

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 759

Representatives Antani, Duffey

A BILL

To amend sections 3501.35 and 3599.20 of the 1
Revised Code to allow an elector to photograph 2
and make public the elector's own marked ballot. 3

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

Section 1. That sections 3501.35 and 3599.20 of the 4
Revised Code be amended to read as follows: 5

Sec. 3501.35. (A) During an election and the counting of 6
the ballots, no person shall do any of the following: 7

(1) Loiter, congregate, or engage in any kind of election 8
campaigning within the area between the polling place and the 9
small flags of the United States placed on the thoroughfares and 10
walkways leading to the polling place, and if the line of 11
electors waiting to vote extends beyond those small flags, 12
within ten feet of any elector in that line; 13

(2) In any manner hinder or delay an elector in reaching 14
or leaving the place fixed for casting the elector's ballot; 15

(3) Give, tender, or exhibit any ballot or ticket to any 16
person other than the elector's own ballot to the precinct 17
election officials within the area between the polling place and 18

the small flags of the United States placed on the thoroughfares 19
and walkways leading to the polling place, and if the line of 20
electors waiting to vote extends beyond those small flags, 21
within ten feet of any elector in that line; 22

(4) ~~Exhibit~~ Except as otherwise provided in division (A) 23
(2) of section 3599.20 of the Revised Code, exhibit any ticket 24
or ballot which the elector intends to cast; 25

(5) Solicit or in any manner attempt to influence any 26
elector in casting the elector's vote. 27

(B) (1) Except as otherwise provided in division (B) (2) of 28
this section and division (C) of section 3503.23 of the Revised 29
Code, no person who is not an election official, employee, 30
observer, or police officer shall be allowed to enter the 31
polling place during the election, except for the purpose of 32
voting or assisting another person to vote as provided in 33
section 3505.24 of the Revised Code. 34

(2) Notwithstanding any provision of this section to the 35
contrary, a journalist shall be allowed reasonable access to a 36
polling place during an election. As used in this division, 37
"journalist" has the same meaning as in division (B) (2) of 38
section 2923.129 of the Revised Code. 39

(C) No more electors shall be allowed to approach the 40
voting shelves at any time than there are voting shelves 41
provided. 42

(D) The precinct election officials and the police officer 43
shall strictly enforce the observance of this section. 44

Sec. 3599.20. (A) No person shall attempt do any of the 45
following: 46

- (1) Attempt to induce an elector to show how the elector
marked the elector's ballot at an election; ~~or, being~~
- (2) Being an elector, allow the elector's ballot to be
seen by another, ~~except as provided by section 3505.24 of the~~
~~Revised Code,~~ with the apparent intention of letting it be known
how the elector is about to vote, except as provided by section
3505.24 of the Revised Code and except by means of a photograph
taken by the elector for the elector's personal use, including
making the photograph available to the public; or make
- (3) Make a false statement as to the elector's ability to
mark the ballot; ~~or knowingly~~
- (4) Knowingly mark the ballot so it may be identified
after it has been cast; ~~or attempt~~
- (5) Attempt to interfere with an elector in the voting
booth when marking the elector's ballot; ~~or knowingly~~
- (6) Knowingly destroy or mutilate a lawful ballot; ~~or~~
~~remove~~
- (7) Remove from the polling place or be found in unlawful
possession of a lawful ballot outside the enclosure provided for
voting; ~~or knowingly~~
- (8) Knowingly hinder or delay the delivery of a lawful
ballot to a person entitled to receive it; ~~or give~~
- (9) Give to an elector a ballot printed or written
contrary to law; ~~or forge~~
- (10) Forge or falsely make an official indorsement on a
ballot.
- (B) Whoever violates this section is guilty of a felony of

the fifth degree. 74

Section 2. That existing sections 3501.35 and 3599.20 of 75
the Revised Code are hereby repealed. 76

Section 3. Section 3501.35 of the Revised Code is 77
presented in this act as a composite of the section as amended 78
by both Am. S.B. 10 and Am. Sub. S.B. 109 of the 130th General 79
Assembly. The General Assembly, applying the principle stated in 80
division (B) of section 1.52 of the Revised Code that amendments 81
are to be harmonized if reasonably capable of simultaneous 82
operation, finds that the composite is the resulting version of 83
the section in effect prior to the effective date of the section 84
as presented in this act. 85