

AN ACT

To amend sections 3505.21, 5502.011, 5923.01, 5923.02, 5923.03, 5923.12, 5923.37, and 5924.01 and to enact sections 111.09, 3505.331, 5922.01, 5922.02, 5922.03, 5922.04, 5922.05, 5922.06, 5922.07, and 5922.08 of the Revised Code to create the civilian cyber security reserve forces, to make the Secretary of State a member of the Homeland Security Advisory Council, to require the Secretary of State to appoint a chief information security officer, to require the boards of elections to audit election results, and to make an appropriation.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3505.21, 5502.011, 5923.01, 5923.02, 5923.03, 5923.12, 5923.37, and 5924.01 be amended and sections 111.09, 3505.331, 5922.01, 5922.02, 5922.03, 5922.04, 5922.05, 5922.06, 5922.07, and 5922.08 of the Revised Code be enacted to read as follows:

Sec. 111.09. The secretary of state shall appoint a chief information security officer to advise the secretary of state on matters of information security and to perform other duties as assigned by the secretary of state.

Sec. 3505.21. (A) As used in this section:

(1) "~~during~~ During the casting of the ballots" includes any of the following:

~~(1)-(a)~~ Any time during which a board of elections permits an elector to vote an absent voter's ballot in person at the office of the board;

~~(2)-(b)~~ Any time ballots may be cast in a precinct polling place on the day of an election;

~~(3)-(c)~~ Any time during which a board of elections processes absent voter's ballots before the time for counting those ballots.

(2) "During the counting of the ballots" includes any time during which the election officials count and tally ballots, make the official canvass of election returns, or conduct an audit of the official results of an election.

(B) At any primary, special, or general election, any political party supporting candidates to be voted upon at such election and any group of five or more candidates may appoint to the board of elections or to any of the precincts in the county or city one person, a qualified elector, who shall serve as observer for such party or such candidates during the casting of the ballots and during the counting of the ballots; provided that separate observers may be appointed to serve during the casting and during the counting of the ballots. No candidate, 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, and no person carrying a firearm or other deadly weapon shall serve as an observer, nor shall any candidate be represented by more than

one observer at any one precinct or at the board of elections except that a candidate who is a member of a party controlling committee, as defined in section 3517.03 of the Revised Code, may serve as an observer.

(C) Any political party or group of candidates appointing observers shall notify the board of elections of the names and addresses of its appointees and the precincts at which they shall serve or that they will serve at the board of elections. Notification of observers appointed to serve on the day of an election shall take place not less than eleven days before the day of the election on forms prescribed by the secretary of state and may be amended by filing an amendment with the board of elections at any time until four p.m. of the day before the election. Notification of observers appointed to serve at the office of the board during the time absent voter's ballots may be cast in person or during the time in which the board processes absent voter's ballots before the time for counting those ballots shall take place not less than eleven days before absent voter's ballots are required to be ready for use pursuant to section 3509.01 of the Revised Code on forms prescribed by the secretary of state and may be amended by filing an amendment with the board of elections at any time until four p.m. of the day before the observer is appointed to serve. The observer serving on behalf of a political party shall be appointed in writing by the chairperson and secretary of the respective controlling party committee. Observers serving for any five or more candidates shall have their certificates signed by those candidates. Observers appointed to a precinct may file their certificates of appointment with the voting location manager of the precinct at the meeting on the evening prior to the election, or with the voting location manager of the precinct on the day of the election. Observers appointed to the office of the board to observe the casting of absent voter's ballots in person prior to the day of the election or the processing of absent voter's ballots before the time for counting those ballots may file their certificates with the director of the board of elections the day before or on the day that the observers are scheduled to serve at the office of the board.

Upon the filing of a certificate, the person named as observer in the certificate shall be permitted to be in and about the applicable polling place during the casting of the ballots and shall be permitted to watch every proceeding of the precinct election officials from the time of the opening until the closing of the polls. The observer also may inspect the counting of all ballots in the polling place or board of elections from the time of the closing of the polls until the counting is completed and the final returns are certified and signed. Observers appointed to serve at the board of elections on the day of an election under this section may observe at the board of elections and may observe at any precinct in the county. The precinct election officials shall protect such observers in all of the rights and privileges granted to them by Title XXXV of the Revised Code.

(D) No persons other than the precinct election officials, the observers, a police officer, other persons who are detailed to any precinct on request of the board of elections, or the secretary of state or the secretary of state's legal representative shall be admitted to the polling place, or any room in which a board of elections is counting ballots, after the closing of the polls until the counting, certifying, and signing of the final returns of each election have been completed.

(E) Not later than four p.m. of the twentieth day prior to an election at which questions are to be submitted to a vote of the people, any committee that in good faith advocates or opposes a measure may file a petition with the board of any county asking that the petitioners be recognized as the committee entitled to appoint observers to the count at the election. If more than one committee

alleging themselves to advocate or oppose the same measure file such a petition, the board shall decide and announce by registered mail to each committee not less than twelve days immediately preceding the election which committee is recognized as being entitled to appoint observers. The decision shall not be final, but any aggrieved party may institute mandamus proceedings in the court of common pleas of the county in which the board has jurisdiction to compel the precinct election officials to accept the appointees of such aggrieved party. Any such recognized committee may appoint an observer to the count in each precinct. Committees appointing observers shall notify the board of elections of the names and addresses of its appointees and the precincts at which they shall serve. Notification shall take place not less than eleven days before the election on forms prescribed by the secretary of state and may be amended by filing an amendment with the board of elections at any time until four p.m. on the day before the election. A person so appointed shall file the person's certificate of appointment with the voting location manager in the precinct in which the person has been appointed to serve. Observers shall file their certificates before the polls are closed. In no case shall more than six observers be appointed for any one election in any one precinct. If more than three questions are to be voted on, the committees which have appointed observers may agree upon not to exceed six observers, and the precinct election officials shall appoint such observers. If such committees fail to agree, the precinct election officials shall appoint six observers from the appointees so certified, in such manner that each side of the several questions shall be represented.

(F) No person shall serve as an observer at any precinct or at the board of elections unless the board of elections of the county in which such observer is to serve has first been notified of the name, address, and location at which such observer is to serve. Notification to the board of elections shall be given by the political party, group of candidates, or committee appointing such observer as prescribed in this section. No such observers shall receive any compensation from the county, municipal corporation, or township, and they shall take the following oath, to be administered by one of the precinct election officials:

"You do solemnly swear that you will faithfully and impartially discharge the duties as an official observer, assigned by law; that you will not cause any delay to persons offering to vote; and that you will not disclose or communicate to any person how any elector has voted at such election."

Sec. 3505.331. (A) After declaring the official results of a general election or of a primary election held in an even-numbered year, as described in section 3505.33 of the Revised Code, the board of elections shall audit those results in accordance with this section. Except as otherwise provided in this division, the board shall begin the audit not earlier than six days after it declares the official results and shall complete the audit not later than the twenty-first day after it declares the official results. If the board conducts a recount, the board shall begin the audit immediately after the board certifies the results of the recount and shall complete the audit not later than the fourteenth day after it certifies the results of the recount.

(B) The board shall conduct the audit in accordance with procedures prescribed by the secretary of state, which shall include all of the following:

(1)(a) Except as otherwise provided in division (B)(1)(b) of this section, a requirement that the board audit not less than three contested races, questions, or issues, as directed by the secretary of state. If fewer than three contested races, questions, or issues appear on the ballot at the election, then the board shall audit every contested race, question, and issue. In any election, every contested race,

question, or issue shall be eligible to be audited.

(b) If the board ordered a countywide recount of the results of a race, question, or issue under section 3515.011 of the Revised Code, the recount shall be considered an audit for purposes of meeting the requirement that the board audit not less than three contested races, questions, or issues.

(2) A requirement that every ballot that was included in the canvass of the election returns be eligible to be audited, including regular ballots cast on the day of the election, absent voter's ballots, and provisional ballots.

(3) Either a provision allowing the board to choose one of the following protocols to use in conducting the audit or a provision requiring the board to use a protocol selected by the secretary of state from the following protocols in conducting the audit:

(a) A risk-limiting audit protocol, which shall use statistical methods to limit to acceptable levels the risk of certifying an incorrect outcome for a particular race, question, or issue. The protocol shall require bipartisan teams of election officials to physically examine and hand count randomly sampled ballots and to continue the hand counting until the results of the hand count provide sufficiently strong evidence that a hand count of all of the ballots would confirm the election result declared under section 3505.33 of the Revised Code or until all of the ballots have been hand counted, whichever occurs first.

(b)(i) A percentage-based audit protocol, which shall require bipartisan teams of election officials to physically examine and hand count a number of randomly sampled ballots equal to a given percentage of the total number of ballots cast in the county at that election, as prescribed by the secretary of state. After the election officials complete the initial audit, the board shall calculate, as a percentage, the accuracy rate of each audited race, question, or issue by dividing the sum of any discrepancies for the race, question, or issue discovered during the audit by the total number of ballots audited for the race, question, or issue and subtracting the resulting number from one.

(ii) If the accuracy rate for an audited race, question, or issue is less than the acceptable accuracy rate prescribed by the secretary of state, the board shall escalate the audit of that race, question, or issue by requiring bipartisan teams of election officials to physically examine and hand count a second set of randomly sampled ballots equal to a given percentage of the total number of ballots cast in the county at that election, as prescribed by the secretary of state. The second set of ballots shall not include any ballots that were included in the first set of audited ballots. After the election officials have counted the second set of ballots, the board shall calculate the combined accuracy rate for both audited sets of ballots for that race, question, or issue.

(c) Another audit protocol approved by the secretary of state.

(C) The board shall give public notice of the times and places for preparing for and conducting the audit in accordance with section 121.22 of the Revised Code. At all times while the board prepares for and conducts the audit, the board shall permit observers appointed under section 3505.21 of the Revised Code.

No person other than a member of the board or a designated employee of the board shall be permitted to handle a ballot.

(D)(1) Not later than five days after completing the audit, the board shall certify the results of the audit to the secretary of state in the form and by the method prescribed by the secretary of state. The secretary of state shall make the results of the audit available to the public on the secretary of

state's official web site.

(2) If the board conducted a percentage-based audit and was required to escalate the audit of a race, question, or issue under division (B)(3)(b)(ii) of this section, and the combined accuracy rate for that race, question, or issue is less than the acceptable combined accuracy rate prescribed by the secretary of state, the secretary of state may require the board to order bipartisan teams of election officials to physically examine and hand count all ballots cast for that race, question, or issue. The requirements of division (C) of this section apply to any full hand count conducted under this division.

(3) If the results of the completed audit or the results of any full hand count ordered under division (D)(2) of this section indicate that the canvass or the previously declared official election results must be amended, the board promptly shall amend the canvass or issue an amended declaration of the official results, as applicable.

(E) The secretary of state shall, in accordance with directives issued by the secretary of state, reimburse boards of elections for costs incurred to conduct an audit under this section.

(F) As used in this section:

(1) "Ballot" means either a paper ballot or the relevant entry on a voter verified paper audit trail.

(2) "Voter verified paper audit trail" has the same meaning as in section 3506.01 of the Revised Code.

Sec. 5502.011. (A) As used in this section, "department of public safety" and "department" include all divisions within the department of public safety.

(B) The director of public safety is the chief executive and administrative officer of the department. The director may establish policies governing the department, the performance of its employees and officers, the conduct of its business, and the custody, use, and preservation of departmental records, papers, books, documents, and property. The director also may authorize and approve investigations to be conducted by any of the department's divisions. Whenever the Revised Code imposes a duty upon or requires an action of the department, the director may perform the action or duty in the name of the department or direct such performance to be performed by the director's designee.

(C) In addition to any other duties enumerated in the Revised Code, the director or the director's designee shall do all of the following:

(1) Administer and direct the performance of the duties of the department;

(2) Pursuant to Chapter 119. of the Revised Code, approve, adopt, and prescribe such forms and rules as are necessary to carry out the duties of the department;

(3) On behalf of the department and in addition to any authority the Revised Code otherwise grants to the department, have the authority and responsibility for approving and entering into contracts, agreements, and other business arrangements;

(4) Make appointments for the department as needed to comply with requirements of the Revised Code;

(5) Approve employment actions of the department, including appointments, promotions, discipline, investigations, and terminations;

(6) Accept, hold, and use, for the benefit of the department, any gift, donation, bequest, or

devise, and may agree to and perform all conditions of the gift, donation, bequest, or devise, that are not contrary to law;

(7) Apply for, allocate, disburse, and account for grants made available under federal law or from other federal, state, or private sources;

(8) Develop a list of disqualifying offenses for licensure as a private investigator or a security guard provider pursuant to sections 4749.03, 4749.04, 4749.10, and 4776.10 of the Revised Code;

(9) Do all other acts necessary or desirable to carry out this chapter.

(D)(1) The director of public safety may assess a reasonable fee, plus the amount of any charge or fee passed on from a financial institution, on a drawer or indorser for each of the following:

(a) A check, draft, or money order that is returned or dishonored;

(b) An automatic bank transfer that is declined, due to insufficient funds or for any other reason;

(c) Any financial transaction device that is returned or dishonored for any reason.

(2) The director shall deposit any fee collected under this division in an appropriate fund as determined by the director based on the tax, fee, or fine being paid.

(3) As used in this division, "financial transaction device" has the same meaning as in section 113.40 of the Revised Code.

(E)(1) The director shall establish a homeland security advisory council to advise the director on homeland security, including homeland security funding efforts. ~~The~~

~~(2) The advisory council shall include, but not be limited to, state consist of the following members, who shall serve without compensation:~~

~~(a) The secretary of state;~~

~~(b) State and local government officials, appointed by the director, who have homeland security or emergency management responsibilities and who represent first responders. The director shall appoint the;~~

~~(c) Any other members of the council, who shall serve without compensation appointed by the director.~~

Sec. 5922.01. The governor shall organize and maintain within this state, on a reserve basis, civilian cyber security reserve forces capable of being expanded and trained to educate and protect state, county, and local government entities, critical infrastructure, including election systems, businesses, and citizens of this state from cyber attacks. In the case of an emergency proclaimed by the governor, or caused by illicit actors or imminent danger, the governor, as commander-in-chief, shall expand the reserve as the exigency of the occasion requires.

The reserve shall be a part of the Ohio organized militia under the adjutant general's department. The reserve shall be known as the Ohio cyber reserve. The adjutant general shall establish and may revise, in accordance with section 5923.12 of the Revised Code, the rates of pay for reserve members when called to state active duty. While performing any drill or training, reserve members shall serve in an unpaid volunteer status. When called to state active duty by the governor, reserve members shall function as civilian members of the Ohio organized militia.

Sec. 5922.02. The governor may adopt rules consistent with the provisions of law governing the membership, organization, administration, equipment, and maintenance of the Ohio cyber reserve. A copy of the rules shall be available to the public in the adjutant general's office.

Sec. 5922.03. The governor may requisition from the United States department of defense, for the use of the Ohio cyber reserve, equipment that may be in the possession and can be furnished by the department, and make available to the reserve the facilities of state armories and equipment and other state premises and property that may be available.

Sec. 5922.04. Sections 5922.02 to 5922.08 of the Revised Code do not authorize the Ohio cyber reserve, or any part thereof, to be called or ordered into the military service of the United States. The reserve may become a civilian component of the Ohio national guard.

Sec. 5922.05. No person shall be accepted into the Ohio cyber reserve who is not a United States national or a lawful permanent resident, or who has been expelled or dishonorably discharged from the armed forces as defined in section 5903.01 of the Revised Code. Applicants shall be subject to an appropriate background check, in accordance with rules adopted by the governor and adjutant general, before admittance into the reserve.

Notwithstanding any other provision of the Revised Code, no person shall be disqualified from acceptance into the Ohio cyber reserve on the basis that the person is an employee of the state or a political subdivision of the state, or an employee or proprietor of a private entity that conducts business with the state or a political subdivision of the state.

Sec. 5922.06. Whenever the Ohio cyber reserve, or any part thereof, is ordered out for active service by the governor, the Ohio code of military justice shall be in full force with respect to those forces.

Sec. 5922.07. The governor may accept the resignation of any Ohio cyber reserve member at any time. Reserve members serve at the pleasure of the governor and may be removed from the reserve in accordance with rules adopted under section 5922.02 of the Revised Code.

The governor may require reimbursement for training, equipment, and uniforms if an Ohio cyber reserve member does not serve the full term of the member's membership agreement and the inability to serve out the term of the membership agreement was not due to disability or a similar disabling medical condition.

Sec. 5922.08. The governor, as commander-in-chief of the Ohio organized militia, may order individuals or units of the Ohio cyber reserve to state active duty to protect state, county, and local government entities and critical infrastructure, including election systems, or for training as the governor determines necessary. The governor, upon the request of a business or citizen, also may order individuals or units of the Ohio cyber reserve to state active duty to protect that business or citizen.

When ordered by the governor to perform duty or training under this section or section 5923.21 of the Revised Code, members of the Ohio cyber reserve shall have the same protections afforded by the "Servicemembers Civil Relief Act," Pub. L. No. 108-189, 50 U.S.C. 3901-4043, and by the "Uniformed Services Employment and Reemployment Rights Act," 108 Stat. 3149, 38 U.S.C. 4301-4333.

Sec. 5923.01. (A) The Ohio organized militia consists of all ~~citizens of the state who are not permanently handicapped, as handicapped is defined in section 4112.01 of the Revised Code, who are more than seventeen years, and not more than sixty-seven years, of age unless exempted as provided in section 5923.02 of the Revised Code, and persons~~ who are members of one of the following:

- (1) The Ohio national guard;
- (2) The Ohio naval militia;
- (3) The Ohio military reserve;
- (4) The Ohio cyber reserve.

(B) The Ohio national guard, including both the Ohio air national guard and the Ohio army national guard, the Ohio naval militia, ~~and the Ohio military reserve, and the Ohio cyber reserve~~ are known collectively as the Ohio organized militia.

(C) The Ohio naval militia and the Ohio military reserve are known collectively as the state defense forces.

(D) The unorganized militia consists of ~~those all~~ citizens of the state ~~as described in division (A) of this section who to whom all of the following apply:~~

- (1) They are not members of the Ohio organized militia;
- (2) They are more than seventeen years of age and not more than sixty-seven years of age;
- (3) They are not exempt from service under section 5923.02 of the Revised Code.

(E) No troops shall be maintained in time of peace other than as authorized and prescribed under the "Act of August 10, 1956," 70A Stat. 596, 32 U.S.C.A. 101 to 716. This limitation does not affect the right of the state to the use of its organized militia within its borders in time of peace as prescribed by the laws of this state. This section does not prevent the organization and maintenance of police.

Sec. 5923.02. ~~(A)~~—The following persons, if subject to duty in the Ohio organized or unorganized militia, may be exempted by the adjutant general from duty on request:

- ~~(1)(A)~~ The vice-president of the United States;
- ~~(2)(B)~~ The officers, judicial and executive, of the departments of the state and of the United States, and the members of the general assembly, without regard to age;
- ~~(3)(C)~~ Members of the armed forces of the United States or their reserve components;
- ~~(4)(D)~~ Customhouse clerks;
- ~~(5)(E)~~ Employees of the United States postal service;
- ~~(6)(F)~~ Workers employed in armories, arsenals, or naval shipyards of the United States;
- ~~(7)(G)~~ Pilots on the navigable waters of the United States;
- ~~(8)(H)~~ Mariners licensed by the United States;
- ~~(B)(I)~~ Any person who claims exemption from service because of religious belief or other moral conviction held as a matter of conscience ~~may claim exemption from Ohio organized militia service;~~

(J) Any person who is unable to serve because of a disability, as that term is defined in section 4112.01 of the Revised Code.

Sec. 5923.03. (A) The Ohio national guard consists of the members of the Ohio organized militia who are enlisted, commissioned, or warranted in the Ohio national guard, all as prescribed by publications of the department of the army or air force and the national guard bureau for the national guard as prescribed by Chapter 5919. of the Revised Code.

(B) The Ohio military reserve consists of the members of the Ohio organized militia who are enlisted, commissioned, or warranted in the Ohio military reserve as prescribed by Chapter 5920. of Revised Code.

(C) The Ohio naval militia consists of the members of the Ohio organized militia who are enlisted, commissioned, or warranted in the Ohio naval militia as prescribed by Chapter 5921. of the Revised Code.

(D) The Ohio cyber reserve consists of the members of the Ohio organized militia who are civilian volunteers under Chapter 5922. of the Revised Code.

Sec. 5923.12. When ordered to state active duty by the governor, for which duty federal basic pay and allowances are not authorized, members of the organized militia of Ohio shall receive the same pay and allowances for each day's service as is provided for commissioned officers, warrant officers, noncommissioned officers, and enlisted personnel of like grade and longevity in the armed forces of the United States, together with the necessary transportation, housing, and subsistence allowances as prescribed by the United States department of defense pay manual, or an amount not less than seventy-five dollars per day as base pay for each day's duty performed, whichever is greater.

Notwithstanding any other provision of law, Ohio cyber reserve members shall receive a rate of pay determined and provided by rule by the adjutant general, in the name of the governor. The rule shall establish a rate of pay commensurate with those specified in pay schedules established by the director of administrative services for information technology employees of the state who have comparable training, experience, and professional qualifications.

When ordered by the governor to perform training or duty under this section or section 5919.29 of the Revised Code, members of the Ohio national guard shall have the protections afforded to persons on federal active duty by "The Servicemembers Civil Relief Act," 117 Stat. 2835, 50 U.S.C.A. App. 501.

Sec. 5923.37. (A) No member of the organized militia ordered to state active duty shall be liable in negligence for any act performed within the scope of ~~his military~~ the member's duties. Any action alleging that such a militia member's conduct was outside the scope of ~~his~~ the member's employment, was malicious, was in bad faith, or was wanton or reckless shall first be filed against the state in the court of claims under section 2743.02 of the Revised Code.

(B) Any member of the organized militia rendering medical, nursing, or dental care, or assisting in rendering such care, after being ordered to state active duty shall be deemed an officer or employee of the state under section 109.36 of the Revised Code.

(C) Any member of the organized militia ordered to state active duty under section 5923.22 of the ~~revised~~ Revised Code or ordered to duty under section 5919.29 of the Revised Code who is qualified to perform on federal active duty under Title 10, United States Code, in a particular profession, discipline, or skill as a health care provider shall be exempt from the statutes, regulations, and licensing requirements otherwise in force under the laws of this state, with respect to ~~his~~ the member's profession, specialty, or skill at such times as ~~he~~ the member is serving in any military status, duly authorized under the laws of this state or of the United States, or both, and is performing ~~his~~ the member's profession, specialty, or skill under regulations prescribed by the executive authority of the United States or of this state, and is functioning within the scope of ~~his~~ the member's employment.

Sec. 5924.01. As used in Chapter 5924. of the Revised Code unless the context otherwise requires:

(A) "Organized militia" means the Ohio national guard, the Ohio naval militia, ~~and~~ the Ohio

military reserve, and the Ohio cyber reserve.

(B) "Officer" means commissioned or warrant officer.

(C) "Commissioned officer" includes a commissioned warrant officer.

(D) "Commanding officer" includes only commissioned or warrant officers in command of a unit.

(E) "Superior commissioned officer" means a commissioned officer superior in rank or command.

(F) "Enlisted member" means a person in an enlisted grade.

(G) "Grade" means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulation.

(H) "Rank" means the order of precedence among members of the armed forces.

(I) "State active duty" means full-time duty in the active military service of the state under a proclamation of the governor issued pursuant to authority vested in the governor by law, and while going to and returning from such duty.

(J) "Duty status other than state active duty" means any other types of duty and while going to and returning from such duty.

(K) "Military court" means a court-martial, a court of inquiry, or a provost court.

(L) "Military judge" means an official of a general or special court-martial who is a commissioned officer, who has been duly certified to be qualified for duty as a military judge by the state judge advocate, and who has been properly detailed in accordance with section 5924.26 of the Revised Code.

(M) "Law specialist" means a commissioned officer of the organized naval militia of the state designated for special duty.

(N) "Legal officer" means any commissioned officer of the organized naval militia of the state designated to perform legal duties for a command.

(O) "State judge advocate" means the commissioned officer responsible for supervising the administration of military justice in the organized militia.

(P) "Accuser" means a person who reports an offense subject to trial by court-martial and who signs and swears to charges, any person who directs that charges nominally be signed and sworn to by another, or any other person who has an interest other than an official interest in the prosecution of the accused.

(Q) "Military" refers to any or all of the armed forces.

(R) "Convening authority" includes, in addition to the person who convened the court, a commissioned officer commanding for the time being, or a successor in command.

(S) "May" is used in a permissive sense. The words "no person may" mean that no person is required, authorized, or permitted to do the act prescribed.

(T) "Shall" is used in an imperative sense.

(U) "Code" means the Ohio code of military justice, as set forth in Chapter 5924. of the Revised Code.

(V) "Trial counsel" means the prosecuting attorney in a general or special court-martial.

(W) "Detention facility" means any place that is owned or operated by a municipal corporation, by a county, or by one or more municipal corporations, counties, or both and that is used

for the confinement of persons charged with or convicted of any crime in this state or another state or under the laws of the United States.

(X) "Examiner" has the same meaning as in division (A)(2)(a) of section 2945.37 of the Revised Code.

(Y) "Nonsecured status," "unsupervised, off-grounds movement," "trial visit," "conditional release," and "licensed clinical psychologist" have the same meanings as in section 2945.37 of the Revised Code.

SECTION 2. That existing sections 3505.21, 5502.011, 5923.01, 5923.02, 5923.03, 5923.12, 5923.37, and 5924.01 of the Revised Code are hereby repealed.

SECTION 3. All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all appropriations made in this act, those in the first column are for fiscal year 2020 and those in the second column are for fiscal year 2021. The appropriations made in this act are in addition to any other appropriations made for the FY 2020-FY 2021 biennium.

ADJ ADJUTANT GENERAL

General Revenue Fund

GRF 745503	Ohio Cyber Reserve	\$100,000	\$550,000
TOTAL GRF General Revenue Fund		\$100,000	\$550,000
TOTAL ALL BUDGET FUND GROUPS		\$100,000	\$550,000

OHIO CYBER RESERVE

The foregoing appropriation item 745503, Ohio Cyber Reserve, shall be used to pay the costs incurred by the Adjutant General's Department to operate the Ohio Cyber Reserve in accordance with section 5922.01 of the Revised Code.

SOS SECRETARY OF STATE

General Revenue Fund

GRF 050321	Operating Expenses	\$ 75,000	\$ 75,000
TOTAL GRF General Revenue Fund		\$ 75,000	\$ 75,000
TOTAL ALL BUDGET FUND GROUPS		\$ 75,000	\$ 75,000

ELECTION AUDIT REIMBURSEMENT

Of the foregoing appropriation item 050321, Operating Expenses, up to \$75,000 shall be used in each fiscal year to reimburse counties, in a manner prescribed by the Secretary of State, for the costs of performing election audits in accordance with section 3505.331 of the Revised Code.

SECTION 4. Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act,

and shall determine the form and manner in which appropriation accounts shall be maintained. Expenditures from appropriations contained in Section 3 of this act shall be accounted for as though made in the main operating appropriations act of the 133rd General Assembly.

The appropriations made in Section 3 of this act are subject to all provisions of the main operating appropriations act of the 133rd General Assembly that are generally applicable to such appropriations.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Am. Sub. S. B. No. 52

133rd G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20 ____.

Secretary of State.

File No. _____ Effective Date _____