
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 1188  
emergency medical services for a public emergency medical 1189  
service organization. "Emergency medical service organization," 1190

"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 1191  
in section 4765.01 of the Revised Code. 1192

As used in divisions (A)(7) and (B)(9) of this section, 1193  
"investigator of the bureau of criminal identification and 1194  
investigation" has the meaning defined in section 2903.11 of the 1195  
Revised Code. 1196

As used in divisions (A)(7) and (B)(9) of this section, 1197  
"federal law enforcement officer" has the meaning defined in 1198  
section 9.88 of the Revised Code. 1199

(8) "Information pertaining to the recreational activities 1200  
of a person under the age of eighteen" means information that is 1201  
kept in the ordinary course of business by a public office, that 1202  
pertains to the recreational activities of a person under the 1203  
age of eighteen years, and that discloses any of the following: 1204

(a) The address or telephone number of a person under the 1205  
age of eighteen or the address or telephone number of that 1206  
person's parent, guardian, custodian, or emergency contact 1207  
person; 1208

(b) The social security number, birth date, or 1209  
photographic image of a person under the age of eighteen; 1210

(c) Any medical record, history, or information pertaining 1211  
to a person under the age of eighteen; 1212

(d) Any additional information sought or required about a 1213  
person under the age of eighteen for the purpose of allowing 1214  
that person to participate in any recreational activity 1215  
conducted or sponsored by a public office or to use or obtain 1216  
admission privileges to any recreational facility owned or 1217  
operated by a public office. 1218

(9) "Community control sanction" has the same meaning as 1219  
in section 2929.01 of the Revised Code. 1220

(10) "Post-release control sanction" has the same meaning 1221  
as in section 2967.01 of the Revised Code. 1222

(11) "Redaction" means obscuring or deleting any 1223  
information that is exempt from the duty to permit public 1224  
inspection or copying from an item that otherwise meets the 1225  
definition of a "record" in section 149.011 of the Revised Code. 1226

(12) "Designee" and "elected official" have the same 1227  
meanings as in section 109.43 of the Revised Code. 1228

(B) (1) Upon request and subject to division (B) (8) of this 1229  
section, all public records responsive to the request shall be 1230  
promptly prepared and made available for inspection to any 1231  
person at all reasonable times during regular business hours. 1232  
Subject to division (B) (8) of this section, upon request, a 1233  
public office or person responsible for public records shall 1234  
make copies of the requested public record available at cost and 1235  
within a reasonable period of time. If a public record contains 1236  
information that is exempt from the duty to permit public 1237  
inspection or to copy the public record, the public office or 1238  
the person responsible for the public record shall make 1239  
available all of the information within the public record that 1240  
is not exempt. When making that public record available for 1241  
public inspection or copying that public record, the public 1242  
office or the person responsible for the public record shall 1243  
notify the requester of any redaction or make the redaction 1244  
plainly visible. A redaction shall be deemed a denial of a 1245  
request to inspect or copy the redacted information, except if 1246  
federal or state law authorizes or requires a public office to 1247  
make the redaction. 1248

(2) To facilitate broader access to public records, a 1249  
public office or the person responsible for public records shall 1250  
organize and maintain public records in a manner that they can 1251  
be made available for inspection or copying in accordance with 1252  
division (B) of this section. A public office also shall have 1253  
available a copy of its current records retention schedule at a 1254  
location readily available to the public. If a requester makes 1255  
an ambiguous or overly broad request or has difficulty in making 1256  
a request for copies or inspection of public records under this 1257  
section such that the public office or the person responsible 1258  
for the requested public record cannot reasonably identify what 1259  
public records are being requested, the public office or the 1260  
person responsible for the requested public record may deny the 1261  
request but shall provide the requester with an opportunity to 1262  
revise the request by informing the requester of the manner in 1263  
which records are maintained by the public office and accessed 1264  
in the ordinary course of the public office's or person's 1265  
duties. 1266

(3) If a request is ultimately denied, in part or in 1267  
whole, the public office or the person responsible for the 1268  
requested public record shall provide the requester with an 1269  
explanation, including legal authority, setting forth why the 1270  
request was denied. If the initial request was provided in 1271  
writing, the explanation also shall be provided to the requester 1272  
in writing. The explanation shall not preclude the public office 1273  
or the person responsible for the requested public record from 1274  
relying upon additional reasons or legal authority in defending 1275  
an action commenced under division (C) of this section. 1276

(4) Unless specifically required or authorized by state or 1277  
federal law or in accordance with division (B) of this section, 1278  
no public office or person responsible for public records may 1279

limit or condition the availability of public records by 1280  
requiring disclosure of the requester's identity or the intended 1281  
use of the requested public record. Any requirement that the 1282  
requester disclose the requestor's identity or the intended use 1283  
of the requested public record constitutes a denial of the 1284  
request. 1285

(5) A public office or person responsible for public 1286  
records may ask a requester to make the request in writing, may 1287  
ask for the requester's identity, and may inquire about the 1288  
intended use of the information requested, but may do so only 1289  
after disclosing to the requester that a written request is not 1290  
mandatory and that the requester may decline to reveal the 1291  
requester's identity or the intended use and when a written 1292  
request or disclosure of the identity or intended use would 1293  
benefit the requester by enhancing the ability of the public 1294  
office or person responsible for public records to identify, 1295  
locate, or deliver the public records sought by the requester. 1296

(6) If any person chooses to obtain a copy of a public 1297  
record in accordance with division (B) of this section, the 1298  
public office or person responsible for the public record may 1299  
require that person to pay in advance the cost involved in 1300  
providing the copy of the public record in accordance with the 1301  
choice made by the person seeking the copy under this division. 1302  
The public office or the person responsible for the public 1303  
record shall permit that person to choose to have the public 1304  
record duplicated upon paper, upon the same medium upon which 1305  
the public office or person responsible for the public record 1306  
keeps it, or upon any other medium upon which the public office 1307  
or person responsible for the public record determines that it 1308  
reasonably can be duplicated as an integral part of the normal 1309  
operations of the public office or person responsible for the 1310

public record. When the person seeking the copy makes a choice 1311  
under this division, the public office or person responsible for 1312  
the public record shall provide a copy of it in accordance with 1313  
the choice made by the person seeking the copy. Nothing in this 1314  
section requires a public office or person responsible for the 1315  
public record to allow the person seeking a copy of the public 1316  
record to make the copies of the public record. 1317

(7) Upon a request made in accordance with division (B) of 1318  
this section and subject to division (B)(6) of this section, a 1319  
public office or person responsible for public records shall 1320  
transmit a copy of a public record to any person by United 1321  
States mail or by any other means of delivery or transmission 1322  
within a reasonable period of time after receiving the request 1323  
for the copy. The public office or person responsible for the 1324  
public record may require the person making the request to pay 1325  
in advance the cost of postage if the copy is transmitted by 1326  
United States mail or the cost of delivery if the copy is 1327  
transmitted other than by United States mail, and to pay in 1328  
advance the costs incurred for other supplies used in the 1329  
mailing, delivery, or transmission. 1330

Any public office may adopt a policy and procedures that 1331  
it will follow in transmitting, within a reasonable period of 1332  
time after receiving a request, copies of public records by 1333  
United States mail or by any other means of delivery or 1334  
transmission pursuant to this division. A public office that 1335  
adopts a policy and procedures under this division shall comply 1336  
with them in performing its duties under this division. 1337

In any policy and procedures adopted under this division, 1338  
a public office may limit the number of records requested by a 1339  
person that the office will transmit by United States mail to 1340

ten per month, unless the person certifies to the office in 1341  
writing that the person does not intend to use or forward the 1342  
requested records, or the information contained in them, for 1343  
commercial purposes. For purposes of this division, "commercial" 1344  
shall be narrowly construed and does not include reporting or 1345  
gathering news, reporting or gathering information to assist 1346  
citizen oversight or understanding of the operation or 1347  
activities of government, or nonprofit educational research. 1348

(8) A public office or person responsible for public 1349  
records is not required to permit a person who is incarcerated 1350  
pursuant to a criminal conviction or a juvenile adjudication to 1351  
inspect or to obtain a copy of any public record concerning a 1352  
criminal investigation or prosecution or concerning what would 1353  
be a criminal investigation or prosecution if the subject of the 1354  
investigation or prosecution were an adult, unless the request 1355  
to inspect or to obtain a copy of the record is for the purpose 1356  
of acquiring information that is subject to release as a public 1357  
record under this section and the judge who imposed the sentence 1358  
or made the adjudication with respect to the person, or the 1359  
judge's successor in office, finds that the information sought 1360  
in the public record is necessary to support what appears to be 1361  
a justiciable claim of the person. 1362

(9) (a) Upon written request made and signed by a 1363  
journalist on or after December 16, 1999, a public office, or 1364  
person responsible for public records, having custody of the 1365  
records of the agency employing a specified peace officer, 1366  
parole officer, probation officer, bailiff, prosecuting 1367  
attorney, assistant prosecuting attorney, correctional employee, 1368  
community-based correctional facility employee, youth services 1369  
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1370  
criminal identification and investigation, or federal law 1371

enforcement officer shall disclose to the journalist the address 1372  
of the actual personal residence of the peace officer, parole 1373  
officer, probation officer, bailiff, prosecuting attorney, 1374  
assistant prosecuting attorney, correctional employee, 1375  
community-based correctional facility employee, youth services 1376  
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1377  
criminal identification and investigation, or federal law 1378  
enforcement officer and, if the peace officer's, parole 1379  
officer's, probation officer's, bailiff's, prosecuting 1380  
attorney's, assistant prosecuting attorney's, correctional 1381  
employee's, community-based correctional facility employee's, 1382  
youth services employee's, firefighter's, EMT's, ~~or~~ investigator 1383  
of the bureau of criminal identification and investigation's, or 1384  
federal law enforcement officer's spouse, former spouse, or 1385  
child is employed by a public office, the name and address of 1386  
the employer of the peace officer's, parole officer's, probation 1387  
officer's, bailiff's, prosecuting attorney's, assistant 1388  
prosecuting attorney's, correctional employee's, community-based 1389  
correctional facility employee's, youth services employee's, 1390  
firefighter's, EMT's, ~~or~~ investigator of the bureau of criminal 1391  
identification and investigation's, or federal law enforcement 1392  
officer's spouse, former spouse, or child. The request shall 1393  
include the journalist's name and title and the name and address 1394  
of the journalist's employer and shall state that disclosure of 1395  
the information sought would be in the public interest. 1396

(b) Division (B) (9) (a) of this section also applies to 1397  
journalist requests for customer information maintained by a 1398  
municipally owned or operated public utility, other than social 1399  
security numbers and any private financial information such as 1400  
credit reports, payment methods, credit card numbers, and bank 1401  
account information. 1402



(c) As used in division (B) (9) of this section, 1403  
"journalist" means a person engaged in, connected with, or 1404  
employed by any news medium, including a newspaper, magazine, 1405  
press association, news agency, or wire service, a radio or 1406  
television station, or a similar medium, for the purpose of 1407  
gathering, processing, transmitting, compiling, editing, or 1408  
disseminating information for the general public. 1409

(C) (1) If a person allegedly is aggrieved by the failure 1410  
of a public office or the person responsible for public records 1411  
to promptly prepare a public record and to make it available to 1412  
the person for inspection in accordance with division (B) of 1413  
this section or by any other failure of a public office or the 1414  
person responsible for public records to comply with an 1415  
obligation in accordance with division (B) of this section, the 1416  
person allegedly aggrieved may commence a mandamus action to 1417  
obtain a judgment that orders the public office or the person 1418  
responsible for the public record to comply with division (B) of 1419  
this section, that awards court costs and reasonable attorney's 1420  
fees to the person that instituted the mandamus action, and, if 1421  
applicable, that includes an order fixing statutory damages 1422  
under division (C) (1) of this section. The mandamus action may 1423  
be commenced in the court of common pleas of the county in which 1424  
division (B) of this section allegedly was not complied with, in 1425  
the supreme court pursuant to its original jurisdiction under 1426  
Section 2 of Article IV, Ohio Constitution, or in the court of 1427  
appeals for the appellate district in which division (B) of this 1428  
section allegedly was not complied with pursuant to its original 1429  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1430

If a requestor transmits a written request by hand 1431  
delivery or certified mail to inspect or receive copies of any 1432  
public record in a manner that fairly describes the public 1433

record or class of public records to the public office or person 1434  
responsible for the requested public records, except as 1435  
otherwise provided in this section, the requestor shall be 1436  
entitled to recover the amount of statutory damages set forth in 1437  
this division if a court determines that the public office or 1438  
the person responsible for public records failed to comply with 1439  
an obligation in accordance with division (B) of this section. 1440

The amount of statutory damages shall be fixed at one 1441  
hundred dollars for each business day during which the public 1442  
office or person responsible for the requested public records 1443  
failed to comply with an obligation in accordance with division 1444  
(B) of this section, beginning with the day on which the 1445  
requester files a mandamus action to recover statutory damages, 1446  
up to a maximum of one thousand dollars. The award of statutory 1447  
damages shall not be construed as a penalty, but as compensation 1448  
for injury arising from lost use of the requested information. 1449  
The existence of this injury shall be conclusively presumed. The 1450  
award of statutory damages shall be in addition to all other 1451  
remedies authorized by this section. 1452

The court may reduce an award of statutory damages or not 1453  
award statutory damages if the court determines both of the 1454  
following: 1455

(a) That, based on the ordinary application of statutory 1456  
law and case law as it existed at the time of the conduct or 1457  
threatened conduct of the public office or person responsible 1458  
for the requested public records that allegedly constitutes a 1459  
failure to comply with an obligation in accordance with division 1460  
(B) of this section and that was the basis of the mandamus 1461  
action, a well-informed public office or person responsible for 1462  
the requested public records reasonably would believe that the 1463

conduct or threatened conduct of the public office or person 1464  
responsible for the requested public records did not constitute 1465  
a failure to comply with an obligation in accordance with 1466  
division (B) of this section; 1467

(b) That a well-informed public office or person 1468  
responsible for the requested public records reasonably would 1469  
believe that the conduct or threatened conduct of the public 1470  
office or person responsible for the requested public records 1471  
would serve the public policy that underlies the authority that 1472  
is asserted as permitting that conduct or threatened conduct. 1473

(2) (a) If the court issues a writ of mandamus that orders 1474  
the public office or the person responsible for the public 1475  
record to comply with division (B) of this section and 1476  
determines that the circumstances described in division (C) (1) 1477  
of this section exist, the court shall determine and award to 1478  
the relator all court costs. 1479

(b) If the court renders a judgment that orders the public 1480  
office or the person responsible for the public record to comply 1481  
with division (B) of this section, the court may award 1482  
reasonable attorney's fees subject to reduction as described in 1483  
division (C) (2) (c) of this section. The court shall award 1484  
reasonable attorney's fees, subject to reduction as described in 1485  
division (C) (2) (c) of this section when either of the following 1486  
applies: 1487

(i) The public office or the person responsible for the 1488  
public records failed to respond affirmatively or negatively to 1489  
the public records request in accordance with the time allowed 1490  
under division (B) of this section. 1491

(ii) The public office or the person responsible for the 1492

public records promised to permit the relator to inspect or 1493  
receive copies of the public records requested within a 1494  
specified period of time but failed to fulfill that promise 1495  
within that specified period of time. 1496

(c) Court costs and reasonable attorney's fees awarded 1497  
under this section shall be construed as remedial and not 1498  
punitive. Reasonable attorney's fees shall include reasonable 1499  
fees incurred to produce proof of the reasonableness and amount 1500  
of the fees and to otherwise litigate entitlement to the fees. 1501  
The court may reduce an award of attorney's fees to the relator 1502  
or not award attorney's fees to the relator if the court 1503  
determines both of the following: 1504

(i) That, based on the ordinary application of statutory 1505  
law and case law as it existed at the time of the conduct or 1506  
threatened conduct of the public office or person responsible 1507  
for the requested public records that allegedly constitutes a 1508  
failure to comply with an obligation in accordance with division 1509  
(B) of this section and that was the basis of the mandamus 1510  
action, a well-informed public office or person responsible for 1511  
the requested public records reasonably would believe that the 1512  
conduct or threatened conduct of the public office or person 1513  
responsible for the requested public records did not constitute 1514  
a failure to comply with an obligation in accordance with 1515  
division (B) of this section; 1516

(ii) That a well-informed public office or person 1517  
responsible for the requested public records reasonably would 1518  
believe that the conduct or threatened conduct of the public 1519  
office or person responsible for the requested public records as 1520  
described in division (C) (2) (c) (i) of this section would serve 1521  
the public policy that underlies the authority that is asserted 1522

as permitting that conduct or threatened conduct. 1523

(D) Chapter 1347. of the Revised Code does not limit the 1524  
provisions of this section. 1525

(E) (1) To ensure that all employees of public offices are 1526  
appropriately educated about a public office's obligations under 1527  
division (B) of this section, all elected officials or their 1528  
appropriate designees shall attend training approved by the 1529  
attorney general as provided in section 109.43 of the Revised 1530  
Code. In addition, all public offices shall adopt a public 1531  
records policy in compliance with this section for responding to 1532  
public records requests. In adopting a public records policy 1533  
under this division, a public office may obtain guidance from 1534  
the model public records policy developed and provided to the 1535  
public office by the attorney general under section 109.43 of 1536  
the Revised Code. Except as otherwise provided in this section, 1537  
the policy may not limit the number of public records that the 1538  
public office will make available to a single person, may not 1539  
limit the number of public records that it will make available 1540  
during a fixed period of time, and may not establish a fixed 1541  
period of time before it will respond to a request for 1542  
inspection or copying of public records, unless that period is 1543  
less than eight hours. 1544

(2) The public office shall distribute the public records 1545  
policy adopted by the public office under division (E) (1) of 1546  
this section to the employee of the public office who is the 1547  
records custodian or records manager or otherwise has custody of 1548  
the records of that office. The public office shall require that 1549  
employee to acknowledge receipt of the copy of the public 1550  
records policy. The public office shall create a poster that 1551  
describes its public records policy and shall post the poster in 1552

a conspicuous place in the public office and in all locations 1553  
where the public office has branch offices. The public office 1554  
may post its public records policy on the internet web site of 1555  
the public office if the public office maintains an internet web 1556  
site. A public office that has established a manual or handbook 1557  
of its general policies and procedures for all employees of the 1558  
public office shall include the public records policy of the 1559  
public office in the manual or handbook. 1560

(F) (1) The bureau of motor vehicles may adopt rules 1561  
pursuant to Chapter 119. of the Revised Code to reasonably limit 1562  
the number of bulk commercial special extraction requests made 1563  
by a person for the same records or for updated records during a 1564  
calendar year. The rules may include provisions for charges to 1565  
be made for bulk commercial special extraction requests for the 1566  
actual cost of the bureau, plus special extraction costs, plus 1567  
ten per cent. The bureau may charge for expenses for redacting 1568  
information, the release of which is prohibited by law. 1569

(2) As used in division (F) (1) of this section: 1570

(a) "Actual cost" means the cost of depleted supplies, 1571  
records storage media costs, actual mailing and alternative 1572  
delivery costs, or other transmitting costs, and any direct 1573  
equipment operating and maintenance costs, including actual 1574  
costs paid to private contractors for copying services. 1575

(b) "Bulk commercial special extraction request" means a 1576  
request for copies of a record for information in a format other 1577  
than the format already available, or information that cannot be 1578  
extracted without examination of all items in a records series, 1579  
class of records, or database by a person who intends to use or 1580  
forward the copies for surveys, marketing, solicitation, or 1581  
resale for commercial purposes. "Bulk commercial special 1582

extraction request" does not include a request by a person who 1583  
gives assurance to the bureau that the person making the request 1584  
does not intend to use or forward the requested copies for 1585  
surveys, marketing, solicitation, or resale for commercial 1586  
purposes. 1587

(c) "Commercial" means profit-seeking production, buying, 1588  
or selling of any good, service, or other product. 1589

(d) "Special extraction costs" means the cost of the time 1590  
spent by the lowest paid employee competent to perform the task, 1591  
the actual amount paid to outside private contractors employed 1592  
by the bureau, or the actual cost incurred to create computer 1593  
programs to make the special extraction. "Special extraction 1594  
costs" include any charges paid to a public agency for computer 1595  
or records services. 1596

(3) For purposes of divisions (F)(1) and (2) of this 1597  
section, "surveys, marketing, solicitation, or resale for 1598  
commercial purposes" shall be narrowly construed and does not 1599  
include reporting or gathering news, reporting or gathering 1600  
information to assist citizen oversight or understanding of the 1601  
operation or activities of government, or nonprofit educational 1602  
research. 1603

**Sec. 149.45.** (A) As used in this section: 1604

(1) "Personal information" means any of the following: 1605

(a) An individual's social security number; 1606

(b) An individual's federal tax identification number; 1607

(c) An individual's driver's license number or state 1608  
identification number; 1609

(d) An individual's checking account number, savings 1610

account number, or credit card number. 1611

(2) "Public record" and "peace officer, parole officer, 1612  
probation officer, bailiff, prosecuting attorney, assistant 1613  
prosecuting attorney, correctional employee, youth services 1614  
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1615  
criminal identification and investigation, or federal law 1616  
enforcement officer residential and familial information" have 1617  
the same meanings as in section 149.43 of the Revised Code. 1618

(3) "Truncate" means to redact all but the last four 1619  
digits of an individual's social security number. 1620

(B) (1) No public office or person responsible for a public 1621  
office's public records shall make available to the general 1622  
public on the internet any document that contains an 1623  
individual's social security number without otherwise redacting, 1624  
encrypting, or truncating the social security number. 1625

(2) A public office or person responsible for a public 1626  
office's public records that prior to ~~the effective date of this~~ 1627  
~~section~~ October 17, 2011, made available to the general public 1628  
on the internet any document that contains an individual's 1629  
social security number shall redact, encrypt, or truncate the 1630  
social security number from that document. 1631

(3) Divisions (B) (1) and (2) of this section do not apply 1632  
to documents that are only accessible through the internet with 1633  
a password. 1634

(C) (1) An individual may request that a public office or a 1635  
person responsible for a public office's public records redact 1636  
personal information of that individual from any record made 1637  
available to the general public on the internet. An individual 1638  
who makes a request for redaction pursuant to this division 1639



shall make the request in writing on a form developed by the 1640  
attorney general and shall specify the personal information to 1641  
be redacted and provide any information that identifies the 1642  
location of that personal information within a document that 1643  
contains that personal information. 1644

(2) Upon receiving a request for a redaction pursuant to 1645  
division (C)(1) of this section, a public office or a person 1646  
responsible for a public office's public records shall act 1647  
within five business days in accordance with the request to 1648  
redact the personal information of the individual from any 1649  
record made available to the general public on the internet, if 1650  
practicable. If a redaction is not practicable, the public 1651  
office or person responsible for the public office's public 1652  
records shall verbally or in writing within five business days 1653  
after receiving the written request explain to the individual 1654  
why the redaction is impracticable. 1655

(3) The attorney general shall develop a form to be used 1656  
by an individual to request a redaction pursuant to division (C) 1657  
(1) of this section. The form shall include a place to provide 1658  
any information that identifies the location of the personal 1659  
information to be redacted. 1660

(D)(1) A peace officer, parole officer, probation officer, 1661  
bailiff, prosecuting attorney, assistant prosecuting attorney, 1662  
correctional employee, youth services employee, firefighter, 1663  
EMT, ~~or~~ investigator of the bureau of criminal identification 1664  
and investigation, or federal law enforcement officer may 1665  
request that a public office other than a county auditor or a 1666  
person responsible for the public records of a public office 1667  
other than a county auditor redact the address of the person 1668  
making the request from any record made available to the general 1669

public on the internet that includes peace officer, parole 1670  
officer, probation officer, bailiff, prosecuting attorney, 1671  
assistant prosecuting attorney, correctional employee, youth 1672  
services employee, firefighter, EMT, ~~or~~ investigator of the 1673  
bureau of criminal identification and investigation, or federal 1674  
law enforcement officer residential and familial information of 1675  
the person making the request. A person who makes a request for 1676  
a redaction pursuant to this division shall make the request in 1677  
writing and on a form developed by the attorney general. 1678

(2) Upon receiving a written request for a redaction 1679  
pursuant to division (D)(1) of this section, a public office 1680  
other than a county auditor or a person responsible for the 1681  
public records of a public office other than a county auditor 1682  
shall act within five business days in accordance with the 1683  
request to redact the address of the peace officer, parole 1684  
officer, probation officer, bailiff, prosecuting attorney, 1685  
assistant prosecuting attorney, correctional employee, youth 1686  
services employee, firefighter, EMT, ~~or~~ investigator of the 1687  
bureau of criminal identification and investigation, or federal 1688  
law enforcement officer making the request from any record made 1689  
available to the general public on the internet that includes 1690  
peace officer, parole officer, probation officer, bailiff, 1691  
prosecuting attorney, assistant prosecuting attorney, 1692  
correctional employee, youth services employee, firefighter, 1693  
EMT, ~~or~~ investigator of the bureau of criminal identification 1694  
and investigation, or federal law enforcement officer 1695  
residential and familial information of the person making the 1696  
request, if practicable. If a redaction is not practicable, the 1697  
public office or person responsible for the public office's 1698  
public records shall verbally or in writing within five business 1699  
days after receiving the written request explain to the peace 1700

officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, ~~or~~ investigator of the bureau of criminal identification and investigation, or federal law enforcement officer why the redaction is impracticable.

(3) Except as provided in this section and section 319.28 of the Revised Code, a public office other than an employer of a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, ~~or~~ investigator of the bureau of criminal identification and investigation, or federal law enforcement officer or a person responsible for the public records of the employer is not required to redact the residential and familial information of the peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, ~~or~~ investigator of the bureau of criminal identification and investigation, or federal law enforcement officer from other records maintained by the public office.

(4) The attorney general shall develop a form to be used by a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, ~~or~~ investigator of the bureau of criminal identification and investigation, or federal law enforcement officer to request a redaction pursuant to division (D)(1) of this section. The form shall include a place to provide any information that identifies the location of the address of a peace officer, parole officer, probation officer, bailiff, prosecuting

attorney, assistant prosecuting attorney, correctional employee, 1732  
youth services employee, firefighter, EMT, ~~or~~ investigator of 1733  
the bureau of criminal identification and investigation, or 1734  
federal law enforcement officer to be redacted. 1735

(E) (1) If a public office or a person responsible for a 1736  
public office's public records becomes aware that an electronic 1737  
record of that public office that is made available to the 1738  
general public on the internet contains an individual's social 1739  
security number that was mistakenly not redacted, encrypted, or 1740  
truncated as required by division (B) (1) or (2) of this section, 1741  
the public office or person responsible for the public office's 1742  
public records shall redact, encrypt, or truncate the 1743  
individual's social security number within a reasonable period 1744  
of time. 1745

(2) A public office or a person responsible for a public 1746  
office's public records is not liable in damages in a civil 1747  
action for any harm an individual allegedly sustains as a result 1748  
of the inclusion of that individual's personal information on 1749  
any record made available to the general public on the internet 1750  
or any harm a peace officer, parole officer, probation officer, 1751  
bailiff, prosecuting attorney, assistant prosecuting attorney, 1752  
correctional employee, youth services employee, firefighter, 1753  
EMT, ~~or~~ investigator of the bureau of criminal identification 1754  
and investigation, or federal law enforcement officer sustains 1755  
as a result of the inclusion of the address of the peace 1756  
officer, parole officer, probation officer, bailiff, prosecuting 1757  
attorney, assistant prosecuting attorney, correctional employee, 1758  
youth services employee, firefighter, EMT, ~~or~~ investigator of 1759  
the bureau of criminal identification and investigation, or 1760  
federal law enforcement officer on any record made available to 1761  
the general public on the internet in violation of this section 1762

unless the public office or person responsible for the public 1763  
office's public records acted with malicious purpose, in bad 1764  
faith, or in a wanton or reckless manner or division (A) (6) (a) 1765  
or (c) of section 2744.03 of the Revised Code applies. 1766

**Sec. 2929.18.** (A) Except as otherwise provided in this 1767  
division and in addition to imposing court costs pursuant to 1768  
section 2947.23 of the Revised Code, the court imposing a 1769  
sentence upon an offender for a felony may sentence the offender 1770  
to any financial sanction or combination of financial sanctions 1771  
authorized under this section or, in the circumstances specified 1772  
in section 2929.32 of the Revised Code, may impose upon the 1773  
offender a fine in accordance with that section. Financial 1774  
sanctions that may be imposed pursuant to this section include, 1775  
but are not limited to, the following: 1776

(1) Restitution by the offender to the victim of the 1777  
offender's crime or any survivor of the victim, in an amount 1778  
based on the victim's economic loss. If the court imposes 1779  
restitution, the court shall order that the restitution be made 1780  
to the victim in open court, to the adult probation department 1781  
that serves the county on behalf of the victim, to the clerk of 1782  
courts, or to another agency designated by the court. If the 1783  
court imposes restitution, at sentencing, the court shall 1784  
determine the amount of restitution to be made by the offender. 1785  
If the court imposes restitution, the court may base the amount 1786  
of restitution it orders on an amount recommended by the victim, 1787  
the offender, a presentence investigation report, estimates or 1788  
receipts indicating the cost of repairing or replacing property, 1789  
and other information, provided that the amount the court orders 1790  
as restitution shall not exceed the amount of the economic loss 1791  
suffered by the victim as a direct and proximate result of the 1792  
commission of the offense. If the court decides to impose 1793

restitution, the court shall hold a hearing on restitution if 1794  
the offender, victim, or survivor disputes the amount. All 1795  
restitution payments shall be credited against any recovery of 1796  
economic loss in a civil action brought by the victim or any 1797  
survivor of the victim against the offender. 1798

If the court imposes restitution, the court may order that 1799  
the offender pay a surcharge of not more than five per cent of 1800  
the amount of the restitution otherwise ordered to the entity 1801  
responsible for collecting and processing restitution payments. 1802

The victim or survivor may request that the prosecutor in 1803  
the case file a motion, or the offender may file a motion, for 1804  
modification of the payment terms of any restitution ordered. If 1805  
the court grants the motion, it may modify the payment terms as 1806  
it determines appropriate. 1807

(2) Except as provided in division (B)(1), (3), or (4) of 1808  
this section, a fine payable by the offender to the state, to a 1809  
political subdivision, or as described in division (B)(2) of 1810  
this section to one or more law enforcement agencies, with the 1811  
amount of the fine based on a standard percentage of the 1812  
offender's daily income over a period of time determined by the 1813  
court and based upon the seriousness of the offense. A fine 1814  
ordered under this division shall not exceed the maximum 1815  
conventional fine amount authorized for the level of the offense 1816  
under division (A)(3) of this section. 1817

(3) Except as provided in division (B)(1), (3), or (4) of 1818  
this section, a fine payable by the offender to the state, to a 1819  
political subdivision when appropriate for a felony, or as 1820  
described in division (B)(2) of this section to one or more law 1821  
enforcement agencies, in the following amount: 1822

(a) For a felony of the first degree, not more than twenty thousand dollars;	1823 1824
(b) For a felony of the second degree, not more than fifteen thousand dollars;	1825 1826
(c) For a felony of the third degree, not more than ten thousand dollars;	1827 1828
(d) For a felony of the fourth degree, not more than five thousand dollars;	1829 1830
(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.	1831 1832
(4) A state fine or costs as defined in section 2949.111 of the Revised Code.	1833 1834
(5) (a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:	1835 1836 1837
(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code;	1838 1839 1840
(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement;	1841 1842 1843 1844 1845 1846 1847
(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a	1848 1849 1850

court orders an offender to use under section 4510.13 of the Revised Code. 1851  
1852

(b) If the offender is sentenced to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the Revised Code that is to be served in a facility operated by a board of county commissioners, a legislative authority of a municipal corporation, or another local governmental entity, if, pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and section 2929.37 of the Revised Code, the board, legislative authority, or other local governmental entity requires prisoners to reimburse the county, municipal corporation, or other entity for its expenses incurred by reason of the prisoner's confinement, and if the court does not impose a financial sanction under division (A) (5) (a) (ii) of this section, confinement costs may be assessed pursuant to section 2929.37 of the Revised Code. In addition, the offender may be required to pay the fees specified in section 2929.38 of the Revised Code in accordance with that section. 1853  
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(c) Reimbursement by the offender for costs pursuant to section 2929.71 of the Revised Code. 1870  
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(B) (1) For a first, second, or third degree felony violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code, the sentencing court shall impose upon the offender a mandatory fine of at least one-half of, but not more than, the maximum statutory fine amount authorized for the level of the offense pursuant to division (A) (3) of this section. If an offender alleges in an affidavit filed with the court prior to sentencing that the offender is indigent and unable to pay the mandatory fine and if the court determines the offender is 1872  
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an indigent person and is unable to pay the mandatory fine 1881  
described in this division, the court shall not impose the 1882  
mandatory fine upon the offender. 1883

(2) Any mandatory fine imposed upon an offender under 1884  
division (B) (1) of this section and any fine imposed upon an 1885  
offender under division (A) (2) or (3) of this section for any 1886  
fourth or fifth degree felony violation of any provision of 1887  
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 1888  
to law enforcement agencies pursuant to division (F) of section 1889  
2925.03 of the Revised Code. 1890

(3) For a fourth degree felony OVI offense and for a third 1891  
degree felony OVI offense, the sentencing court shall impose 1892  
upon the offender a mandatory fine in the amount specified in 1893  
division (G) (1) (d) or (e) of section 4511.19 of the Revised 1894  
Code, whichever is applicable. The mandatory fine so imposed 1895  
shall be disbursed as provided in the division pursuant to which 1896  
it is imposed. 1897

(4) Notwithstanding any fine otherwise authorized or 1898  
required to be imposed under division (A) (2) or (3) or (B) (1) of 1899  
this section or section 2929.31 of the Revised Code for a 1900  
violation of section 2925.03 of the Revised Code, in addition to 1901  
any penalty or sanction imposed for that offense under section 1902  
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 1903  
in addition to the forfeiture of property in connection with the 1904  
offense as prescribed in Chapter 2981. of the Revised Code, the 1905  
court that sentences an offender for a violation of section 1906  
2925.03 of the Revised Code may impose upon the offender a fine 1907  
in addition to any fine imposed under division (A) (2) or (3) of 1908  
this section and in addition to any mandatory fine imposed under 1909  
division (B) (1) of this section. The fine imposed under division 1910

(B) (4) of this section shall be used as provided in division (H) 1911  
of section 2925.03 of the Revised Code. A fine imposed under 1912  
division (B) (4) of this section shall not exceed whichever of 1913  
the following is applicable: 1914

(a) The total value of any personal or real property in 1915  
which the offender has an interest and that was used in the 1916  
course of, intended for use in the course of, derived from, or 1917  
realized through conduct in violation of section 2925.03 of the 1918  
Revised Code, including any property that constitutes proceeds 1919  
derived from that offense; 1920

(b) If the offender has no interest in any property of the 1921  
type described in division (B) (4) (a) of this section or if it is 1922  
not possible to ascertain whether the offender has an interest 1923  
in any property of that type in which the offender may have an 1924  
interest, the amount of the mandatory fine for the offense 1925  
imposed under division (B) (1) of this section or, if no 1926  
mandatory fine is imposed under division (B) (1) of this section, 1927  
the amount of the fine authorized for the level of the offense 1928  
imposed under division (A) (3) of this section. 1929

(5) Prior to imposing a fine under division (B) (4) of this 1930  
section, the court shall determine whether the offender has an 1931  
interest in any property of the type described in division (B) 1932  
(4) (a) of this section. Except as provided in division (B) (6) or 1933  
(7) of this section, a fine that is authorized and imposed under 1934  
division (B) (4) of this section does not limit or affect the 1935  
imposition of the penalties and sanctions for a violation of 1936  
section 2925.03 of the Revised Code prescribed under those 1937  
sections or sections 2929.11 to 2929.18 of the Revised Code and 1938  
does not limit or affect a forfeiture of property in connection 1939  
with the offense as prescribed in Chapter 2981. of the Revised 1940

Code. 1941

(6) If the sum total of a mandatory fine amount imposed 1942  
for a first, second, or third degree felony violation of section 1943  
2925.03 of the Revised Code under division (B)(1) of this 1944  
section plus the amount of any fine imposed under division (B) 1945  
(4) of this section does not exceed the maximum statutory fine 1946  
amount authorized for the level of the offense under division 1947  
(A)(3) of this section or section 2929.31 of the Revised Code, 1948  
the court may impose a fine for the offense in addition to the 1949  
mandatory fine and the fine imposed under division (B)(4) of 1950  
this section. The sum total of the amounts of the mandatory 1951  
fine, the fine imposed under division (B)(4) of this section, 1952  
and the additional fine imposed under division (B)(6) of this 1953  
section shall not exceed the maximum statutory fine amount 1954  
authorized for the level of the offense under division (A)(3) of 1955  
this section or section 2929.31 of the Revised Code. The clerk 1956  
of the court shall pay any fine that is imposed under division 1957  
(B)(6) of this section to the county, township, municipal 1958  
corporation, park district as created pursuant to section 511.18 1959  
or 1545.04 of the Revised Code, or state law enforcement 1960  
agencies in this state that primarily were responsible for or 1961  
involved in making the arrest of, and in prosecuting, the 1962  
offender pursuant to division (F) of section 2925.03 of the 1963  
Revised Code. 1964

(7) If the sum total of the amount of a mandatory fine 1965  
imposed for a first, second, or third degree felony violation of 1966  
section 2925.03 of the Revised Code plus the amount of any fine 1967  
imposed under division (B)(4) of this section exceeds the 1968  
maximum statutory fine amount authorized for the level of the 1969  
offense under division (A)(3) of this section or section 2929.31 1970  
of the Revised Code, the court shall not impose a fine under 1971

division (B) (6) of this section. 1972

(8) (a) If an offender who is convicted of or pleads guilty 1973  
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 1974  
2923.32, division (A) (1) or (2) of section 2907.323, or division 1975  
(B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised 1976  
Code also is convicted of or pleads guilty to a specification of 1977  
the type described in section 2941.1422 of the Revised Code that 1978  
charges that the offender knowingly committed the offense in 1979  
furtherance of human trafficking, the sentencing court shall 1980  
sentence the offender to a financial sanction of restitution by 1981  
the offender to the victim or any survivor of the victim, with 1982  
the restitution including the costs of housing, counseling, and 1983  
medical and legal assistance incurred by the victim as a direct 1984  
result of the offense and the greater of the following: 1985

(i) The gross income or value to the offender of the 1986  
victim's labor or services; 1987

(ii) The value of the victim's labor as guaranteed under 1988  
the minimum wage and overtime provisions of the "Federal Fair 1989  
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 1990  
state labor laws. 1991

(b) If a court imposing sentence upon an offender for a 1992  
felony is required to impose upon the offender a financial 1993  
sanction of restitution under division (B) (8) (a) of this 1994  
section, in addition to that financial sanction of restitution, 1995  
the court may sentence the offender to any other financial 1996  
sanction or combination of financial sanctions authorized under 1997  
this section, including a restitution sanction under division 1998  
(A) (1) of this section. 1999

(9) In addition to any other fine that is or may be 2000

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 section 2950.01 of the Revised Code, may impose a fine of not less than fifty nor more than five hundred dollars.

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

(a) Domestic violence;

(b) Menacing by stalking;

(c) Rape;

(d) Sexual battery;

(e) Trafficking in persons;

(f) 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, if the offender also is convicted of 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.

(C) (1) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed upon the offender pursuant to division (A) (5) (a) of this section to pay the costs incurred by a county pursuant to any sanction

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

(2) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed upon the offender pursuant to division (A) (5) (a) of this section to pay the costs incurred by a municipal corporation pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code to the treasurer of the municipal corporation. The treasurer shall deposit the reimbursements in a special fund that shall be established in the treasury of each municipal corporation. The municipal corporation shall use the amounts deposited in the fund to pay the costs incurred by the municipal corporation pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code.

(3) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed pursuant to division (A) (5) (a) of this section for the costs incurred by a

private provider pursuant to a sanction imposed under this 2060  
section or section 2929.16 or 2929.17 of the Revised Code to the 2061  
provider. 2062

(D) Except as otherwise provided in this division, a 2063  
financial sanction imposed pursuant to division (A) or (B) of 2064  
this section is a judgment in favor of the state or a political 2065  
subdivision in which the court that imposed the financial 2066  
sanction is located, and the offender subject to the financial 2067  
sanction is the judgment debtor. A financial sanction of 2068  
reimbursement imposed pursuant to division (A) (5) (a) (ii) of this 2069  
section upon an offender who is incarcerated in a state facility 2070  
or a municipal jail is a judgment in favor of the state or the 2071  
municipal corporation, and the offender subject to the financial 2072  
sanction is the judgment debtor. A financial sanction of 2073  
reimbursement imposed upon an offender pursuant to this section 2074  
for costs incurred by a private provider of sanctions is a 2075  
judgment in favor of the private provider, and the offender 2076  
subject to the financial sanction is the judgment debtor. A 2077  
financial sanction of restitution imposed pursuant to division 2078  
(A) (1) or (B) (8) of this section is an order in favor of the 2079  
victim of the offender's criminal act that can be collected 2080  
through a certificate of judgment as described in division (D) 2081  
(1) of this section, through execution as described in division 2082  
(D) (2) of this section, or through an order as described in 2083  
division (D) (3) of this section, and the offender shall be 2084  
considered for purposes of the collection as the judgment 2085  
debtor. Imposition of a financial sanction and execution on the 2086  
judgment does not preclude any other power of the court to 2087  
impose or enforce sanctions on the offender. Once the financial 2088  
sanction is imposed as a judgment or order under this division, 2089  
the victim, private provider, state, or political subdivision 2090

may do any of the following:	2091
(1) Obtain from the clerk of the court in which the	2092
judgment was entered a certificate of judgment that shall be in	2093
the same manner and form as a certificate of judgment issued in	2094
a civil action;	2095
(2) Obtain execution of the judgment or order through any	2096
available procedure, including:	2097
(a) An execution against the property of the judgment	2098
debtor under Chapter 2329. of the Revised Code;	2099
(b) An execution against the person of the judgment debtor	2100
under Chapter 2331. of the Revised Code;	2101
(c) A proceeding in aid of execution under Chapter 2333.	2102
of the Revised Code, including:	2103
(i) A proceeding for the examination of the judgment	2104
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to	2105
2333.27 of the Revised Code;	2106
(ii) A proceeding for attachment of the person of the	2107
judgment debtor under section 2333.28 of the Revised Code;	2108
(iii) A creditor's suit under section 2333.01 of the	2109
Revised Code.	2110
(d) The attachment of the property of the judgment debtor	2111
under Chapter 2715. of the Revised Code;	2112
(e) The garnishment of the property of the judgment debtor	2113
under Chapter 2716. of the Revised Code.	2114
(3) Obtain an order for the assignment of wages of the	2115
judgment debtor under section 1321.33 of the Revised Code.	2116
(E) A court that imposes a financial sanction upon an	2117



offender may hold a hearing if necessary to determine whether 2118  
the offender is able to pay the sanction or is likely in the 2119  
future to be able to pay it. 2120

(F) Each court imposing a financial sanction upon an 2121  
offender under this section or under section 2929.32 of the 2122  
Revised Code may designate the clerk of the court or another 2123  
person to collect the financial sanction. The clerk or other 2124  
person authorized by law or the court to collect the financial 2125  
sanction may enter into contracts with one or more public 2126  
agencies or private vendors for the collection of, amounts due 2127  
under the financial sanction imposed pursuant to this section or 2128  
section 2929.32 of the Revised Code. Before entering into a 2129  
contract for the collection of amounts due from an offender 2130  
pursuant to any financial sanction imposed pursuant to this 2131  
section or section 2929.32 of the Revised Code, a court shall 2132  
comply with sections 307.86 to 307.92 of the Revised Code. 2133

(G) If a court that imposes a financial sanction under 2134  
division (A) or (B) of this section finds that an offender 2135  
satisfactorily has completed all other sanctions imposed upon 2136  
the offender and that all restitution that has been ordered has 2137  
been paid as ordered, the court may suspend any financial 2138  
sanctions imposed pursuant to this section or section 2929.32 of 2139  
the Revised Code that have not been paid. 2140

(H) No financial sanction imposed under this section or 2141  
section 2929.32 of the Revised Code shall preclude a victim from 2142  
bringing a civil action against the offender. 2143

**Sec. 2929.28.** (A) In addition to imposing court costs 2144  
pursuant to section 2947.23 of the Revised Code, the court 2145  
imposing a sentence upon an offender for a misdemeanor, 2146  
including a minor misdemeanor, may sentence the offender to any 2147

financial sanction or combination of financial sanctions 2148  
authorized under this section. If the court in its discretion 2149  
imposes one or more financial sanctions, the financial sanctions 2150  
that may be imposed pursuant to this section include, but are 2151  
not limited to, the following: 2152

(1) Unless the misdemeanor offense is a minor misdemeanor 2153  
or could be disposed of by the traffic violations bureau serving 2154  
the court under Traffic Rule 13, restitution by the offender to 2155  
the victim of the offender's crime or any survivor of the 2156  
victim, in an amount based on the victim's economic loss. The 2157  
court may not impose restitution as a sanction pursuant to this 2158  
division if the offense is a minor misdemeanor or could be 2159  
disposed of by the traffic violations bureau serving the court 2160  
under Traffic Rule 13. If the court requires restitution, the 2161  
court shall order that the restitution be made to the victim in 2162  
open court or to the adult probation department that serves the 2163  
jurisdiction or the clerk of the court on behalf of the victim. 2164

If the court imposes restitution, the court shall 2165  
determine the amount of restitution to be paid by the offender. 2166  
If the court imposes restitution, the court may base the amount 2167  
of restitution it orders on an amount recommended by the victim, 2168  
the offender, a presentence investigation report, estimates or 2169  
receipts indicating the cost of repairing or replacing property, 2170  
and other information, provided that the amount the court orders 2171  
as restitution shall not exceed the amount of the economic loss 2172  
suffered by the victim as a direct and proximate result of the 2173  
commission of the offense. If the court decides to impose 2174  
restitution, the court shall hold an evidentiary hearing on 2175  
restitution if the offender, victim, or survivor disputes the 2176  
amount of restitution. If the court holds an evidentiary 2177  
hearing, at the hearing the victim or survivor has the burden to 2178

prove by a preponderance of the evidence the amount of 2179  
restitution sought from the offender. 2180

All restitution payments shall be credited against any 2181  
recovery of economic loss in a civil action brought by the 2182  
victim or any survivor of the victim against the offender. No 2183  
person may introduce evidence of an award of restitution under 2184  
this section in a civil action for purposes of imposing 2185  
liability against an insurer under section 3937.18 of the 2186  
Revised Code. 2187

If the court imposes restitution, the court may order that 2188  
the offender pay a surcharge, of not more than five per cent of 2189  
the amount of the restitution otherwise ordered, to the entity 2190  
responsible for collecting and processing restitution payments. 2191

The victim or survivor may request that the prosecutor in 2192  
the case file a motion, or the offender may file a motion, for 2193  
modification of the payment terms of any restitution ordered. If 2194  
the court grants the motion, it may modify the payment terms as 2195  
it determines appropriate. 2196

(2) A fine of the type described in divisions (A) (2) (a) 2197  
and (b) of this section payable to the appropriate entity as 2198  
required by law: 2199

(a) A fine in the following amount: 2200

(i) For a misdemeanor of the first degree, not more than 2201  
one thousand dollars; 2202

(ii) For a misdemeanor of the second degree, not more than 2203  
seven hundred fifty dollars; 2204

(iii) For a misdemeanor of the third degree, not more than 2205  
five hundred dollars; 2206

(iv) For a misdemeanor of the fourth degree, not more than 2207  
two hundred fifty dollars; 2208

(v) For a minor misdemeanor, not more than one hundred 2209  
fifty dollars. 2210

(b) A state fine or cost as defined in section 2949.111 of 2211  
the Revised Code. 2212

(3) (a) Reimbursement by the offender of any or all of the 2213  
costs of sanctions incurred by the government, including, but 2214  
not limited to, the following: 2215

(i) All or part of the costs of implementing any community 2216  
control sanction, including a supervision fee under section 2217  
2951.021 of the Revised Code; 2218

(ii) All or part of the costs of confinement in a jail or 2219  
other residential facility, including, but not limited to, a per 2220  
diem fee for room and board, the costs of medical and dental 2221  
treatment, and the costs of repairing property damaged by the 2222  
offender while confined; 2223

(iii) All or part of the cost of purchasing and using an 2224  
immobilizing or disabling device, including a certified ignition 2225  
interlock device, or a remote alcohol monitoring device that a 2226  
court orders an offender to use under section 4510.13 of the 2227  
Revised Code. 2228

(b) The amount of reimbursement ordered under division (A) 2229  
(3) (a) of this section shall not exceed the total amount of 2230  
reimbursement the offender is able to pay and shall not exceed 2231  
the actual cost of the sanctions. The court may collect any 2232  
amount of reimbursement the offender is required to pay under 2233  
that division. If the court does not order reimbursement under 2234  
that division, confinement costs may be assessed pursuant to a 2235

repayment policy adopted under section 2929.37 of the Revised Code. In addition, the offender may be required to pay the fees specified in section 2929.38 of the Revised Code in accordance with that section.

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

If the court determines that the offender is indigent and unable to pay the financial sanction or court costs, the court shall consider imposing and may impose a term of community service under division (A) of section 2929.27 of the Revised Code in lieu of imposing a financial sanction or court costs. If the court does not determine that the offender is indigent, the court may impose a term of community service under division (A) of section 2929.27 of the Revised Code in lieu of or in addition to imposing a financial sanction under this section and in addition to imposing court costs. The court may order community service for a minor misdemeanor pursuant to division (D) of section 2929.27 of the Revised Code in lieu of or in addition to imposing a financial sanction under this section and in addition to imposing court costs. If a person fails to pay a financial sanction or court costs, the court may order community service in lieu of the financial sanction or court costs.

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

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

(2) The offender shall pay reimbursements imposed upon the offender pursuant to division (A) (3) of this section to pay the costs incurred by a municipal corporation pursuant to any sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.26 of the Revised Code to the treasurer of the municipal corporation. The treasurer shall deposit the reimbursements in the municipal corporation's general fund. The municipal corporation shall use the amounts deposited in the fund to pay the costs incurred by the municipal corporation pursuant to any sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.26 of the Revised Code.

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

(D) In addition to any other fine that is or may be

imposed under this section, the court imposing sentence upon an 2296  
offender for misdemeanor domestic violence or menacing by 2297  
stalking may impose a fine of not less than seventy nor more 2298  
than five hundred dollars, which shall be transmitted to the 2299  
treasurer of state to be credited to the address confidentiality 2300  
program fund created by section 111.48 of the Revised Code. 2301

(E) Except as otherwise provided in this division, a 2302  
financial sanction imposed under division (A) of this section is 2303  
a judgment in favor of the state or the political subdivision 2304  
that operates the court that imposed the financial sanction, and 2305  
the offender subject to the financial sanction is the judgment 2306  
debtor. A financial sanction of reimbursement imposed pursuant 2307  
to division (A) (3) (a) (i) of this section upon an offender is a 2308  
judgment in favor of the entity administering the community 2309  
control sanction, and the offender subject to the financial 2310  
sanction is the judgment debtor. A financial sanction of 2311  
reimbursement imposed pursuant to division (A) (3) (a) (ii) of this 2312  
section upon an offender confined in a jail or other residential 2313  
facility is a judgment in favor of the entity operating the jail 2314  
or other residential facility, and the offender subject to the 2315  
financial sanction is the judgment debtor. A financial sanction 2316  
of restitution imposed pursuant to division (A) (1) of this 2317  
section is an order in favor of the victim of the offender's 2318  
criminal act that can be collected through a certificate of 2319  
judgment as described in division ~~(D)~~ (E) (1) of this section, 2320  
through execution as described in division ~~(D)~~ (E) (2) of this 2321  
section, or through an order as described in division ~~(D)~~ (E) (3) 2322  
of this section, and the offender shall be considered for 2323  
purposes of the collection as the judgment debtor. 2324

Once the financial sanction is imposed as a judgment or 2325  
order under this division, the victim, private provider, state, 2326

or political subdivision may do any of the following: 2327

(1) Obtain from the clerk of the court in which the 2328  
judgment was entered a certificate of judgment that shall be in 2329  
the same manner and form as a certificate of judgment issued in 2330  
a civil action; 2331

(2) Obtain execution of the judgment or order through any 2332  
available procedure, including any of the procedures identified 2333  
in divisions ~~(D)~~(E) (1) and (2) of section 2929.18 of the Revised 2334  
Code. 2335

(3) Obtain an order for the assignment of wages of the 2336  
judgment debtor under section 1321.33 of the Revised Code. 2337

~~(E)~~(F) The civil remedies authorized under division ~~(D)~~— 2338  
(E) of this section for the collection of the financial sanction 2339  
supplement, but do not preclude, enforcement of the criminal 2340  
sentence. 2341

~~(F)~~(G) Each court imposing a financial sanction upon an 2342  
offender under this section may designate the clerk of the court 2343  
or another person to collect the financial sanction. The clerk, 2344  
or another person authorized by law or the court to collect the 2345  
financial sanction may do the following: 2346

(1) Enter into contracts with one or more public agencies 2347  
or private vendors for the collection of amounts due under the 2348  
sanction. Before entering into a contract for the collection of 2349  
amounts due from an offender pursuant to any financial sanction 2350  
imposed pursuant to this section, a court shall comply with 2351  
sections 307.86 to 307.92 of the Revised Code. 2352

(2) Permit payment of all or any portion of the sanction 2353  
in installments, by financial transaction device if the court is 2354  
a county court or a municipal court operated by a county, by 2355



credit or debit card or by another electronic transfer if the 2356  
court is a municipal court not operated by a county, or by any 2357  
other reasonable method, in any time, and on any terms that 2358  
court considers just, except that the maximum time permitted for 2359  
payment shall not exceed five years. If the court is a county 2360  
court or a municipal court operated by a county, the acceptance 2361  
of payments by any financial transaction device shall be 2362  
governed by the policy adopted by the board of county 2363  
commissioners of the county pursuant to section 301.28 of the 2364  
Revised Code. If the court is a municipal court not operated by 2365  
a county, the clerk may pay any fee associated with processing 2366  
an electronic transfer out of public money or may charge the fee 2367  
to the offender. 2368

(3) To defray administrative costs, charge a reasonable 2369  
fee to an offender who elects a payment plan rather than a lump 2370  
sum payment of any financial sanction. 2371

~~(G)~~ (H) No financial sanction imposed under this section 2372  
shall preclude a victim from bringing a civil action against the 2373  
offender. 2374

**Sec. 3503.13.** (A) Except as otherwise provided in section 2375  
111.44 of the Revised Code or by state or federal law, 2376  
registration forms submitted by applicants and the statewide 2377  
voter registration database established under section 3503.15 of 2378  
the Revised Code shall be open to public inspection at all times 2379  
when the office of the board of elections is open for business, 2380  
under such regulations as the board adopts, provided that no 2381  
person shall be permitted to inspect voter registration forms 2382  
except in the presence of an employee of the board. 2383

(B) A board of elections may use a legible digitized 2384  
signature list of voter signatures, copied from the signatures 2385

on the registration forms in a form and manner prescribed by the 2386  
secretary of state, provided that the board includes the 2387  
required voter registration information in the statewide voter 2388  
registration database established under section 3503.15 of the 2389  
Revised Code, and provided that the precinct election officials 2390  
have computer printouts at the polls prepared in the manner 2391  
required under section 3503.23 of the Revised Code. 2392

**Sec. 3503.16.** (A) ~~Whenever~~ Except as otherwise provided in 2393  
division (D) of section 111.44 of the Revised Code, whenever a 2394  
registered elector changes the place of residence of that 2395  
registered elector from one precinct to another within a county 2396  
or from one county to another, or has a change of name, that 2397  
registered elector shall report the change by delivering a 2398  
change of residence or change of name form, whichever is 2399  
appropriate, as prescribed by the secretary of state under 2400  
section 3503.14 of the Revised Code to the state or local office 2401  
of a designated agency, a public high school or vocational 2402  
school, a public library, the office of the county treasurer, 2403  
the office of the secretary of state, any office of the 2404  
registrar or deputy registrar of motor vehicles, or any office 2405  
of a board of elections in person or by a third person. Any 2406  
voter registration, change of address, or change of name 2407  
application, returned by mail, may be sent only to the secretary 2408  
of state or the board of elections. 2409

A registered elector also may update the registration of 2410  
that registered elector by filing a change of residence or 2411  
change of name form on the day of a special, primary, or general 2412  
election at the polling place in the precinct in which that 2413  
registered elector resides or at the board of elections or at 2414  
another site designated by the board. 2415

(B) (1) (a) Any registered elector who moves within a precinct on or prior to the day of a general, primary, or special election and has not filed a notice of change of residence with the board of elections may vote in that election by going to that registered elector's assigned polling place, completing and signing a notice of change of residence, showing identification 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 name and current address of the elector, and casting a ballot.

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

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

in that election if that registered elector complies with 2447  
division (G) of this section or does all of the following: 2448

(a) Appears at anytime during regular business hours on or 2449  
after the twenty-eighth day prior to the election in which that 2450  
registered elector wishes to vote or, if the election is held on 2451  
the day of a presidential primary election, the twenty-fifth day 2452  
prior to the election, through noon of the Saturday prior to the 2453  
election at the office of the board of elections, appears at any 2454  
time during regular business hours on the Monday prior to the 2455  
election at the office of the board of elections, or appears on 2456  
the day of the election at either of the following locations: 2457

(i) The polling place for the precinct in which that 2458  
registered elector resides; 2459

(ii) The office of the board of elections or, if pursuant 2460  
to division (C) of section 3501.10 of the Revised Code the board 2461  
has designated another location in the county at which 2462  
registered electors may vote, at that other location instead of 2463  
the office of the board of elections. 2464

(b) Completes and signs, under penalty of election 2465  
falsification, the written affirmation on the provisional ballot 2466  
envelope, which shall serve as a notice of change of residence 2467  
or change of name, whichever is appropriate; 2468

(c) Votes a provisional ballot under section 3505.181 of 2469  
the Revised Code at the polling place, at the office of the 2470  
board of elections, or, if pursuant to division (C) of section 2471  
3501.10 of the Revised Code the board has designated another 2472  
location in the county at which registered electors may vote, at 2473  
that other location instead of the office of the board of 2474  
elections, whichever is appropriate, using the address to which 2475

that registered elector has moved or the name of that registered 2476  
elector as changed, whichever is appropriate; 2477

(d) Completes and signs, under penalty of election 2478  
falsification, a statement attesting that that registered 2479  
elector moved or had a change of name, whichever is appropriate, 2480  
on or prior to the day of the election, has voted a provisional 2481  
ballot at the polling place for the precinct in which that 2482  
registered elector resides, at the office of the board of 2483  
elections, or, if pursuant to division (C) of section 3501.10 of 2484  
the Revised Code the board has designated another location in 2485  
the county at which registered electors may vote, at that other 2486  
location instead of the office of the board of elections, 2487  
whichever is appropriate, and will not vote or attempt to vote 2488  
at any other location for that particular election. 2489

(C) Any registered elector who moves from one county to 2490  
another county within the state on or prior to the day of a 2491  
general, primary, or special election and has not registered to 2492  
vote in the county to which that registered elector moved may 2493  
vote in that election if that registered elector complies with 2494  
division (G) of this section or does all of the following: 2495

(1) Appears at any time during regular business hours on 2496  
or after the twenty-eighth day prior to the election in which 2497  
that registered elector wishes to vote or, if the election is 2498  
held on the day of a presidential primary election, the twenty- 2499  
fifth day prior to the election, through noon of the Saturday 2500  
prior to the election at the office of the board of elections 2501  
or, if pursuant to division (C) of section 3501.10 of the 2502  
Revised Code the board has designated another location in the 2503  
county at which registered electors may vote, at that other 2504  
location instead of the office of the board of elections, 2505

appears during regular business hours on the Monday prior to the 2506  
election at the office of the board of elections or, if pursuant 2507  
to division (C) of section 3501.10 of the Revised Code the board 2508  
has designated another location in the county at which 2509  
registered electors may vote, at that other location instead of 2510  
the office of the board of elections, or appears on the day of 2511  
the election at the office of the board of elections or, if 2512  
pursuant to division (C) of section 3501.10 of the Revised Code 2513  
the board has designated another location in the county at which 2514  
registered electors may vote, at that other location instead of 2515  
the office of the board of elections; 2516

(2) Completes and signs, under penalty of election 2517  
falsification, the written affirmation on the provisional ballot 2518  
envelope, which shall serve as a notice of change of residence; 2519

(3) Votes a provisional ballot under section 3505.181 of 2520  
the Revised Code at the office of the board of elections or, if 2521  
pursuant to division (C) of section 3501.10 of the Revised Code 2522  
the board has designated another location in the county at which 2523  
registered electors may vote, at that other location instead of 2524  
the office of the board of elections, using the address to which 2525  
that registered elector has moved; 2526

(4) Completes and signs, under penalty of election 2527  
falsification, a statement attesting that that registered 2528  
elector has moved from one county to another county within the 2529  
state on or prior to the day of the election, has voted at the 2530  
office of the board of elections or, if pursuant to division (C) 2531  
of section 3501.10 of the Revised Code the board has designated 2532  
another location in the county at which registered electors may 2533  
vote, at that other location instead of the office of the board 2534  
of elections, and will not vote or attempt to vote at any other 2535

location for that particular election. 2536

(D) A person who votes by absent voter's ballots pursuant 2537  
to division (G) of this section shall not make written 2538  
application for the ballots pursuant to Chapter 3509. of the 2539  
Revised Code. Ballots cast pursuant to division (G) of this 2540  
section shall be set aside in a special envelope and counted 2541  
during the official canvass of votes in the manner provided for 2542  
in sections 3505.32 and 3509.06 of the Revised Code insofar as 2543  
that manner is applicable. The board shall examine the pollbooks 2544  
to verify that no ballot was cast at the polls or by absent 2545  
voter's ballots under Chapter 3509. or 3511. of the Revised Code 2546  
by an elector who has voted by absent voter's ballots pursuant 2547  
to division (G) of this section. Any ballot determined to be 2548  
insufficient for any of the reasons stated above or stated in 2549  
section 3509.07 of the Revised Code shall not be counted. 2550

Subject to division (C) of section 3501.10 of the Revised 2551  
Code, a board of elections may lease or otherwise acquire a site 2552  
different from the office of the board at which registered 2553  
electors may vote pursuant to division (B) or (C) of this 2554  
section. 2555

(E) Upon receiving a notice of change of residence or 2556  
change of name, the board of elections shall immediately send 2557  
the registrant an acknowledgment notice. If the change of 2558  
residence or change of name notice is valid, the board shall 2559  
update the voter's registration as appropriate. If that form is 2560  
incomplete, the board shall inform the registrant in the 2561  
acknowledgment notice specified in this division of the 2562  
information necessary to complete or update that registrant's 2563  
registration. 2564

(F) Change of residence and change of name forms shall be 2565

available at each polling place, and when these forms are 2566  
completed, noting changes of residence or name, as appropriate, 2567  
they shall be filed with election officials at the polling 2568  
place. Election officials shall return completed forms, together 2569  
with the pollbooks and tally sheets, to the board of elections. 2570

The board of elections shall provide change of residence 2571  
and change of name forms to the probate court and court of 2572  
common pleas. The court shall provide the forms to any person 2573  
eighteen years of age or older who has a change of name by order 2574  
of the court or who applies for a marriage license. The court 2575  
shall forward all completed forms to the board of elections 2576  
within five days after receiving them. 2577

(G) A registered elector who otherwise would qualify to 2578  
vote under division (B) or (C) of this section but is unable to 2579  
appear at the office of the board of elections or, if pursuant 2580  
to division (C) of section 3501.10 of the Revised Code the board 2581  
has designated another location in the county at which 2582  
registered electors may vote, at that other location, on account 2583  
of personal illness, physical disability, or infirmity, may vote 2584  
on the day of the election if that registered elector does all 2585  
of the following: 2586

(1) Makes a written application that includes all of the 2587  
information required under section 3509.03 of the Revised Code 2588  
to the appropriate board for an absent voter's ballot on or 2589  
after the twenty-seventh day prior to the election in which the 2590  
registered elector wishes to vote through noon of the Saturday 2591  
prior to that election and requests that the absent voter's 2592  
ballot be sent to the address to which the registered elector 2593  
has moved if the registered elector has moved, or to the address 2594  
of that registered elector who has not moved but has had a 2595



change of name; 2596

(2) Declares that the registered elector has moved or had 2597  
a change of name, whichever is appropriate, and otherwise is 2598  
qualified to vote under the circumstances described in division 2599  
(B) or (C) of this section, whichever is appropriate, but that 2600  
the registered elector is unable to appear at the board of 2601  
elections because of personal illness, physical disability, or 2602  
infirmity; 2603

(3) Completes and returns along with the completed absent 2604  
voter's ballot a notice of change of residence indicating the 2605  
address to which the registered elector has moved, or a notice 2606  
of change of name, whichever is appropriate; 2607

(4) Completes and signs, under penalty of election 2608  
falsification, a statement attesting that the registered elector 2609  
has moved or had a change of name on or prior to the day before 2610  
the election, has voted by absent voter's ballot because of 2611  
personal illness, physical disability, or infirmity that 2612  
prevented the registered elector from appearing at the board of 2613  
elections, and will not vote or attempt to vote at any other 2614  
location or by absent voter's ballot mailed to any other 2615  
location or address for that particular election. 2616

(H) A registered elector who has a confidential voter 2617  
registration record, as described in section 111.44 of the 2618  
Revised Code, and who moves or has a change of name on or prior 2619  
to the day of an election and has not filed a notice of change 2620  
of residence or change of name under division (D) of that 2621  
section may vote in that election if that registered elector 2622  
does all of the following: 2623

(1) Appears on the day of the election at the polling 2624

place for the precinct in which that registered elector resides; 2625

(2) Completes and signs, under penalty of election 2626  
falsification, the written affirmation on the provisional ballot 2627  
envelope, which shall serve as a notice of change of residence 2628  
or change of name, whichever is appropriate; 2629

(3) Votes a provisional ballot under section 3505.181 of 2630  
the Revised Code at the polling place using the address to which 2631  
that registered elector has moved or the name of that registered 2632  
elector as changed, whichever is appropriate; 2633

(4) Completes and signs, under penalty of election 2634  
falsification, a statement attesting that that registered 2635  
elector moved or had a change of name, whichever is appropriate, 2636  
on or prior to the day of the election, has voted a provisional 2637  
ballot at the polling place for the precinct in which that 2638  
registered elector resides, and will not vote or attempt to vote 2639  
at any other location or by any other method for that particular 2640  
election. 2641

**Sec. 3503.21.** (A) The registration of a registered elector 2642  
shall be canceled upon the occurrence of any of the following: 2643

(1) The filing by a registered elector of a written 2644  
request with a board of elections, on a form prescribed by the 2645  
secretary of state and signed by the elector, that the 2646  
registration be canceled. The filing of such a request does not 2647  
prohibit an otherwise qualified elector from reregistering to 2648  
vote at any time. 2649

(2) The filing of a notice of the death of a registered 2650  
elector as provided in section 3503.18 of the Revised Code; 2651

(3) The filing with the board of elections of a certified 2652  
copy of the death certificate of a registered elector by the 2653

deceased elector's spouse, parent, or child, by the 2654  
administrator of the deceased elector's estate, or by the 2655  
executor of the deceased elector's will; 2656

(4) The conviction of the registered elector of a felony 2657  
under the laws of this state, any other state, or the United 2658  
States as provided in section 2961.01 of the Revised Code; 2659

(5) The adjudication of incompetency of the registered 2660  
elector for the purpose of voting as provided in section 2661  
5122.301 of the Revised Code; 2662

(6) The change of residence of the registered elector to a 2663  
location outside the county of registration in accordance with 2664  
division (B) of this section; 2665

(7) The failure of the registered elector, after having 2666  
been mailed a confirmation notice, to do either of the 2667  
following: 2668

(a) Respond to such a notice and vote at least once during 2669  
a period of four consecutive years, which period shall include 2670  
two general federal elections; 2671

(b) Update the elector's registration and vote at least 2672  
once during a period of four consecutive years, which period 2673  
shall include two general federal elections. 2674

(8) The receipt by the board of elections of a 2675  
cancellation notice or request pursuant to section 111.44 of the 2676  
Revised Code. 2677

(B) (1) The secretary of state shall prescribe procedures 2678  
to identify and cancel the registration in a prior county of 2679  
residence of any registrant who changes the registrant's voting 2680  
residence to a location outside the registrant's current county 2681

of registration. Any procedures prescribed in this division 2682  
shall be uniform and nondiscriminatory, and shall comply with 2683  
the Voting Rights Act of 1965. The secretary of state may 2684  
prescribe procedures under this division that include the use of 2685  
the national change of address service provided by the United 2686  
States postal system through its licensees. Any program so 2687  
prescribed shall be completed not later than ninety days prior 2688  
to the date of any primary or general election for federal 2689  
office. 2690

(2) The registration of any elector identified as having 2691  
changed the elector's voting residence to a location outside the 2692  
elector's current county of registration shall not be canceled 2693  
unless the registrant is sent a confirmation notice on a form 2694  
prescribed by the secretary of state and the registrant fails to 2695  
respond to the confirmation notice or otherwise update the 2696  
registration and fails to vote in any election during the period 2697  
of two federal elections subsequent to the mailing of the 2698  
confirmation notice. 2699

(C) The registration of a registered elector shall not be 2700  
canceled except as provided in this section, section 111.44 of 2701  
the Revised Code, division (Q) of section 3501.05 of the Revised 2702  
Code, division (C) (2) of section 3503.19 of the Revised Code, or 2703  
division (C) of section 3503.24 of the Revised Code. 2704

(D) Boards of elections shall send their voter 2705  
registration information to the secretary of state as required 2706  
under section 3503.15 of the Revised Code. The secretary of 2707  
state may prescribe by rule adopted pursuant to section 111.15 2708  
of the Revised Code the format in which the boards of elections 2709  
must send that information to the secretary of state. In the 2710  
first quarter of each year, the secretary of state shall send 2711

the information to the national change of address service 2712  
described in division (B) of this section and request that 2713  
service to provide the secretary of state with a list of any 2714  
voters sent by the secretary of state who have moved within the 2715  
last twelve months. The secretary of state shall transmit to 2716  
each appropriate board of elections whatever lists the secretary 2717  
of state receives from that service. The board shall send a 2718  
notice to each person on the list transmitted by the secretary 2719  
of state requesting confirmation of the person's change of 2720  
address, together with a postage prepaid, preaddressed return 2721  
envelope containing a form on which the voter may verify or 2722  
correct the change of address information. 2723

(E) The registration of a registered elector described in 2724  
division (A) (7) or (B) (2) of this section shall be canceled not 2725  
later than one hundred twenty days after the date of the second 2726  
general federal election in which the elector fails to vote or 2727  
not later than one hundred twenty days after the expiration of 2728  
the four-year period in which the elector fails to vote or 2729  
respond to a confirmation notice, whichever is later. 2730

(F) (1) When a registration is canceled pursuant to 2731  
division (A) (2) or (3) of this section, the applicable board of 2732  
elections shall send a written notice, on a form prescribed by 2733  
the secretary of state, to the address at which the elector was 2734  
registered, informing the recipient that the elector's 2735  
registration has been canceled, of the reason for the 2736  
cancellation, and that if the cancellation was made in error, 2737  
the elector may contact the board of elections to correct the 2738  
error. 2739

(2) If the elector's registration is canceled pursuant to 2740  
division (A) (2) or (3) of this section in error, it shall be 2741

restored and treated as though it were never canceled. 2742

**Sec. 3503.23.** (A) Fourteen days before an election, the 2743  
board of elections shall cause to be prepared from the statewide 2744  
voter registration database established under section 3503.15 of 2745  
the Revised Code a complete and official registration list for 2746  
each precinct, containing the names, addresses, and political 2747  
party whose ballot the elector voted in the most recent primary 2748  
election within the current year and the immediately preceding 2749  
two calendar years, of all qualified registered voters in the 2750  
precinct, except as otherwise provided in section 111.44 of the 2751  
Revised Code. All the names, insofar as practicable, shall be 2752  
arranged in alphabetical order. The lists may be prepared either 2753  
in sheet form on one side of the paper or in electronic form, at 2754  
the discretion of the board. Each precinct list shall be headed 2755  
"Register of Voters," and under the heading shall be indicated 2756  
the district or ward and precinct. 2757

Appended to each precinct list shall be attached the names 2758  
of the members of the board and the name of the director. A 2759  
sufficient number of such lists shall be provided for 2760  
distribution to the candidates, political parties, or organized 2761  
groups that apply for them. The board shall have each precinct 2762  
list available at the board for viewing by the public during 2763  
normal business hours. The board shall ensure that, by the 2764  
opening of the polls on the day of a general or primary 2765  
election, each precinct has a paper copy of the registration 2766  
list of voters in that precinct. 2767

(B) On the day of a general or primary election, precinct 2768  
election officials shall do both of the following: 2769

(1) By the time the polls open, conspicuously post and 2770  
display at the polling place one copy of the registration list 2771

of voters in that precinct in an area of the polling place that 2772  
is easily accessible; 2773

(2) At 11 a.m. and 4 p.m. place a mark, on the official 2774  
registration list posted at the polling place, before the name 2775  
of those registered voters who have voted. 2776

(C) Notwithstanding division (B) of section 3501.35 of the 2777  
Revised Code, any person may enter the polling place for the 2778  
sole purpose of reviewing the official registration list posted 2779  
in accordance with division (B) of this section, provided that 2780  
the person does not engage in conduct that would constitute 2781  
harassment in violation of the election law, as defined in 2782  
section 3501.90 of the Revised Code. 2783

**Sec. 3503.24.** (A) Application for the correction of any 2784  
precinct registration list or a challenge of the right to vote 2785  
of any registered elector may be made by any qualified elector 2786  
of the county at the office of the board of elections not later 2787  
than twenty days prior to the election. The applications or 2788  
challenges, with the reasons for the application or challenge, 2789  
shall be filed with the board on a form prescribed by the 2790  
secretary of state and shall be signed under penalty of election 2791  
falsification. 2792

(B) On receiving an application or challenge filed under 2793  
this section, the board of elections promptly shall review the 2794  
board's records. If the board is able to determine that an 2795  
application or challenge should be granted or denied solely on 2796  
the basis of the records maintained by the board, the board 2797  
immediately shall vote to grant or deny that application or 2798  
challenge. 2799

If the board is not able to determine whether an 2800

application or challenge should be granted or denied solely on 2801  
the basis of the records maintained by the board, the director 2802  
shall promptly set a time and date for a hearing before the 2803  
board. Except as otherwise provided in division (D) of this 2804  
section, the hearing shall be held, and the application or 2805  
challenge shall be decided, no later than ten days after the 2806  
board receives the application or challenge. The director shall 2807  
send written notice to any elector whose right to vote is 2808  
challenged and to any person whose name is alleged to have been 2809  
omitted from a registration list. The notice shall inform the 2810  
person of the time and date of the hearing, and of the person's 2811  
right to appear and testify, call witnesses, and be represented 2812  
by counsel. The notice shall be sent by first class mail no 2813  
later than three days before the day of any scheduled hearing. 2814  
~~The~~ Except as otherwise provided in division (E) of this 2815  
section, the director shall also provide the person who filed 2816  
the application or challenge with such written notice of the 2817  
date and time of the hearing. 2818

At the request of either party or any member of the board, 2819  
the board shall issue subpoenas to witnesses to appear and 2820  
testify before the board at a hearing held under this section. 2821  
All witnesses shall testify under oath. The board shall reach a 2822  
decision on all applications and challenges immediately after 2823  
hearing. 2824

(C) If the board decides that any such person is not 2825  
entitled to have the person's name on the registration list, the 2826  
person's name shall be removed from the list and the person's 2827  
registration forms canceled. If the board decides that the name 2828  
of any such person should appear on the registration list, it 2829  
shall be added to the list, and the person's registration forms 2830  
placed in the proper registration files. All such corrections 2831



and additions shall be made on a copy of the precinct lists, 2832  
which shall constitute the poll lists, to be furnished to the 2833  
respective precincts with other election supplies on the day 2834  
preceding the election, to be used by the election officials in 2835  
receiving the signatures of voters and in checking against the 2836  
registration forms. 2837

(D) (1) If an application or challenge for which a hearing 2838  
is required to be conducted under division (B) of this section 2839  
is filed after the thirtieth day before the day of an election, 2840  
the board of elections, in its discretion, may postpone that 2841  
hearing and any notifications of that hearing until after the 2842  
day of the election. Any hearing postponed under this division 2843  
shall be conducted not later than ten days after the day of the 2844  
election. 2845

(2) The board of elections shall cause the name of any 2846  
registered elector whose registration is challenged and whose 2847  
challenge hearing is postponed under division (D) (1) of this 2848  
section to be marked in the official registration list and in 2849  
the poll list or signature pollbook for that elector's precinct 2850  
to indicate that the elector's registration is subject to 2851  
challenge. 2852

(3) Any elector who is the subject of an application or 2853  
challenge hearing that is postponed under division (D) (1) of 2854  
this section shall be permitted to vote a provisional ballot 2855  
under section 3505.181 of the Revised Code. The validity of a 2856  
provisional ballot cast pursuant to this section shall be 2857  
determined in accordance with section 3505.183 of the Revised 2858  
Code, except that no such provisional ballot shall be counted 2859  
unless the hearing conducted under division (B) of this section 2860  
after the day of the election results in the elector's inclusion 2861

in the official registration list. 2862

(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: 2863  
2864  
2865  
2866

(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. 2867  
2868  
2869  
2870  
2871

(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. 2872  
2873  
2874  
2875  
2876  
2877  
2878

(3) Notwithstanding section 121.22 of the Revised Code, any hearing held concerning the application or challenge shall not be open to the public. 2879  
2880  
2881

(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. 2882  
2883  
2884

**Sec. 3503.26.** (A) All registration forms and lists, when 2885  
not in official use by the registrars or precinct election 2886  
officials, shall be in the possession of the board of elections. 2887  
Names and addresses of electors may be copied from the 2888  
registration lists only in the office of the board when it is 2889  
open for business; but no such copying shall be permitted during 2890

the period of time commencing twenty-one days before an election 2891  
and ending on the eleventh day after an election if such copying 2892  
will, in the opinion of the board, interfere with the necessary 2893  
work of the board. ~~The~~ Except as provided in section 111.44 of 2894  
the Revised Code, the board shall keep in convenient form and 2895  
available for public inspection a correct set of the 2896  
registration lists of all precincts in the county. 2897

(B) Notwithstanding division (A) of this section, and 2898  
except as provided in section 111.44 of the Revised Code, the 2899  
board of elections shall maintain and make available for public 2900  
inspection and copying at a reasonable cost all records 2901  
concerning the implementation of programs and activities 2902  
conducted for the purpose of ensuring the accuracy and currency 2903  
of voter registration lists, including the names and addresses 2904  
of all registered electors sent confirmation notices and whether 2905  
or not the elector responded to the confirmation notice. The 2906  
board shall maintain all records described in this division for 2907  
a period of two years. 2908

**Sec. 3504.02.** (A) Any citizen who desires to vote in a 2909  
presidential election under this chapter shall, not later than 2910  
four p.m. of the thirtieth day prior to the date of the 2911  
presidential election, complete a certificate of intent to vote 2912  
for presidential and vice-presidential electors. The certificate 2913  
of intent shall be completed in duplicate on a form prescribed 2914  
by the secretary of state that may be obtained and filed 2915  
personally in the office of the board of elections of the county 2916  
in which such person last resided before removal from this 2917  
state, or mailed to such board of elections. 2918

(B) Immediately following the spaces on the certificate 2919  
for inserting information as requested by the secretary of 2920

state, the following statement shall be printed: "I declare 2921  
under penalty of election falsification that the statements 2922  
herein contained are true to the best of my knowledge and 2923  
belief; that I am legally qualified to vote; that I am not 2924  
registered to vote in any other state; and that I have not voted 2925  
in an election in any other state since removing myself from the 2926  
state of Ohio. 2927

..... 2928

Signature of applicant 2929

..... 2930

Date 2931

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 2932  
FELONY OF THE FIFTH DEGREE." 2933

(C) If the applicant has a confidential voter registration 2934  
record, as described in section 111.44 of the Revised Code, the 2935  
applicant may include the applicant's program participant 2936  
identification number instead of the applicant's residence 2937  
address or precinct in the certificate of intent. 2938

**Sec. 3504.04.** ~~On~~ (A) Except as provided in division (B) of 2939  
this section, on or before election day, the director of the 2940  
board of elections shall deliver to the polling place a list of 2941  
persons who have filed certificates of intent to vote as former 2942  
resident voters and who appear, from their voting address, 2943  
entitled to vote at such polling place. Those persons whose 2944  
names appear on the list of former resident voters, and who have 2945  
otherwise complied with sections 3504.01 to 3504.06 of the 2946  
Revised Code, shall then be entitled to vote for presidential 2947  
and vice-presidential electors only at their polling place on 2948  
election day or by absent voter's ballots. Such voter who votes 2949

at that voter's polling place on election day shall sign that 2950  
voter's name in the poll book or poll list followed by, "Former 2951  
Resident's Presidential Ballot." Qualified former residents 2952  
shall be entitled to cast absent voter's ballots for 2953  
presidential and vice-presidential electors. 2954

(B) The list of persons described in division (A) of this 2955  
section shall not include any person who has a confidential 2956  
voter registration record, as described in section 111.44 of the 2957  
Revised Code. Such a person may vote for presidential and vice- 2958  
presidential electors only by casting absent voter's ballots or 2959  
a provisional ballot. 2960

**Sec. 3505.181.** (A) All of the following individuals shall 2961  
be permitted to cast a provisional ballot at an election: 2962

(1) An individual who declares that the individual is a 2963  
registered voter in the precinct in which the individual desires 2964  
to vote and that the individual is eligible to vote in an 2965  
election, but the name of the individual does not appear on the 2966  
official list of eligible voters for the precinct or an election 2967  
official asserts that the individual is not eligible to vote,  2968  
including an individual who has a confidential voter 2969  
registration record, as described in section 111.44 of the 2970  
Revised Code; 2971

(2) An individual who does not have or is unable to 2972  
provide to the election officials any of the forms of 2973  
identification required under division (A) (1) of section 3505.18 2974  
of the Revised Code; 2975

(3) An individual whose name in the poll list or signature 2976  
pollbook has been marked under section 3509.09 or 3511.13 of the 2977  
Revised Code as having requested an absent voter's ballot or a 2978

uniformed services or overseas absent voter's ballot for that 2979  
election and who appears to vote at the polling place; 2980

(4) An individual whose notification of registration has 2981  
been returned undelivered to the board of elections and whose 2982  
name in the official registration list and in the poll list or 2983  
signature pollbook has been marked under division (C) (2) of 2984  
section 3503.19 of the Revised Code; 2985

(5) An individual who has been successfully challenged 2986  
under section 3505.20 or 3513.20 of the Revised Code or whose 2987  
application or challenge hearing has been postponed until after 2988  
the day of the election under division (D) (1) of section 3503.24 2989  
of the Revised Code; 2990

(6) An individual who changes the individual's name and 2991  
remains within the precinct without providing proof of that name 2992  
change under division (B) (1) (b) of section 3503.16 of the 2993  
Revised Code, moves from one precinct to another within a 2994  
county, moves from one precinct to another and changes the 2995  
individual's name, or moves from one county to another within 2996  
the state, and completes and signs the required forms and 2997  
statements under division (B) or (C) of section 3503.16 of the 2998  
Revised Code; 2999

(7) An individual whose signature, in the opinion of the 3000  
precinct officers under section 3505.22 of the Revised Code, is 3001  
not that of the person who signed that name in the registration 3002  
forms. 3003

(B) An individual who is eligible to cast a provisional 3004  
ballot under division (A) of this section shall be permitted to 3005  
cast a provisional ballot as follows: 3006

(1) An election official at the polling place shall notify 3007

the individual that the individual may cast a provisional ballot 3008  
in that election. 3009

(2) Except as otherwise provided in division (F) of this 3010  
section, the individual shall complete and execute a written 3011  
affirmation before an election official at the polling place 3012  
stating that the individual is both of the following: 3013

(a) A registered voter in the precinct in which the 3014  
individual desires to vote; 3015

(b) Eligible to vote in that election. 3016

(3) An election official at the polling place shall 3017  
transmit the ballot cast by the individual and the voter 3018  
information contained in the written affirmation executed by the 3019  
individual under division (B)(2) of this section to an 3020  
appropriate local election official for verification under 3021  
division (B)(4) of this section. 3022

(4) If the appropriate local election official to whom the 3023  
ballot or voter or address information is transmitted under 3024  
division (B)(3) of this section determines that the individual 3025  
is eligible to vote, the individual's provisional ballot shall 3026  
be counted as a vote in that election. 3027

(5) (a) At the time that an individual casts a provisional 3028  
ballot, the appropriate local election official shall give the 3029  
individual written information that states that any individual 3030  
who casts a provisional ballot will be able to ascertain under 3031  
the system established under division (B)(5)(b) of this section 3032  
whether the vote was counted, and, if the vote was not counted, 3033  
the reason that the vote was not counted. 3034

(b) The appropriate state or local election official shall 3035  
establish a free access system, in the form of a toll-free 3036

telephone number, that any individual who casts a provisional 3037  
ballot may access to discover whether the vote of that 3038  
individual was counted, and, if the vote was not counted, the 3039  
reason that the vote was not counted. The free access system 3040  
established under this division also shall provide to an 3041  
individual whose provisional ballot was not counted information 3042  
explaining how that individual may contact the board of 3043  
elections to register to vote or to resolve problems with the 3044  
individual's voter registration. 3045

The appropriate state or local election official shall 3046  
establish and maintain reasonable procedures necessary to 3047  
protect the security, confidentiality, and integrity of personal 3048  
information collected, stored, or otherwise used by the free 3049  
access system established under this division. The system shall 3050  
permit an individual only to gain access to information about 3051  
the individual's own provisional ballot. 3052

(6) If, at the time that an individual casts a provisional 3053  
ballot, the individual provides identification in the form of a 3054  
current and valid photo identification, a military 3055  
identification, or a copy of a current utility bill, bank 3056  
statement, government check, paycheck, or other government 3057  
document, other than a notice of voter registration mailed by a 3058  
board of elections under section 3503.19 of the Revised Code, 3059  
that shows the individual's name and current address, or 3060  
provides the individual's driver's license or state 3061  
identification card number or the last four digits of the 3062  
individual's social security number, the individual shall record 3063  
the type of identification provided or the driver's license, 3064  
state identification card, or social security number information 3065  
and include that information on the provisional ballot 3066  
affirmation under division (B) (3) of this section. 3067



(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 3098  
the applicable challenge questions asked of that individual 3099  
under section 3505.20 of the Revised Code. 3100

(C) (1) If an individual declares that the individual is 3101  
eligible to vote in a precinct other than the precinct in which 3102  
the individual desires to vote, or if, upon review of the 3103  
precinct voting location guide using the residential street 3104  
address provided by the individual, an election official at the 3105  
precinct at which the individual desires to vote determines that 3106  
the individual is not eligible to vote in that precinct, the 3107  
election official shall direct the individual to the precinct 3108  
and polling place in which the individual appears to be eligible 3109  
to vote, explain that the individual may cast a provisional 3110  
ballot at the current location but the ballot or a portion of 3111  
the ballot will not be counted if it is cast in the wrong 3112  
precinct, and provide the telephone number of the board of 3113  
elections in case the individual has additional questions. 3114

(2) If the individual refuses to travel to the correct 3115  
precinct or to the office of the board of elections to cast a 3116  
ballot, the individual shall be permitted to vote a provisional 3117  
ballot at that precinct in accordance with division (B) of this 3118  
section. If the individual is in the correct polling location 3119  
for the precinct in which the individual is registered and 3120  
eligible to vote, the election official shall complete and sign, 3121  
under penalty of election falsification, a form that includes 3122  
all of the following, and attach the form to the individual's 3123  
provisional ballot affirmation: 3124

(a) The name or number of the individual's correct 3125  
precinct; 3126

(b) A statement that the election official instructed the 3127

individual to travel to the correct precinct to vote; 3128

(c) A statement that the election official informed the 3129  
individual that casting a provisional ballot in the wrong 3130  
precinct would result in all or a portion of the votes on the 3131  
ballot being rejected; 3132

(d) The name or number of the precinct in which the 3133  
individual is casting a provisional ballot; and 3134

(e) The name of the polling location in which the 3135  
individual is casting a provisional ballot. 3136

(D) The appropriate local election official shall cause 3137  
voting information to be publicly posted at each polling place 3138  
on the day of each election. 3139

(E) As used in this section and sections 3505.182 and 3140  
3505.183 of the Revised Code: 3141

(1) "Precinct voting location guide" means either of the 3142  
following: 3143

(a) An electronic or paper record that lists the correct 3144  
precinct and polling place for either each specific residential 3145  
street address in the county or the range of residential street 3146  
addresses located in each neighborhood block in the county; 3147

(b) Any other method that a board of elections creates 3148  
that allows a precinct election official or any elector who is 3149  
at a polling place in that county to determine the correct 3150  
precinct and polling place of any qualified elector who resides 3151  
in the county. 3152

(2) "Voting information" means all of the following: 3153

(a) A sample version of the ballot that will be used for 3154

that election; 3155

(b) Information regarding the date of the election and the 3156  
hours during which polling places will be open; 3157

(c) Instructions on how to vote, including how to cast a 3158  
vote and how to cast a provisional ballot; 3159

(d) Instructions for mail-in registrants and first-time 3160  
voters under applicable federal and state laws; 3161

(e) General information on voting rights under applicable 3162  
federal and state laws, including information on the right of an 3163  
individual to cast a provisional ballot and instructions on how 3164  
to contact the appropriate officials if these rights are alleged 3165  
to have been violated; 3166

(f) General information on federal and state laws 3167  
regarding prohibitions against acts of fraud and 3168  
misrepresentation. 3169

(F) Nothing in this section or section 3505.183 of the 3170  
Revised Code is in derogation of section 3505.24 of the Revised 3171  
Code, which permits a blind, disabled, or illiterate elector to 3172  
receive assistance in the marking of the elector's ballot by two 3173  
precinct election officials of different political parties. A 3174  
blind, disabled, or illiterate elector may receive assistance in 3175  
marking that elector's provisional ballot and in completing the 3176  
required affirmation in the same manner as an elector may 3177  
receive assistance on the day of an election under that section. 3178

**Sec. 3505.182.** Each individual who casts a provisional 3179  
ballot under section 3505.181 of the Revised Code shall execute 3180  
a written affirmation. The form of the written affirmation shall 3181  
be printed upon the face of the provisional ballot envelope and 3182  
shall be as follows: 3183

"Provisional Ballot Affirmation	3184
(A) Clearly print your full name: .....	3185
(B) Write your date of birth: .....	3186
(C) (1) Write your current address: .....	3187
.....	3188
(2) Have you moved without updating your voter registration?:	3189 3190
Yes ..... No .....	3191
If yes, write your former address: .....	3192
.....	3193
Failure to provide your former address will not cause your provisional ballot to be rejected.	3194 3195
<u>(3) If you have a confidential voter registration record,</u>	3196
<u>write your address confidentiality program participant</u>	3197
<u>identification number: .....</u>	3198
<u>If you have a confidential voter registration record and</u>	3199
<u>you have not moved without updating your voter registration, you</u>	3200
<u>may provide your participant identification number instead of</u>	3201
<u>your current address.</u>	3202
(D) Provide one of the following forms of identification:	3203
(1) Write your full Ohio driver's license or state identification card number: .....	3204 3205
(2) Write the last four digits of your Social Security number: .....	3206 3207
(3) If you did not write your full Ohio driver's license	3208

or state identification card number or the last four digits of 3209  
your Social Security number, you must show one of the following 3210  
forms of identification to the precinct election official. If 3211  
you do not check one of the following boxes affirming the type 3212  
of identification you showed to the precinct election official, 3213  
the board of elections will conclude that you did not show 3214  
identification to your precinct election official and that you 3215  
must show identification at the board of elections during the 3216  
seven days after the election for your vote to be eligible to be 3217  
counted. 3218

..... A form of photo identification that was issued by 3219  
the United States government or the State of Ohio, that contains 3220  
your name and current address (or your former address if the 3221  
identification is an Ohio driver's license or state 3222  
identification card), and that has an expiration date that has 3223  
not passed; 3224

..... A military identification card; or 3225

..... A current utility bill, bank statement, government 3226  
check, paycheck, or other government document, other than a 3227  
notice of voter registration mailed by a board of elections, 3228  
that contains your name and current address. 3229

(4) If you fail to provide identification at this time, 3230  
you must go to the board of elections on or before the seventh 3231  
day following this election to provide a qualifying form of 3232  
identification in order for this ballot to count. 3233

(E) If your right to vote has been challenged, you must 3234  
provide any required additional information to the board of 3235  
elections on or before the seventh day following this election. 3236

(F) Sign and date the following statement: 3237

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.

..... 3264

Signature of Voter 3265

..... 3266

Date 3267

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 3268  
FELONY OF THE FIFTH DEGREE." 3269

In addition to any information required to be included on 3270  
the written affirmation, an individual casting a provisional 3271  
ballot may provide additional information to the election 3272  
official to assist the board of elections in determining the 3273  
individual's eligibility to vote in that election, including the 3274  
date and location at which the individual registered to vote, if 3275  
known. 3276

If the individual provided all of the information required 3277  
under section 3503.14 of the Revised Code to register to vote or 3278  
to update the individual's registration on the provisional 3279  
ballot affirmation, the board of elections shall consider the 3280  
individual's provisional ballot affirmation to also serve as a 3281  
notice of change of name, change of residence, or both, or as a 3282  
voter registration form, as applicable, for that individual only 3283  
for the purposes of future elections. 3284

**Sec. 3505.183.** (A) When the ballot boxes are delivered to 3285  
the board of elections from the precincts, the board shall 3286  
separate the provisional ballot envelopes from the rest of the 3287  
ballots. Teams of employees of the board consisting of one 3288  
member of each major political party shall place the sealed 3289  
provisional ballot envelopes in a secure location within the 3290  
office of the board. The sealed provisional ballot envelopes 3291  
shall remain in that secure location until the validity of those 3292  
ballots is determined under division (B) of this section. While 3293  
the provisional ballot is stored in that secure location, and 3294  
prior to the counting of the provisional ballots, if the board 3295  
receives information regarding the validity of a specific 3296



provisional ballot under division (B) of this section, the board 3297  
may note, on the sealed provisional ballot envelope for that 3298  
ballot, whether the ballot is valid and entitled to be counted. 3299

(B) (1) To determine whether a provisional ballot is valid 3300  
and entitled to be counted, the board shall examine its records 3301  
and determine whether the individual who cast the provisional 3302  
ballot is registered and eligible to vote in the applicable 3303  
election. The board shall examine the information contained in 3304  
the written affirmation executed by the individual who cast the 3305  
provisional ballot under division (B) (2) of section 3505.181 of 3306  
the Revised Code. ~~The~~ 3307

(a) Except as otherwise provided in division (B) (1) (b) of 3308  
this section, the following information shall be included in the 3309  
written affirmation in order for the provisional ballot to be 3310  
eligible to be counted: 3311

~~(a)~~ (i) The individual's printed name, signature, date of 3312  
birth, and current address; 3313

~~(b)~~ (ii) A statement that the individual is a registered 3314  
voter in the precinct in which the provisional ballot is being 3315  
voted; 3316

~~(c)~~ (iii) A statement that the individual is eligible to 3317  
vote in the election in which the provisional ballot is being 3318  
voted. 3319

(b) If the individual has a confidential voter 3320  
registration record and the written affirmation includes the 3321  
individual's program participant identification number, the 3322  
written affirmation need not include the individual's current 3323  
address in order for the provisional ballot to be eligible to be 3324  
counted. 3325

(2) In addition to the information required to be included 3326  
in an affirmation under division (B) (1) of this section, in 3327  
determining whether a provisional ballot is valid and entitled 3328  
to be counted, the board also shall examine any additional 3329  
information for determining ballot validity provided by the 3330  
provisional voter on the affirmation, provided by the 3331  
provisional voter to an election official under section 3505.182 3332  
of the Revised Code, or provided to the board of elections 3333  
during the seven days after the day of the election under 3334  
division (B) (7) of section 3505.181 of the Revised Code, to 3335  
assist the board in determining the individual's eligibility to 3336  
vote. 3337

(3) If, in examining a provisional ballot affirmation and 3338  
additional information under divisions (B) (1) and (2) of this 3339  
section and comparing the information required under division 3340  
(B) (1) of this section with the elector's information in the 3341  
statewide voter registration database, the board determines that 3342  
all of the following apply, the provisional ballot envelope 3343  
shall be opened, and the ballot shall be placed in a ballot box 3344  
to be counted: 3345

(a) The individual named on the affirmation is properly 3346  
registered to vote. 3347

(b) The individual named on the affirmation is eligible to 3348  
cast a ballot in the precinct and for the election in which the 3349  
individual cast the provisional ballot. 3350

(c) The individual provided all of the information 3351  
required under division (B) (1) of this section in the 3352  
affirmation that the individual executed at the time the 3353  
individual cast the provisional ballot. 3354

(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 3384  
election resulted in the individual's inclusion in the official 3385  
registration list. 3386

(4) (a) Except as otherwise provided in division (D) of 3387  
this section, if, in examining a provisional ballot affirmation 3388  
and additional information under divisions (B) (1) and (2) of 3389  
this section and comparing the information required under 3390  
division (B) (1) of this section with the elector's information 3391  
in the statewide voter registration database, the board 3392  
determines that any of the following applies, the provisional 3393  
ballot envelope shall not be opened, and the ballot shall not be 3394  
counted: 3395

(i) The individual named on the affirmation is not 3396  
qualified or is not properly registered to vote. 3397

(ii) The individual named on the affirmation is not 3398  
eligible to cast a ballot in the precinct or for the election in 3399  
which the individual cast the provisional ballot. 3400

(iii) The individual did not provide all of the 3401  
information required under division (B) (1) of this section in 3402  
the affirmation that the individual executed at the time the 3403  
individual cast the provisional ballot. 3404

(iv) The individual has already cast a ballot for the 3405  
election in which the individual cast the provisional ballot. 3406

(v) If applicable, the individual did not provide any 3407  
additional information required under division (B) (7) of section 3408  
3505.181 of the Revised Code within seven days after the day of 3409  
the election. 3410

(vi) If applicable, the hearing conducted under division 3411  
(B) of section 3503.24 of the Revised Code after the day of the 3412

election did not result in the individual's inclusion in the 3413  
official registration list. 3414

(vii) The individual failed to provide a current and valid 3415  
photo identification, a military identification, a copy of a 3416  
current utility bill, bank statement, government check, 3417  
paycheck, or other government document, other than a notice of 3418  
voter registration mailed by a board of elections under section 3419  
3503.19 of the Revised Code, with the voter's name and current 3420  
address, the individual's driver's license or state 3421  
identification card number, or the last four digits of the 3422  
individual's social security number or to execute an affirmation 3423  
under division (B) of section 3505.181 of the Revised Code. 3424

(viii) The last four digits of the elector's social 3425  
security number or the elector's driver's license number or 3426  
state identification card number are different from the last 3427  
four digits of the elector's social security number or the 3428  
elector's driver's license number or state identification card 3429  
number contained in the statewide voter registration database. 3430

(ix) Except as otherwise provided in this division, the 3431  
month and day of the elector's date of birth are different from 3432  
the day and month of the elector's date of birth contained in 3433  
the statewide voter registration database. 3434

This division does not apply to an elector's provisional 3435  
ballot if either of the following is true: 3436

(I) The elector's date of birth contained in the statewide 3437  
voter registration database is January 1, 1800. 3438

(II) The board of elections has found, by a vote of at 3439  
least three of its members, that the elector has met all of the 3440  
requirements of division (B) (3) of this section, other than the 3441

requirements of division (B) (3) (e) of this section. 3442

(x) The elector's current address is different from the 3443  
elector's address contained in the statewide voter registration 3444  
database, unless the elector indicated that the elector is 3445  
casting a provisional ballot because the elector has moved and 3446  
has not submitted a notice of change of address, as described in 3447  
division (A) (6) of section 3505.181 of the Revised Code. 3448

(b) If, in examining a provisional ballot affirmation and 3449  
additional information under divisions (B) (1) and (2) of this 3450  
section and comparing the information required under division 3451  
(B) (1) of this section with the elector's information in the 3452  
statewide voter registration database, the board is unable to 3453  
determine either of the following, the provisional ballot 3454  
envelope shall not be opened, and the ballot shall not be 3455  
counted: 3456

(i) Whether the individual named on the affirmation is 3457  
qualified or properly registered to vote; 3458

(ii) Whether the individual named on the affirmation is 3459  
eligible to cast a ballot in the precinct or for the election in 3460  
which the individual cast the provisional ballot. 3461

(C) For each provisional ballot rejected under division 3462  
(B) (4) of this section, the board shall record the name of the 3463  
provisional voter who cast the ballot, the identification number 3464  
of the provisional ballot envelope, the names of the election 3465  
officials who determined the validity of that ballot, the date 3466  
and time that the determination was made, and the reason that 3467  
the ballot was not counted, unless the board has already 3468  
recorded that information in another database. 3469

(D) (1) If an individual cast a provisional ballot in a 3470

precinct in which the individual is not registered and eligible 3471  
to vote, but in the correct polling location for the precinct in 3472  
which the individual is registered and eligible to vote, and the 3473  
election official failed to direct the individual to the correct 3474  
precinct, the individual's ballot shall be remade under division 3475  
(D) (2) of this section. The election official shall be deemed to 3476  
have directed the individual to the correct precinct if the 3477  
election official correctly completed the form described in 3478  
division (C) (2) of section 3505.181 of the Revised Code. 3479

(2) A board of elections that remakes a provisional ballot 3480  
under division (D) (1) of this section shall remake the 3481  
provisional ballot on a ballot for the appropriate precinct to 3482  
reflect the offices, questions, and issues for which the 3483  
individual was eligible to cast a ballot and for which the 3484  
individual attempted to cast a provisional ballot. The remade 3485  
ballot shall be counted for each office, question, and issue for 3486  
which the individual was eligible to vote. 3487

(3) If an individual cast a provisional ballot in a 3488  
precinct in which the individual is not registered and eligible 3489  
to vote and in the incorrect polling location for the precinct 3490  
in which the individual is registered and eligible to vote, the 3491  
provisional ballot envelope shall not be opened, and the ballot 3492  
shall not be counted. 3493

(E) Provisional ballots that are rejected under division 3494  
(B) (4) of this section shall not be counted but shall be 3495  
preserved in their provisional ballot envelopes unopened until 3496  
the time provided by section 3505.31 of the Revised Code for the 3497  
destruction of all other ballots used at the election for which 3498  
ballots were provided, at which time they shall be destroyed. 3499

(F) (1) Provisional ballots that the board determines are 3500

eligible to be counted under division (B) (3) or (D) of this 3501  
section shall be counted in the same manner as provided for 3502  
other ballots under section 3505.27 of the Revised Code. No 3503  
provisional ballots shall be counted in a particular county 3504  
until the board determines the eligibility to be counted of all 3505  
provisional ballots cast in that county under division (B) of 3506  
this section for that election. ~~Observers~~ 3507

(2) (a) Except as otherwise provided in division (F) (2) (b) 3508  
of this section, observers, as provided in section 3505.21 of 3509  
the Revised Code, may be present at all times that the board is 3510  
determining the eligibility of provisional ballots to be counted 3511  
and counting those provisional ballots determined to be 3512  
eligible. ~~No~~ 3513

(b) Observers shall not be permitted to witness the 3514  
determination of the eligibility to be counted of, or the 3515  
counting of, provisional ballots cast by electors who have 3516  
confidential voter registration records in a manner that would 3517  
permit the observers to learn the identities or residence 3518  
addresses of those electors. 3519

(3) No person shall recklessly disclose the count or any 3520  
portion of the count of provisional ballots in such a manner as 3521  
to jeopardize the secrecy of any individual ballot. 3522

(G) (1) Except as otherwise provided in division (G) (2) of 3523  
this section, nothing in this section shall prevent a board of 3524  
elections from examining provisional ballot affirmations and 3525  
additional information under divisions (B) (1) and (2) of this 3526  
section to determine the eligibility of provisional ballots to 3527  
be counted during the ten days after the day of an election. 3528

(2) A board of elections shall not examine the provisional 3529



ballot affirmation and additional information under divisions 3530  
(B) (1) and (2) of this section of any provisional ballot cast by 3531  
an individual who must provide additional information to the 3532  
board of elections under division (B) (7) of section 3505.181 of 3533  
the Revised Code for the board to determine the individual's 3534  
eligibility until the individual provides that information, 3535  
until any hearing required to be conducted under section 3503.24 3536  
of the Revised Code with regard to the provisional voter is 3537  
held, or until the eleventh day after the day of the election, 3538  
whichever is earlier. 3539

**Sec. 3509.03.** (A) Except as provided in division (B) of 3540  
section 3509.08 of the Revised Code, any qualified elector 3541  
desiring to vote absent voter's ballots at an election shall 3542  
make written application for those ballots to the director of 3543  
elections of the county in which the elector's voting residence 3544  
is located. ~~The~~ 3545

(B) Except as otherwise provided in division (C) of this 3546  
section, the application need not be in any particular form but 3547  
shall contain all of the following: 3548

~~(A)~~ (1) The elector's name; 3549

~~(B)~~ (2) The elector's signature; 3550

~~(C)~~ (3) The address at which the elector is registered to 3551  
vote; 3552

~~(D)~~ (4) The elector's date of birth; 3553

~~(E)~~ (5) One of the following: 3554

~~(1)~~ (a) The elector's driver's license number; 3555

~~(2)~~ (b) The last four digits of the elector's social 3556  
security number; 3557

~~(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 3587  
office of the board. 3588

(E) A board of elections that mails an absent voter's 3589  
ballot application to an elector under this section shall not 3590  
prepay the return postage for that application. 3591

(F) Except as otherwise provided in this section and in 3592  
sections 3505.24 and 3509.08 of the Revised Code, an election 3593  
official shall not fill out any portion of an application for 3594  
absent voter's ballots on behalf of an applicant. The secretary 3595  
of state or a board of elections may preprint only an 3596  
applicant's name and address on an application for absent 3597  
voter's ballots before mailing that application to the 3598  
applicant, except that if the applicant has a confidential voter 3599  
registration record, the secretary of state or a board of 3600  
elections shall not preprint the applicant's address on the 3601  
application. 3602

**Sec. 3509.04.** (A) If a director of a board of elections 3603  
receives an application for absent voter's ballots that does not 3604  
contain all of the required information, the director promptly 3605  
shall notify the applicant of the additional information 3606  
required to be provided by the applicant to complete that 3607  
application. 3608

(B) Upon receipt by the director of elections of an 3609  
application for absent voter's ballots that contains all of the 3610  
required information, as provided by section 3509.03 and 3611  
division (G) of section 3503.16 of the Revised Code, the 3612  
director, if the director finds that the applicant is a 3613  
qualified elector, shall deliver to the applicant in person or 3614  
mail directly to the applicant by special delivery mail, air 3615  
mail, or regular mail, postage prepaid, proper absent voter's 3616

ballots. The director shall deliver or mail with the ballots an 3617  
unsealed identification envelope upon the face of which shall be 3618  
printed a form substantially as follows: 3619

"Identification Envelope Statement of Voter 3620

I, .....(Name of voter), declare under 3621  
penalty of election falsification that the within ballot or 3622  
ballots contained no voting marks of any kind when I received 3623  
them, and I caused the ballot or ballots to be marked, enclosed 3624  
in the identification envelope, and sealed in that envelope. 3625

My voting residence in Ohio is 3626  
..... 3627

(Street and Number, if any, or Rural Route and Number) 3628  
of ..... (City, Village, or Township) 3629  
Ohio, which is in Ward ..... Precinct ..... 3630  
in that city, village, or township. 3631

If I have a confidential voter registration record, I am 3632  
providing my program participant identification number instead 3633  
of my residence address: ..... 3634

The primary election ballots, if any, within this envelope 3635  
are primary election ballots of the ..... Party. 3636

Ballots contained within this envelope are to be voted at 3637  
the ..... (general, special, or primary) election to be 3638  
held on the ..... day 3639  
of ....., .... 3640

My date of birth is ..... (Month and 3641  
Day), ..... (Year). 3642

(Voter must provide one of the following:) 3643

My driver's license number is ..... (Driver's license number). 3644  
3645

The last four digits of my Social Security Number are ..... (Last four digits of Social Security Number). 3646  
3647  
3648

..... 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. 3649  
3650  
3651  
3652  
3653  
3654  
3655  
3656  
3657

I hereby declare, under penalty of election falsification, that the statements above are true, as I verily believe. 3658  
3659

..... (Signature of Voter) 3660

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE." 3661  
3662

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. 3663  
3664  
3665  
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A board of elections that mails or otherwise delivers 3672

absent voter's ballots to an elector under this section shall 3673  
not prepay the return postage for those ballots. 3674

Except as otherwise provided in this section and in 3675  
sections 3505.24 and 3509.08 of the Revised Code, an election 3676  
official shall not fill out any portion of an identification 3677  
envelope statement of voter or an absent voter's ballot on 3678  
behalf of an elector. A board of elections may preprint only an 3679  
elector's name and address on an identification envelope 3680  
statement of voter before mailing absent voter's ballots to the 3681  
elector, except that if the elector has a confidential voter 3682  
registration record, as described in section 111.44 of the 3683  
Revised Code, the board of elections shall not preprint the 3684  
elector's address on the identification envelope statement of 3685  
voter. 3686

**Sec. 3509.05.** (A) When an elector receives an absent 3687  
voter's ballot pursuant to the elector's application or request, 3688  
the elector shall, before placing any marks on the ballot, note 3689  
whether there are any voting marks on it. If there are any 3690  
voting marks, the ballot shall be returned immediately to the 3691  
board of elections; otherwise, the elector shall cause the 3692  
ballot to be marked, folded in a manner that the stub on it and 3693  
the indorsements and facsimile signatures of the members of the 3694  
board of elections on the back of it are visible, and placed and 3695  
sealed within the identification envelope received from the 3696  
director of elections for that purpose. Then, the elector shall 3697  
cause the statement of voter on the outside of the 3698  
identification envelope to be completed and signed, under 3699  
penalty of election falsification. 3700

If the elector does not provide the elector's driver's 3701  
license number or the last four digits of the elector's social 3702

security number on the statement of voter on the identification 3703  
envelope, the elector also shall include in the return envelope 3704  
with the identification envelope a copy of the elector's current 3705  
valid photo identification, a copy of a military identification, 3706  
or a copy of a current utility bill, bank statement, government 3707  
check, paycheck, or other government document, other than a 3708  
notice of voter registration mailed by a board of elections 3709  
under section 3503.19 of the Revised Code, that shows the name 3710  
and address of the elector. 3711

The elector shall mail the identification envelope to the 3712  
director from whom it was received in the return envelope, 3713  
postage prepaid, or the elector may personally deliver it to the 3714  
director, or the spouse of the elector, the father, mother, 3715  
father-in-law, mother-in-law, grandfather, grandmother, brother, 3716  
or sister of the whole or half blood, or the son, daughter, 3717  
adopting parent, adopted child, stepparent, stepchild, uncle, 3718  
aunt, nephew, or niece of the elector may deliver it to the 3719  
director. The return envelope shall be transmitted to the 3720  
director in no other manner, except as provided in section 3721  
3509.08 of the Revised Code. 3722

When absent voter's ballots are delivered to an elector at 3723  
the office of the board, the elector may retire to a voting 3724  
compartment provided by the board and there mark the ballots. 3725  
Thereupon, the elector shall fold them, place them in the 3726  
identification envelope provided, seal the envelope, fill in and 3727  
sign the statement on the envelope under penalty of election 3728  
falsification, and deliver the envelope to the director of the 3729  
board. 3730

Except as otherwise provided in division (B) of this 3731  
section, all other envelopes containing marked absent voter's 3732

ballots shall be delivered to the director not later than the 3733  
close of the polls on the day of an election. Absent voter's 3734  
ballots delivered to the director later than the times specified 3735  
shall not be counted, but shall be kept by the board in the 3736  
sealed identification envelopes in which they are delivered to 3737  
the director, until the time provided by section 3505.31 of the 3738  
Revised Code for the destruction of all other ballots used at 3739  
the election for which ballots were provided, at which time they 3740  
shall be destroyed. 3741

(B) (1) Except as otherwise provided in division (B) (2) of 3742  
this section, any return envelope that is postmarked prior to 3743  
the day of the election shall be delivered to the director prior 3744  
to the eleventh day after the election. Ballots delivered in 3745  
envelopes postmarked prior to the day of the election that are 3746  
received after the close of the polls on election day through 3747  
the tenth day thereafter shall be counted on the eleventh day at 3748  
the board of elections in the manner provided in divisions (C) 3749  
and (D) of section 3509.06 of the Revised Code or in the manner 3750  
provided in division (E) of that section, as applicable. Any 3751  
such ballots that are received by the director later than the 3752  
tenth day following the election shall not be counted, but shall 3753  
be kept by the board in the sealed identification envelopes as 3754  
provided in division (A) of this section. 3755

(2) Division (B) (1) of this section shall not apply to any 3756  
mail that is postmarked using a postage evidencing system, 3757  
including a postage meter, as defined in 39 C.F.R. 501.1. 3758

**Sec. 3509.06.** (A) The board of elections shall determine 3759  
whether absent voter's ballots shall be counted in each 3760  
precinct, at the office of the board, or at some other location 3761  
designated by the board, and shall proceed accordingly under 3762



division (B) ~~or, (C), or (E)~~ of this section, as applicable. 3763

(B) ~~When~~ (1) Except as otherwise provided in division (B) 3764  
(2) of this section, when the board of elections determines that 3765  
absent voter's ballots shall be counted in each precinct, the 3766  
director shall deliver to the voting location manager of each 3767  
precinct on election day identification envelopes purporting to 3768  
contain absent voter's ballots of electors whose voting 3769  
residence appears from the statement of voter on the outside of 3770  
each of those envelopes, to be located in that manager's 3771  
precinct, and which were received by the director not later than 3772  
the close of the polls on election day. The director shall 3773  
deliver to the voting location manager a list containing the 3774  
name and voting residence of each person whose voting residence 3775  
is in such precinct to whom absent voter's ballots were mailed. 3776

(2) The director shall not deliver to the voting location 3777  
manager identification envelopes cast by electors who provided a 3778  
program participant identification number instead of a residence 3779  
address on the identification envelope and shall not inform the 3780  
voting location manager of the names and voting residences of 3781  
persons who have confidential voter registration records. Those 3782  
identification envelopes shall be examined and processed as 3783  
described in division (E) of this section. 3784

(C) When the board of elections determines that absent 3785  
voter's ballots shall be counted at the office of the board of 3786  
elections or at another location designated by the board, 3787  
special election officials shall be appointed by the board for 3788  
that purpose having the same authority as is exercised by 3789  
precinct election officials. The votes so cast shall be added to 3790  
the vote totals by the board, and the absent voter's ballots 3791  
shall be preserved separately by the board, in the same manner 3792

and for the same length of time as provided by section 3505.31 3793  
of the Revised Code. 3794

(D) Each of the identification envelopes purporting to 3795  
contain absent voter's ballots delivered to the voting location 3796  
manager of the precinct or the special election official 3797  
appointed by the board of elections shall be handled as follows: 3798

(1) The election officials shall compare the signature of 3799  
the elector on the outside of the identification envelope with 3800  
the signature of that elector on the elector's registration form 3801  
and verify that the absent voter's ballot is eligible to be 3802  
counted under section 3509.07 of the Revised Code. 3803

(2) (a) Any of the precinct officials may challenge the 3804  
right of the elector named on the identification envelope to 3805  
vote the absent voter's ballots upon the ground that the 3806  
signature on the envelope is not the same as the signature on 3807  
the registration form, that the identification envelope 3808  
statement of voter is incomplete, or upon any other of the 3809  
grounds upon which the right of persons to vote may be lawfully 3810  
challenged. 3811

(b) If the elector's name does not appear in the pollbook 3812  
or poll list or signature pollbook, the precinct officials shall 3813  
deliver the absent voter's ballots to the director of the board 3814  
of elections to be examined and processed in the manner 3815  
described in division (E) of this section. 3816

(3) (a) ~~An~~ Except as otherwise provided in division (D) (3) 3817  
(c) of this section, an identification envelope statement of 3818  
voter shall be considered incomplete if it does not include all 3819  
of the following: 3820

(i) The voter's name; 3821

(ii) The voter's residence address;	3822
(iii) The voter's date of birth. The requirements of this	3823
division are satisfied if the voter provided a date of birth and	3824
any of the following is true:	3825
(I) The month and day of the voter's date of birth on the	3826
identification envelope statement of voter are not different	3827
from the month and day of the voter's date of birth contained in	3828
the statewide voter registration database.	3829
(II) The voter's date of birth contained in the statewide	3830
voter registration database is January 1, 1800.	3831
(III) The board of elections has found, by a vote of at	3832
least three of its members, that the voter has met the	3833
requirements of divisions (D) (3) (a) (i), (ii), (iv), and (v) of	3834
this section.	3835
(iv) The voter's signature; and	3836
(v) One of the following forms of identification:	3837
(I) The voter's driver's license number;	3838
(II) The last four digits of the voter's social security	3839
number; or	3840
(III) A copy of a current and valid photo identification,	3841
a military identification, or a current utility bill, bank	3842
statement, government check, paycheck, or other government	3843
document, other than a notice of voter registration mailed by a	3844
board of elections, that shows the voter's name and address.	3845
(b) If the election officials find that the identification	3846
envelope statement of voter is incomplete or that the	3847
information contained in that statement does not conform to the	3848

information contained in the statewide voter registration 3849  
database concerning the voter, the election officials shall mail 3850  
a written notice to the voter, informing the voter of the nature 3851  
of the defect. The notice shall inform the voter that in order 3852  
for the voter's ballot to be counted, the voter must provide the 3853  
necessary information to the board of elections in writing and 3854  
on a form prescribed by the secretary of state not later than 3855  
the seventh day after the day of the election. The voter may 3856  
deliver the form to the office of the board in person or by 3857  
mail. If the voter provides the necessary information to the 3858  
board of elections not later than the seventh day after the day 3859  
of the election and the ballot is not successfully challenged on 3860  
another basis, the voter's ballot shall be counted in accordance 3861  
with this section. 3862

(c) An identification envelope statement of voter that 3863  
does not contain the voter's residence address shall not be 3864  
considered incomplete if the voter has a confidential voter 3865  
registration record, as described in section 111.44 of the 3866  
Revised Code, and the voter provided the voter's program 3867  
participant identification number. 3868

(4) If no such challenge is made, or if such a challenge 3869  
is made and not sustained, the voting location manager shall 3870  
open the envelope without defacing the statement of voter and 3871  
without mutilating the ballots in it, and shall remove the 3872  
ballots contained in it and proceed to count them. 3873

~~(5) The~~ (a) Except as otherwise provided in division (D) 3874  
(5) (b) of this section, the name of each person voting who is 3875  
entitled to vote only an absent voter's presidential ballot 3876  
shall be entered in a pollbook or poll list or signature 3877  
pollbook followed by the words "Absentee Presidential Ballot." 3878

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 3909  
be counted the voter must provide the necessary information to 3910  
the board of elections in writing and on a form prescribed by 3911  
the secretary of state not later than the seventh day after the 3912  
day of the election. The voter may deliver the form to the 3913  
office of the board in person or by mail. If the voter provides 3914  
the necessary information to the board of elections not later 3915  
than the seventh day after the day of the election and the 3916  
ballot is not successfully challenged on another basis, the 3917  
voter's ballot shall be counted in accordance with this section. 3918

(3) The director or the deputy director may challenge the 3919  
ballot on the ground that the signature on the envelope is not 3920  
the same as the signature on the registration form, that the 3921  
identification envelope statement of voter is incomplete, or 3922  
upon any other of the grounds upon which the right of persons to 3923  
vote may be lawfully challenged. If such a challenge is made, 3924  
the board of elections shall decide whether to sustain the 3925  
challenge. 3926

(4) If neither the director nor the deputy director 3927  
challenges the ballot, or if such a challenge is made and not 3928  
sustained, the director and the deputy director shall open the 3929  
envelope without defacing the statement of voter and without 3930  
mutilating the ballots in it, shall remove the ballots contained 3931  
in it, and shall transmit the ballots to the election officials 3932  
to be counted with other absent voter's ballots from that 3933  
precinct. 3934

(F) Special election officials, employees or members of 3935  
the board of elections, or observers shall not disclose the 3936  
count or any portion of the count of absent voter's ballots 3937  
prior to the time of the closing of the polling places. No 3938

person shall recklessly disclose the count or any portion of the 3939  
count of absent voter's ballots in such a manner as to 3940  
jeopardize the secrecy of any individual ballot. 3941

~~(F) Observers~~ (G) (1) Except as otherwise provided in 3942  
division (G) (2) of this section, observers may be appointed 3943  
under section 3505.21 of the Revised Code to witness the 3944  
examination and opening of identification envelopes and the 3945  
counting of absent voters' ballots under this section. 3946

(2) Observers shall not be permitted to witness the 3947  
examination and opening of identification envelopes returned by, 3948  
and the counting of absent voter's ballots cast by, electors who 3949  
have confidential voter registration records in a manner that 3950  
would permit the observers to learn the identities or residence 3951  
addresses of those electors. 3952

**Sec. 3509.07.** If election officials find that any of the 3953  
following are true concerning an absent voter's ballot or absent 3954  
voter's presidential ballot and, if applicable, the person did 3955  
not provide any required additional information to the board of 3956  
elections not later than the seventh day after the day of the 3957  
election, as permitted under division (D) (3) (b) or (E) (2) of 3958  
section 3509.06 of the Revised Code, the ballot shall not be 3959  
accepted or counted: 3960

(A) The statement accompanying the ballot is incomplete as 3961  
described in division (D) (3) (a) of section 3509.06 of the 3962  
Revised Code or is insufficient; 3963

(B) The signatures do not correspond with the person's 3964  
registration signature; 3965

(C) The applicant is not a qualified elector in the 3966  
precinct; 3967

(D) The ballot envelope contains more than one ballot of 3968  
any one kind, or any voted ballot that the elector is not 3969  
entitled to vote; 3970

(E) Stub A is detached from the absent voter's ballot or 3971  
absent voter's presidential ballot; or 3972

(F) The elector has not included with the elector's ballot 3973  
any identification required under section 3509.05 or 3511.09 of 3974  
the Revised Code. 3975

The vote of any absent voter may be challenged for cause 3976  
in the same manner as other votes are challenged, and the 3977  
election officials shall determine the legality of that ballot. 3978  
Every ballot not counted shall be endorsed on its back "Not 3979  
Counted" with the reasons the ballot was not counted, and shall 3980  
be enclosed and returned to or retained by the board of 3981  
elections along with the contested ballots. 3982

**Sec. 3509.09.** (A) The poll list or signature pollbook for 3983  
each precinct shall identify each registered elector in that 3984  
precinct who has requested an absent voter's ballot for that 3985  
election, other than an elector who has a confidential voter 3986  
registration record, as described in section 111.44 of the 3987  
Revised Code. 3988

(B) (1) If a registered elector appears to vote in that 3989  
precinct and that elector has requested an absent voter's ballot 3990  
for that election but the director has not received a sealed 3991  
identification envelope purporting to contain that elector's 3992  
voted absent voter's ballots for that election, the elector 3993  
shall be permitted to cast a provisional ballot under section 3994  
3505.181 of the Revised Code in that precinct on the day of that 3995  
election. 3996



(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 4027  
of the elector on the outside of the identification envelope in 4028  
which the absent voter's ballots are enclosed does not match the 4029  
signature of the elector on the elector's registration form; 4030

(b) The elector cast a provisional ballot in the precinct 4031  
on the day of the election. 4032

(3) If the board of elections does not receive the sealed 4033  
identification envelope purporting to contain the elector's 4034  
voted absent voter's ballot by the applicable deadline 4035  
established under section 3509.05 of the Revised Code, the 4036  
provisional ballot cast under section 3505.181 of the Revised 4037  
Code in that precinct on the day of the election shall be 4038  
counted as valid, if that provisional ballot is otherwise 4039  
determined to be valid pursuant to section 3505.183 of the 4040  
Revised Code. 4041

(D) If the board of elections counts a provisional ballot 4042  
under division (C) (2) or (3) of this section, the returned 4043  
identification envelope of that elector shall not be opened, and 4044  
the ballot within that envelope shall not be counted. The 4045  
identification envelope shall be endorsed "Not Counted" with the 4046  
reason the ballot was not counted. 4047

**Sec. 3511.02.** (A) Notwithstanding any section of the 4048  
Revised Code to the contrary, whenever any person applies for 4049  
registration as a voter on a form adopted in accordance with 4050  
federal regulations relating to the "Uniformed and Overseas 4051  
Citizens Absentee Voting Act," 100 Stat. 924, 42 U.S.C.A. 1973ff 4052  
(1986), this application shall be sufficient for voter 4053  
registration and as a request for an absent voter's ballot. 4054  
Uniformed services or overseas absent voter's ballots may be 4055  
obtained by any person meeting the requirements of section 4056

3511.011 of the Revised Code by applying electronically to the 4057  
secretary of state or to the board of elections of the county in 4058  
which the person's voting residence is located in accordance 4059  
with section 3511.021 of the Revised Code or by applying to the 4060  
director of the board of elections of the county in which the 4061  
person's voting residence is located, in one of the following 4062  
ways: 4063

~~(A)~~ ~~(1)~~ That person may make written application for those 4064  
ballots. The person may personally deliver the application to 4065  
the director or may mail it, send it by facsimile machine, send 4066  
it by electronic mail, send it through internet delivery if such 4067  
delivery is offered by the board of elections or the secretary 4068  
of state, or otherwise send it to the director. ~~The~~ Except as 4069  
otherwise provided in division (B) of this section, the 4070  
application need not be in any particular form but shall contain 4071  
all of the following information: 4072

~~(1)~~ ~~(a)~~ The elector's name; 4073

~~(2)~~ ~~(b)~~ The elector's signature; 4074

~~(3)~~ ~~(c)~~ The address at which the elector is registered to 4075  
vote; 4076

~~(4)~~ ~~(d)~~ The elector's date of birth; 4077

~~(5)~~ ~~(e)~~ One of the following: 4078

~~(a)~~ ~~(i)~~ The elector's driver's license number; 4079

~~(b)~~ ~~(ii)~~ The last four digits of the elector's social 4080  
security number; 4081

~~(c)~~ ~~(iii)~~ A copy of the elector's current and valid photo 4082  
identification, a copy of a military identification, or a copy 4083  
of a current utility bill, bank statement, government check, 4084

paycheck, or other government document, other than a notice of 4085  
voter registration mailed by a board of elections under section 4086  
3503.19 of the Revised Code, that shows the name and address of 4087  
the elector. 4088

~~(6)~~-(f) A statement identifying the election for which 4089  
absent voter's ballots are requested; 4090

~~(7)~~-(g) A statement that the person requesting the ballots 4091  
is a qualified elector; 4092

~~(8)~~-(h) A statement that the elector is an absent 4093  
uniformed services voter or overseas voter as defined in 42 4094  
U.S.C. 1973ff-6; 4095

~~(9)~~-(i) A statement of the elector's length of residence 4096  
in the state immediately preceding the commencement of service, 4097  
immediately preceding the date of leaving to be with or near the 4098  
service member, or immediately preceding leaving the United 4099  
States, or a statement that the elector's parent or legal 4100  
guardian resided in this state long enough to establish 4101  
residency for voting purposes immediately preceding leaving the 4102  
United States, whichever is applicable; 4103

~~(10)~~-(j) If the request is for primary election ballots, 4104  
the elector's party affiliation; 4105

~~(11)~~-(k) If the elector desires ballots to be mailed to 4106  
the elector, the address to which those ballots shall be mailed; 4107

~~(12)~~-(l) If the elector desires ballots to be sent to the 4108  
elector by facsimile machine, the telephone number to which they 4109  
shall be so sent; 4110

~~(13)~~-(m) If the elector desires ballots to be sent to the 4111  
elector by electronic mail or, if offered by the board of 4112

elections or the secretary of state, through internet delivery, 4113  
the elector's electronic mail address or other internet contact 4114  
information. 4115

~~(B)~~ (2) A voter or any relative of a voter listed in 4116  
division ~~(C)~~ (A) (3) of this section may use a single federal 4117  
post card application to apply for uniformed services or 4118  
overseas absent voter's ballots for use at the primary and 4119  
general elections in a given year and any special election to be 4120  
held on the day in that year specified by division (E) of 4121  
section 3501.01 of the Revised Code for the holding of a primary 4122  
election, designated by the general assembly for the purpose of 4123  
submitting constitutional amendments proposed by the general 4124  
assembly to the voters of the state. A single federal postcard 4125  
application shall be processed by the board of elections 4126  
pursuant to section 3511.04 of the Revised Code the same as if 4127  
the voter had applied separately for uniformed services or 4128  
overseas absent voter's ballots for each election. 4129

~~(C)~~ (3) Application to have uniformed services or overseas 4130  
absent voter's ballots mailed or sent by facsimile machine to 4131  
such a person may be made by the spouse, father, mother, father- 4132  
in-law, mother-in-law, grandfather, grandmother, brother or 4133  
sister of the whole blood or half blood, son, daughter, adopting 4134  
parent, adopted child, stepparent, stepchild, daughter-in-law, 4135  
son-in-law, uncle, aunt, nephew, or niece of such a person. The 4136  
application shall be in writing upon a blank form furnished only 4137  
by the director or on a single federal post card as provided in 4138  
division ~~(B)~~ (A) (2) of this section. The form of the application 4139  
shall be prescribed by the secretary of state. The director 4140  
shall furnish that blank form to any of the relatives specified 4141  
in this division desiring to make the application, only upon the 4142  
request of such a relative made in person at the office of the 4143

board or upon the written request of such a relative mailed to 4144  
the office of the board. ~~The~~ Except as otherwise provided in 4145  
division (B) of this section, the application, subscribed and 4146  
sworn to by the applicant, shall contain all of the following: 4147

~~(1)~~ (a) The full name of the elector for whom ballots are 4148  
requested; 4149

~~(2)~~ (b) A statement that the elector is an absent 4150  
uniformed services voter or overseas voter as defined in 42 4151  
U.S.C. 1973ff-6; 4152

~~(3)~~ (c) The address at which the elector is registered to 4153  
vote; 4154

~~(4)~~ (d) A statement identifying the elector's length of 4155  
residence in the state immediately preceding the commencement of 4156  
service, immediately preceding the date of leaving to be with or 4157  
near a service member, or immediately preceding leaving the 4158  
United States, or a statement that the elector's parent or legal 4159  
guardian resided in this state long enough to establish 4160  
residency for voting purposes immediately preceding leaving the 4161  
United States, as the case may be; 4162

~~(5)~~ (e) The elector's date of birth; 4163

~~(6)~~ (f) One of the following: 4164

~~(a)~~ (i) The elector's driver's license number; 4165

~~(b)~~ (ii) The last four digits of the elector's social 4166  
security number; 4167

~~(c)~~ (iii) A copy of the elector's current and valid photo 4168  
identification, a copy of a military identification, or a copy 4169  
of a current utility bill, bank statement, government check, 4170  
paycheck, or other government document, other than a notice of 4171

voter registration mailed by a board of elections under section 4172  
3503.19 of the Revised Code, that shows the name and address of 4173  
the elector. 4174

~~(7)~~ (g) A statement identifying the election for which 4175  
absent voter's ballots are requested; 4176

~~(8)~~ (h) A statement that the person requesting the ballots 4177  
is a qualified elector; 4178

~~(9)~~ (i) If the request is for primary election ballots, 4179  
the elector's party affiliation; 4180

~~(10)~~ (j) A statement that the applicant bears a 4181  
relationship to the elector as specified in division ~~(C)~~ (A) (3) 4182  
of this section; 4183

~~(11)~~ (k) The address to which ballots shall be mailed, the 4184  
telephone number to which ballots shall be sent by facsimile 4185  
machine, the electronic mail address to which ballots shall be 4186  
sent by electronic mail, or, if internet delivery is offered by 4187  
the board of elections or the secretary of state, the internet 4188  
contact information to which ballots shall be sent through 4189  
internet delivery; 4190

~~(12)~~ (l) The signature and address of the person making 4191  
the application. 4192

(B) If the elector has a confidential voter registration 4193  
record, as described in section 111.44 of the Revised Code, the 4194  
application may include the elector's program participant 4195  
identification number instead of the address at which the 4196  
elector is registered to vote. 4197

(C) Each application for uniformed services or overseas 4198  
absent voter's ballots shall be delivered to the director not 4199

earlier than the first day of January of the year of the 4200  
elections for which the uniformed services or overseas absent 4201  
voter's ballots are requested or not earlier than ninety days 4202  
before the day of the election at which the ballots are to be 4203  
voted, whichever is earlier, and not later than twelve noon of 4204  
the third day preceding the day of the election, or not later 4205  
than six p.m. on the last Friday before the day of the election 4206  
at which those ballots are to be voted if the application is 4207  
delivered in person to the office of the board. 4208

(D) If the voter for whom the application is made is 4209  
entitled to vote for presidential and vice-presidential electors 4210  
only, the applicant shall submit to the director in addition to 4211  
the requirements of ~~divisions~~ division (A), ~~(B)~~, and ~~(C)~~ of this 4212  
section, a statement to the effect that the voter is qualified 4213  
to vote for presidential and vice-presidential electors and for 4214  
no other offices. 4215

(E) A board of elections that mails a federal post card 4216  
application or other absent voter's ballot application to an 4217  
elector under this section shall not prepay the return postage 4218  
for that application. 4219

(F) Except as otherwise provided in this section and in 4220  
sections 3505.24 and 3509.08 of the Revised Code, an election 4221  
official shall not fill out any portion of a federal post card 4222  
application or other application for absent voter's ballots on 4223  
behalf of an applicant. The secretary of state or a board of 4224  
elections may preprint only an applicant's name and address on a 4225  
federal post card application or other application for absent 4226  
voter's ballots before mailing that application to the 4227  
applicant, except that if the applicant has a confidential voter 4228  
registration record, the secretary of state or the board of 4229



elections shall not preprint the applicant's address on the 4230  
application. 4231

**Sec. 3511.05.** (A) The director of the board of elections 4232  
shall place uniformed services or overseas absent voter's 4233  
ballots sent by mail in an unsealed identification envelope, 4234  
gummed ready for sealing. The director shall include with 4235  
uniformed services or overseas absent voter's ballots sent 4236  
electronically, including by facsimile machine, an instruction 4237  
sheet for preparing a gummed envelope in which the ballots shall 4238  
be returned. The envelope for returning ballots sent by either 4239  
means shall have printed or written on its face a form 4240  
substantially as follows: 4241

"Identification Envelope Statement of Voter 4242

I, .....(Name of voter), declare under 4243  
penalty of election falsification that the within ballot or 4244  
ballots contained no voting marks of any kind when I received 4245  
them, and I caused the ballot or ballots to be marked, enclosed 4246  
in the identification envelope, and sealed in that envelope. 4247

My voting residence in Ohio is 4248

..... 4249

(Street and Number, if any, or Rural Route and Number) 4250

of ..... (City, Village, or Township) 4251

Ohio, which is in Ward ..... Precinct ..... 4252

in that city, village, or township. 4253

If I have a confidential voter registration record, I am 4254  
providing my program participant identification number instead 4255  
of my residence address: ..... 4256

The primary election ballots, if any, within this envelope 4257

are primary election ballots of the ..... Party. 4258

Ballots contained within this envelope are to be voted at 4259

the ..... (general, special, or primary) election to be 4260

held on the ..... day 4261

of ....., .... 4262

My date of birth is ..... (Month and 4263

Day), ..... (Year). 4264

(Voter must provide one of the following:) 4265

My driver's license number is ..... (Driver's 4266

license number). 4267

The last four digits of my Social Security Number 4268

are ..... (Last four digits of Social Security 4269

Number). 4270

..... In lieu of providing a driver's license number or 4271

the last four digits of my Social Security Number, I am 4272

enclosing a copy of one of the following in the return envelope 4273

in which this identification envelope will be mailed: a current 4274

and valid photo identification, a military identification, or a 4275

current utility bill, bank statement, government check, 4276

paycheck, or other government document, other than a notice of 4277

voter registration mailed by a board of elections, that shows my 4278

name and address. 4279

I hereby declare, under penalty of election falsification, 4280

that the statements above are true, as I verily believe. 4281

..... 4282

(Signature of Voter) 4283

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 4284

THE FIFTH DEGREE." 4285

(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 4316  
opening in order to use it, open the envelope in the manner 4317  
least injurious to it, and, after marking your ballots and 4318  
enclosing same in the envelope for mailing them to the director 4319  
of the board of elections, reclose the envelope in the most 4320  
practicable way, by sealing or otherwise, and sign the blank 4321  
form printed below. 4322

The flap on this envelope was firmly stuck to the back of 4323  
the envelope when received, and required forced opening before 4324  
sealing and mailing. 4325

..... 4326

(Signature of voter)" 4327

(D) Division (C) of this section does not apply when 4328  
absent voter's ballots are sent electronically, including by 4329  
facsimile machine. 4330

(E) Except as otherwise provided in this division and in 4331  
sections 3505.24 and 3509.08 of the Revised Code, an election 4332  
official shall not fill out any portion of an identification 4333  
envelope statement of voter or an absent voter's ballot on 4334  
behalf of an elector. A board of elections may preprint only an 4335  
elector's name and address on an identification envelope 4336  
statement of voter before mailing or electronically transmitting 4337  
absent voter's ballots to the elector, except that if the 4338  
elector has a confidential voter registration record, as 4339  
described in section 111.44 of the Revised Code, the board of 4340  
elections shall not preprint the elector's address on the 4341  
identification envelope statement of voter. 4342

**Sec. 3511.11.** (A) Upon receipt of any return envelope 4343  
bearing the designation "Official Election Uniformed Services or 4344

Overseas Absent Voter's Ballot" prior to the eleventh day after 4345  
the day of any election, the director of the board of elections 4346  
shall open it but shall not open the identification envelope 4347  
contained in it. If, upon so opening the return envelope, the 4348  
director finds ballots in it that are not enclosed in and 4349  
properly sealed in the identification envelope, the director 4350  
shall not look at the markings upon the ballots and shall 4351  
promptly place them in the identification envelope and promptly 4352  
seal it. If, upon so opening the return envelope, the director 4353  
finds that ballots are enclosed in the identification envelope 4354  
but that it is not properly sealed, the director shall not look 4355  
at the markings upon the ballots and shall promptly seal the 4356  
identification envelope. 4357

(B) Uniformed services or overseas absent voter's ballots 4358  
delivered to the director not later than the close of the polls 4359  
on election day shall be counted in the manner provided in 4360  
section 3509.06 of the Revised Code. 4361

(C) A return envelope is not required to be postmarked in 4362  
order for a uniformed services or overseas absent voter's ballot 4363  
contained in it to be valid. Except as otherwise provided in 4364  
this division, whether or not the return envelope containing the 4365  
ballot is postmarked, contains a late postmark, or contains an 4366  
illegible postmark, a uniformed services or overseas absent 4367  
voter's ballot that is received after the close of the polls on 4368  
election day through the tenth day after the election day shall 4369  
be counted on the eleventh day after the election day at the 4370  
office of the board of elections in the manner provided in 4371  
divisions (C) and (D) of section 3509.06 of the Revised Code or 4372  
in the manner provided in division (E) of that section, as 4373  
applicable, if the voter signed the identification envelope by 4374  
the time specified in section 3511.09 of the Revised Code. 4375

However, if a return envelope containing a uniformed services or 4376  
overseas absent voter's ballot is so received and so indicates, 4377  
but the identification envelope in it is signed after the close 4378  
of the polls on election day, the uniformed services or overseas 4379  
absent voter's ballot shall not be counted. 4380

(D) The following types of uniformed services or overseas 4381  
absent voter's ballots shall not be counted: 4382

(1) Uniformed services or overseas absent voter's ballots 4383  
contained in return envelopes that bear the designation 4384  
"Official Election Uniformed Services or Overseas Absent Voter's 4385  
Ballots," that are received by the director after the close of 4386  
the polls on the day of the election, and that contain an 4387  
identification envelope that is signed after the time specified 4388  
in section 3511.09 of the Revised Code; 4389

(2) Uniformed services or overseas absent voter's ballots 4390  
contained in return envelopes that bear that designation and 4391  
that are received after the tenth day following the election. 4392

The uncounted ballots shall be preserved in their 4393  
identification envelopes unopened until the time provided by 4394  
section 3505.31 of the Revised Code for the destruction of all 4395  
other ballots used at the election for which ballots were 4396  
provided, at which time they shall be destroyed. 4397

**Sec. 3511.12.** In counting uniformed services or overseas 4398  
absent voter's ballots pursuant to section 3511.11 of the 4399  
Revised Code, the name of each voter, followed by "Uniformed 4400  
Services or Overseas Absent Voter's Ballot," shall be written in 4401  
the poll book or poll list together with such notations as will 4402  
indicate the kinds of ballots the envelope contained, except 4403  
that if the voter has a confidential voter registration record, 4404

as described in section 111.44 of the Revised Code, that 4405  
information shall be marked in the voter's registration record 4406  
but not in the poll book or poll list. If any challenge is made 4407  
and sustained, the identification envelope of such voter shall 4408  
not be opened and shall be indorsed "not counted" with the 4409  
reasons therefor. 4410

**Section 2.** That existing sections 109.57, 149.43, 149.45, 4411  
2929.18, 2929.28, 3503.13, 3503.16, 3503.21, 3503.23, 3503.24, 4412  
3503.26, 3504.02, 3504.04, 3505.181, 3505.182, 3505.183, 4413  
3509.03, 3509.04, 3509.05, 3509.06, 3509.07, 3509.09, 3511.02, 4414  
3511.05, 3511.11, and 3511.12 of the Revised Code are hereby 4415  
repealed. 4416

**Section 3.** The General Assembly respectfully requests the 4417  
Supreme Court of Ohio to revise Rule 4.2 of the Ohio Rules of 4418  
Civil Procedure to allow service of process to be made upon a 4419  
program participant by serving the Secretary of State as the 4420  
program participant's agent, as described in section 111.43 of 4421  
the Revised Code, as enacted by this act. As used in this 4422  
section, "program participant" has the meaning defined in 4423  
section 111.41 of the Revised Code, as enacted by this act. 4424

**Section 4.** Section 3509.06 of the Revised Code is 4425  
presented in this act as a composite of the section as amended 4426  
by Am. Sub. S.B. 109, Sub. S.B. 205, and Sub. S.B. 216, all of 4427  
the 130th General Assembly. The General Assembly, applying the 4428  
principle stated in division (B) of section 1.52 of the Revised 4429  
Code that amendments are to be harmonized if reasonably capable 4430  
of simultaneous operation, finds that the composite is the 4431  
resulting version of the section in effect prior to the 4432  
effective date of the section as presented in this act. 4433