

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 149

Senator LaRose

Cosponsors: Senators Hite, Lehner, O'Brien

A BILL

To amend section 3501.29 and to enact section 1
3319.077 of the Revised Code regarding the use 2
of a school district building as a polling place 3
for elections. 4

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

Section 1. That section 3501.29 be amended and section 5
3319.077 of the Revised Code be enacted to read as follows: 6

Sec. 3319.077. The board of education of a city, local, 7
exempted village, or joint vocational school district shall make 8
available the necessary space in the district's buildings for 9
use as polling places, as required under section 3501.29 of the 10
Revised Code. When a building in the district is used as a 11
polling place, the board shall require the school or schools 12
that meet in that building not to be open for instruction with 13
students present on that day. However, the district board may 14
permit the building to be used for teacher in-service training 15
on that day, as long as students are not present. 16

Sec. 3501.29. (A) (1) The board of elections shall provide 17
for each precinct a polling place and provide adequate 18

facilities at each polling place for conducting the election. 19
The board shall provide a sufficient number of screened or 20
curtained voting compartments to which electors may retire and 21
conveniently mark their ballots, protected from the observation 22
of others. Each voting compartment shall be provided at all 23
times with writing implements, instructions how to vote, and 24
other necessary conveniences for marking the ballot. The voting 25
location manager shall ensure that the voting compartments at 26
all times are adequately lighted and contain the necessary 27
supplies. 28

(2) (a) The board of elections shall utilize, in so far as 29
practicable, rooms in public schools and other public buildings 30
for polling places. Upon application of the board of elections, 31
the authority which has the control of any building or grounds 32
supported by taxation under the laws of this state, shall make 33
available the necessary space therein for the purpose of holding 34
elections and adequate space for the storage of voting machines, 35
without charge for the use thereof. A reasonable sum may be paid 36
for necessary janitorial service. ~~When~~ 37

(b) Not later than the first day of January of each year, 38
if the board of elections plans to use space in a building 39
operated by a school district as a polling place for an election 40
held during the school year that begins in that calendar year, 41
the board of elections shall notify the board of education of 42
the school district of that fact. The notice shall include the 43
date of each such election that will be held during that school 44
year and the date of any such election that may be held during 45
that school year. If, after the board of elections sends that 46
notice, it alters the plans specified in the notice or learns 47
that an election included in the notice will not be held, the 48
board of elections shall send an updated notice to the board of 49

education as soon as possible. 50

(3) When polling places are established in private 51
buildings, the board of elections may pay a reasonable rental 52
therefor, and also the cost of liability insurance covering the 53
premises when used for election purposes, or the board may 54
purchase a single liability policy covering the board and the 55
owners of the premises when used for election purposes. ~~When~~ 56

(4) When removable buildings are supplied by the board of 57
elections, they shall be constructed under the contract let to 58
the lowest and best bidder, and the board shall observe all 59
ordinances and regulations then in force as to safety. The board 60
shall remove all such buildings from streets and other public 61
places within thirty days after an election, unless another 62
election is to be held within ninety days. 63

(B) (1) Except as otherwise provided in this section, the 64
board of elections shall ensure all of the following: 65

(a) That polling places are free of barriers that would 66
impede ingress and egress of handicapped persons; 67

(b) That the minimum number of special parking locations, 68
also known as handicapped parking spaces or disability parking 69
spaces, for handicapped persons are designated at each polling 70
place in accordance with 28 C.F.R. Part 36, Appendix A, and in 71
compliance with division (E) of section 4511.69 of the Revised 72
Code; 73

(c) That the entrances of polling places are level or are 74
provided with a nonskid ramp that meets the requirements of the 75
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 76
U.S.C. 12101; 77

(d) That doors are a minimum of thirty-two inches wide. 78

(2) Notwithstanding division (B) (1) (a), (c), or (d) of 79
this section, certain polling places may be specifically 80
exempted by the secretary of state upon certification by a board 81
of elections that a good faith, but unsuccessful, effort has 82
been made to modify, or change the location of, such polling 83
places. 84

(C) At any polling place that is exempted from compliance 85
by the secretary of state, the board of elections shall permit 86
any handicapped elector who travels to that elector's polling 87
place, but who is unable to enter the polling place, to vote, 88
with the assistance of two polling place officials of major 89
political parties, in the vehicle that conveyed that elector to 90
the polling place, or to receive and cast that elector's ballot 91
at the door of the polling place. 92

(D) The secretary of state shall: 93

(1) Work with other state agencies to facilitate the 94
distribution of information and technical assistance to boards 95
of elections to meet the requirements of division (B) of this 96
section; 97

(2) Work with organizations that represent or provide 98
services to handicapped, disabled, or elderly citizens to effect 99
a wide dissemination of information about the availability of 100
absentee voting, voting in the voter's vehicle or at the door of 101
the polling place, or other election services to handicapped, 102
disabled, or elderly citizens. 103

(E) Before the day of an election, the director of the 104
board of elections of each county shall sign a statement 105
verifying that each polling place that will be used in that 106
county at that election meets the requirements of division (B) 107

(1) (b) of this section. The signed statement shall be sent to 108
the secretary of state by certified mail or electronically. 109

(F) As used in this section, "handicapped" means having 110
lost the use of one or both legs, one or both arms, or any 111
combination thereof, or being blind or so severely disabled as 112
to be unable to move about without the aid of crutches or a 113
wheelchair. 114

Section 2. That existing section 3501.29 of the Revised 115
Code is hereby repealed. 116

Section 3. Section 3501.29 of the Revised Code is 117
presented in this act as a composite of the section as amended 118
by both Am. S.B. 10 and Am. Sub. S.B. 109 of the 130th General 119
Assembly. The General Assembly, applying the principle stated in 120
division (B) of section 1.52 of the Revised Code that amendments 121
are to be harmonized if reasonably capable of simultaneous 122
operation, finds that the composite is the resulting version of 123
the section in effect prior to the effective date of the section 124
as presented in this act. 125