

Election Statute Navigator: Ohio

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of October 19, 2020. Please contact elect@wm.edu with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link: <https://ebenchmark.org/ohio/covid/#tracker>.

Voter Registration

- Voters (other than above) register prior to Election Day
 - [See official Ohio online registration website](#)
 - July 6, 2020 for Special Election
 - October 5, 2020 for General Election
- Online registration available **3503.20**
 - [See official Ohio online registration website](#)
- Registration via mail available **3503.19**
- In-Person registration available
 - **3503.11:** DMV
 - **3503.19:** Any state or local office of a designated agency, a public high school or vocational school, a public library, the office of a county treasurer, the office of the secretary of state, or the office of a board of elections.
- Preregistration allowed **3503.07**
 - Each person who will be of the age of eighteen years or more at the next ensuing November election, who is a citizen of the United States, and who, if he continues to reside in the precinct until the next election, will at that time have fulfilled all the requirements as to length of residence to qualify him as an elector shall, unless otherwise disqualified, be entitled to be registered as an elector in such precinct.
- Residency requirement **3503.02**
- Prior conviction eligibility
 - **3503.21(A)(4):** The registration of a registered elector shall be canceled upon the occurrence of the conviction of the registered elector of a felony under the laws of this state, any other state, or the United States as provided in section 2961.01 of the Revised Code
- Voters judged mentally incompetent cannot vote
 - **3503.21(A)(5):** The registration of a registered elector shall be canceled upon the occurrence of the adjudication of incompetency of the registered elector for the purpose of voting as provided in section 5122.301 of the Revised Code

- Voter list maintenance guidelines **3503.15**
- Other:
 - **3503.03:** Residence for soldiers in national home for such soldiers
 - **3503.04:** Residence for inmates of a public or private institution
 - **3503.10:** Voter registration programs
 - **3503.111:** The board of elections of any county shall register or change the registration of any person determined not to be a resident in that county under section 3503.02 of the Revised Code, who is a resident and a qualified elector of another county in this state, on behalf of the county of residence.
 - **3503.19(B)(2)(b):** an applicant may return the applicant's completed registration form through another person to any board of elections or the office of the secretary of state.

State Absentee, Early, and Mail Voting

- Early voting allowed
 - [See official Ohio voting schedule](#)
- In-Person early voting only
 - [See official Ohio voting schedule](#)
- No-excuse absentee voting **3509.02(A)**
 - Any qualified elector may vote by absent voter's ballots at an election.
- Absentee ballot application is verified **3509.04**
- Absentee ballot verification details
 - **3509.04:** Delivery of absent voter's ballot
 - **3509.06:** Counting absent voter's ballot
- Someone other than the voter can return an absentee or mail ballot on behalf of the voter **3509.05**
 - The spouse of the elector, the father, mother, father-in-law, mother-in-law, grandfather, grandmother, brother, or sister of the whole or half blood, or the son, daughter, adopting parent, adopted child, stepparent, stepchild, uncle, aunt, nephew, or niece of the elector may deliver it to the director.
- Deadline by which election official must receive absentee/mailed ballots **3509.05**
- State accepts postmarked ballots that arrive after election day **3509.05**
- State is required to provide secrecy sleeve for absentee/mail ballot **3509.04**
- Absentee/Mail ballot processing and counting procedures **3509.06**
- Other:
 - **3511.15:** Emergency absentee voting procedures

In-Person Voter ID

- ID requirements **3505.18(A)(1)**
- Options for voters without ID:
 - **3505.18(A)(2)**: Unable to provide forms of ID, elector may cast a provisional ballot

Provisional Voting

- Provisional ballot availability **3505.181**
- Time allotted to determine the status of provisional ballot **3505.183**
 - Until any hearing required to be conducted under section 3503.24 of the Revised Code with regard to the provisional voter is held, or until the eleventh day after the day of the election, whichever is earlier.
- Provisional ballot rejection reasons **3505.183**

Polling Place

- Polling Place availability and requirements
 - **3501.29**: Polling places, general
 - **3501.30(A)(4)**: Two or more small flags of the United States approximately fifteen inches in length along the top, which shall be placed at a distance of one hundred feet from the polling place on the thoroughfares or walkways leading to the polling place, to mark the distance within which persons other than election officials, observers, police officers, and electors waiting to mark, marking, or casting their ballots shall not loiter, congregate, or engage in any kind of election campaigning. Where small flags cannot reasonably be placed one hundred feet from the polling place, the voting location manager shall place the flags as near to one hundred feet from the entrance to the polling place as is physically possible. Police officers and all election officials shall see that this prohibition against loitering and congregating is enforced.
When the period of time during which the polling place is open for voting expires, all of the flags described in this division shall be taken into the polling place and shall be returned to the board together with all other election supplies required to be delivered to the board.
 - **3506.12**: Combining, rearranging, or enlarging precincts—counting stations
- Electioneering or campaigning must not be within the area between the polling place and the small flags of the United States placed on the thoroughfares and walkways leading to the polling place, and if the line of electors waiting to vote extends beyond those small flags, within ten feet of any elector in that line. **3501.35**
- Rules governing poll observers
 - **3506.13**: In precincts where marking devices, automatic tabulating equipment, voting machines, or any combination of these are used, observers may be appointed as prescribed in section 3505.21 of the Revised Code. The duties and privileges of observers in such precincts during the hours the polls are open shall

be as provided in section 3505.21 of the Revised Code. Observers shall be allowed to remain in the polling place after the polls close and may observe the processing of the ballots and the sealing and signing of the envelopes or containers or both containing the voted ballots.

- Poll watcher qualifications **3505.21**
- Police presence
 - **3501.33:** Precinct officials shall prevent riots, violence, tumult, or disorder. In the discharge of these duties, they may call upon the sheriff, police, or other peace officers to aid them in enforcing the law. They may order the arrest of any person violating Title XXXV of the Revised Code, but such an arrest shall not prevent the person from registering or voting if the person is entitled to do so. The sheriff, all constables, police officers, and other officers of the peace shall immediately obey and aid in the enforcement of any lawful order made by the precinct election officials in the enforcement of Title XXXV of the Revised Code.
 - **3501.34:** The officer or authority having command of the police force of any municipal corporation or the sheriff of any county, on requisition of the board of elections or the secretary of state, shall promptly detail for service at the polling place in any precinct of such municipal corporation or county such force as the board or secretary of state considers necessary. On every day of election such officer or authority shall have a special force in readiness for any emergency and for assignment to duty in the precinct polling places. At least one policeman shall be assigned to duty in each precinct on each day of an election, when requested by the board or the secretary of state. Such police officer shall have access at all times to the polling place, and he shall promptly place under arrest any person found violating any provisions of Title XXXV [35] of the Revised Code.
 - **3505.21:** No uniformed peace officer as defined by section 2935.01 of the Revised Code, no uniformed state highway patrol trooper, no uniformed member of any fire department, no uniformed member of the armed services, no uniformed member of the organized militia, no person wearing any other uniform shall serve as an observer.
- Firearms prohibitions in election code (other state laws may apply)
 - **3505.21:** No person carrying a firearm or other deadly weapon shall serve as an observer
- Other:
 - **3505.24:** Providing assistance to blind, disabled or illiterate electors
 - **3506.19:** Disability-accessible electronic voting machine required at each polling place

State Emergency Rules and How Elections are Affected

- Listed triggers for Emergency Rules
 - **3511.15:** Emergency absentee voting procedures
- Explicit remedies in election statute

- **3511.15:** Secretary of state can apply special rules to allow military and overseas citizens to vote when typical federal and local laws wouldn't work in a state of emergency.
- **3501.18:** Board of elections can move polling places or add polling places to a precinct.
- **3501.34:** Police in each jurisdiction shall have a special force ready to respond to an emergency on election day and have one officer assigned to each polling place.

Counting Rules

- Voting system requirements
 - **3506.02:** Manner of adopting machines
 - **3506.021:** Use of electronic pollbook
 - **3506.06:** Marking device specifications
 - **3506.10:** Requirements for approval or certification of voting machines
 - **3506.19:** Disability-accessible electronic voting machine required at each polling place
- Counting procedures **3505.27**

Contest/Protest, Recount Rules

- Election contest **3515.08**
- Contest filing guidelines
 - **3515.02:** Application
 - **3515.03:** Contents of application
 - **3515.09:** Filing election contest petition
 - **3515.13:** Contest of election involving recount
- Challenging a candidate **3501.39**
- Challenging a voter
 - **3503.24:** Registration list or of right to vote
 - **3505.20:** At polling place
 - **3509.07:** Absent voter ballots
 - **3513.19:** At primary elections
- Automatic recount **3515.011**
 - If the number of votes cast in any county or municipal election for the declared winning nominee, candidate, question, or issue does not exceed the number of votes cast for the declared defeated nominee, candidate, question, or issue by a margin of one-half of one per cent or more of the total vote, the appropriate board of elections shall order a recount

- If the number of votes cast in any district election for the declared winning nominee, candidate, question, or issue does not exceed the number of votes cast for the declared defeated nominee, candidate, question, or issue by a margin of one-half of one per cent or more of the total vote, the secretary of state shall order a recount
- If the number of votes cast in any statewide election for the declared winning nominee, candidate, question, or issue does not exceed the number of votes cast for the declared defeated nominee, candidate, question, or issue by a margin of one-fourth of one percent or more of the total vote, the secretary of state shall order a recount
- Contest/Protest recount **3515.01**
 - Any person for whom votes were cast in a primary election for nomination as a candidate for election to an office who was not declared nominated may file with the board of elections of a county a written application for a recount of the votes cast at such primary election in any precinct in such county for all persons for whom votes were cast in such precinct for such nomination.
 - Any person who was a candidate at a general, special, or primary election for election to an office or position who was not declared elected may file with the board of a county a written application for a recount of the votes cast at such election in any precinct in such county for all candidates for election to such office or position.
 - Any group of five or more qualified electors may file with the board of a county a written application for a recount of the votes cast at an election in any precinct in such county upon any question or issue, provided that the members of such group shall state in such application either that they voted “Yes” or in favor of such question or issue and that such question or issue was declared defeated or rejected, or that they voted “No” or against such question or issue and that such question or issue was declared carried or adopted. Such group of electors shall, in such application, designate one of the members of the group as chairman, and shall indicate therein the voting residence of each member of such group.