

As Introduced

**128th General Assembly
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H. B. No. 377

Representative Garrison

**Cosponsors: Representatives Okey, Murray, Harris, Domenick, Williams, B.,
Phillips, Pryor, Goyal, Luckie, Newcomb, Pillich, Slesnick, Dyer, Book,
Fende, Yuko, Brown, Chandler, Yates, Winburn, Bolon**

—

A B I L L

To amend sections 2961.01, 3501.38, 3519.05, and 1
3519.21 and to enact sections 3519.011, 3519.012, 2
and 3519.013 of the Revised Code to prohibit 3
persons who have been convicted of or pleaded 4
guilty to an offense involving identity theft, 5
forgery, or fraud from witnessing or circulating 6
election petitions, to require the circulator 7
statement on election petitions to be notarized, 8
to require entities that provide compensation to 9
circulators of initiative petitions to be 10
licensed, to require such an entity's license to 11
be revoked if it authorizes or knowingly permits 12
violations of the law governing election 13
petitions, to require circulators of initiative 14
petitions to register with the secretary of state, 15
and to provide for public input in the 16
determination of ballot titles. 17

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

Section 1. That sections 2961.01, 3501.38, 3519.05, and 18

3519.21 be amended and sections 3519.011, 3519.012, and 3519.013 19
of the Revised Code be enacted to read as follows: 20

Sec. 2961.01. (A)(1) A person who pleads guilty to a felony 21
under the laws of this or any other state or the United States and 22
whose plea is accepted by the court or a person against whom a 23
verdict or finding of guilt for committing a felony under any law 24
of that type is returned, unless the plea, verdict, or finding is 25
reversed or annulled, is incompetent to be an elector or juror or 26
to hold an office of honor, trust, or profit. 27

(2) When any person who under division (A)(1) of this section 28
is incompetent to be an elector or juror or to hold an office of 29
honor, trust, or profit is granted parole, judicial release, or a 30
conditional pardon or is released under a non-jail community 31
control sanction or a post-release control sanction, the person is 32
competent to be an elector during the period of community control, 33
parole, post-release control, or release or until the conditions 34
of the pardon have been performed or have transpired and is 35
competent to be an elector thereafter following final discharge. 36
The full pardon of a person who under division (A)(1) of this 37
section is incompetent to be an elector or juror or to hold an 38
office of honor, trust, or profit restores the rights and 39
privileges so forfeited under division (A)(1) of this section, but 40
a pardon shall not release the person from the costs of a 41
conviction in this state, unless so specified. 42

(B)(1) A person who pleads guilty to a felony under laws of 43
this state or any other state or the United States and whose plea 44
is accepted by the court or a person against whom a verdict or 45
finding of guilt for committing a felony under any law of that 46
type is returned is incompetent to circulate or serve as a witness 47
for the signing of any declaration of candidacy and petition, 48
voter registration application, or nominating, initiative, 49

referendum, or recall petition. 50

(2) A person who pleads guilty to an offense involving 51
identity theft, fraud, or forgery under the laws of this state or 52
any other state or the United States and whose plea is accepted by 53
the court, or a person against whom a verdict or finding of guilt 54
for committing an offense involving identity theft, fraud, or 55
forgery under any laws of this state or any other state or the 56
United States is returned, is incompetent to circulate or serve as 57
a witness for the signing of any declaration of candidacy and 58
petition or nominating, initiative, referendum, or recall 59
petition. 60

(C) As used in this section: 61

(1) "Community control sanction" has the same meaning as in 62
section 2929.01 of the Revised Code. 63

(2) "Non-jail community control sanction" means a community 64
control sanction that is neither a term in a community-based 65
correctional facility nor a term in a jail. 66

(3) "Post-release control" and "post-release control 67
sanction" have the same meanings as in section 2967.01 of the 68
Revised Code. 69

Sec. 3501.38. All declarations of candidacy, nominating 70
petitions, or other petitions presented to or filed with the 71
secretary of state or a board of elections or with any other 72
public office for the purpose of becoming a candidate for any 73
nomination or office or for the holding of an election on any 74
issue shall, in addition to meeting the other specific 75
requirements prescribed in the sections of the Revised Code 76
relating to them, be governed by the following rules: 77

(A) Only electors qualified to vote on the candidacy or issue 78
which is the subject of the petition shall sign a petition. Each 79

signer shall be a registered elector pursuant to section 3503.11 80
of the Revised Code. The facts of qualification shall be 81
determined as of the date when the petition is filed. 82

(B) Signatures shall be affixed in ink. Each signer may also 83
print the signer's name, so as to clearly identify the signer's 84
signature. 85

(C) Each signer shall place on the petition after the 86
signer's name the date of signing and the location of the signer's 87
voting residence, including the street and number if in a 88
municipal corporation or the rural route number, post office 89
address, or township if outside a municipal corporation. The 90
voting address given on the petition shall be the address 91
appearing in the registration records at the board of elections. 92

(D) Except as otherwise provided in section 3501.382 of the 93
Revised Code, no person shall write any name other than the 94
person's own on any petition. Except as otherwise provided in 95
section 3501.382 of the Revised Code, no person may authorize 96
another to sign for the person. If a petition contains the 97
signature of an elector two or more times, only the first 98
signature shall be counted. 99

(E)(1) On each petition paper, the circulator shall indicate 100
the number of signatures contained on it, and shall sign a 101
notarized statement made under penalty of election falsification 102
that the circulator witnessed the affixing of every signature, 103
that all signers were to the best of the circulator's knowledge 104
and belief qualified to sign, and that every signature is to the 105
best of the circulator's knowledge and belief the signature of the 106
person whose signature it purports to be or of an attorney in fact 107
acting pursuant to section 3501.382 of the Revised Code. On the 108
circulator's statement for a declaration of candidacy or 109
nominating petition for a person seeking to become a statewide 110
candidate or for a statewide initiative or a statewide referendum 111

petition, the circulator shall identify the circulator's name, the 112
address of the circulator's permanent residence, and the name and 113
address of the person employing the circulator to circulate the 114
petition, if any. On a petition for a statewide initiative, the 115
circulator also shall affirm that the circulator has read and 116
understands the laws pertaining to petition circulation. 117

(2) As used in division (E) of this section, "statewide 118
candidate" means the joint candidates for the offices of governor 119
and lieutenant governor or a candidate for the office of secretary 120
of state, auditor of state, treasurer of state, or attorney 121
general. 122

(F) Except as otherwise provided in section 3501.382 of the 123
Revised Code, if a circulator knowingly permits an unqualified 124
person to sign a petition paper or permits a person to write a 125
name other than the person's own on a petition paper, that 126
petition paper is invalid; otherwise, the signature of a person 127
not qualified to sign shall be rejected but shall not invalidate 128
the other valid signatures on the paper. 129

(G) The circulator of a petition may, before filing it in a 130
public office, strike from it any signature the circulator does 131
not wish to present as a part of the petition. 132

(H) Any signer of a petition or an attorney in fact acting 133
pursuant to section 3501.382 of the Revised Code on behalf of a 134
signer may remove the signer's signature from that petition at any 135
time before the petition is filed in a public office by striking 136
the signer's name from the petition; no signature may be removed 137
after the petition is filed in any public office. 138

(I)(1) No alterations, corrections, or additions may be made 139
to a petition after it is filed in a public office. 140

(2)(a) No declaration of candidacy, nominating petition, or 141
other petition for the purpose of becoming a candidate may be 142

withdrawn after it is filed in a public office. Nothing in this 143
division prohibits a person from withdrawing as a candidate as 144
otherwise provided by law. 145

(b) No petition presented to or filed with the secretary of 146
state, a board of elections, or any other public office for the 147
purpose of the holding of an election on any question or issue may 148
be resubmitted after it is withdrawn from a public office. Nothing 149
in this division prevents a question or issue petition from being 150
withdrawn by the filing of a written notice of the withdrawal by a 151
majority of the members of the petitioning committee with the same 152
public office with which the petition was filed prior to the 153
sixtieth day before the election at which the question or issue is 154
scheduled to appear on the ballot. 155

(J) All declarations of candidacy, nominating petitions, or 156
other petitions under this section shall be accompanied by the 157
following statement in boldface capital letters: WHOEVER COMMITS 158
ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE. 159

(K) All separate petition papers shall be filed at the same 160
time, as one instrument. 161

(L) If a board of elections distributes for use a petition 162
form for a declaration of candidacy, nominating petition, or any 163
type of question or issue petition that does not satisfy the 164
requirements of law as of the date of that distribution, the board 165
shall not invalidate the petition on the basis that the petition 166
form does not satisfy the requirements of law, if the petition 167
otherwise is valid. Division (L) of this section applies only if 168
the candidate received the petition from the board within ninety 169
days of when the petition is required to be filed. 170

Sec. 3519.011. The secretary of state shall develop training 171
programs for paid and volunteer circulators of initiative 172
petitions. The training programs shall be conducted in the 173

broadest, most cost-effective manner available to the secretary of 174
state, and by electronic and remote access. The petitioners or the 175
representatives of a petition entity, as defined in section 176
3519.012 of the Revised Code, shall inform paid and volunteer 177
circulators of the availability of these training programs. A 178
circulator who participates in a training program developed under 179
this section shall be deemed to have complied with the requirement 180
set forth in the circulator's statement that the circulator has 181
read and understands the laws pertaining to petition circulation. 182

Sec. 3519.012. (A) As used in this section, "petition entity" 183
means any person or committee that provides compensation to a 184
circulator to circulate an initiative petition. 185

(B)(1)(a) No petition entity shall provide compensation to a 186
circulator to circulate an initiative petition unless the petition 187
entity first obtains a license from the secretary of state. The 188
secretary of state, by rule, shall establish a process for a 189
petition entity to apply for a license under division (B) of this 190
section. 191

(b) The secretary of state may deny a petition entity a 192
license if the secretary of state finds that the petition entity 193
or any of the petition entity's principals have been found, in a 194
judicial or administrative proceeding, to have violated the 195
petition laws of this state or any other state and that the 196
violation involves authorizing or knowingly permitting any of the 197
acts set forth in division (B)(3) of this section. 198

The secretary of state shall deny a petition entity a license 199
if no current representative of the petition entity has completed 200
the training program established by the secretary of state under 201
section 3519.011 of the Revised Code. 202

(2) The secretary of state may at any time request a petition 203

entity to provide documentation that demonstrates that the 204
petition entity meets the requirements of section 3519.011 of the 205
Revised Code. 206

(3) The secretary of state shall revoke a petition entity's 207
license if, at any time after receiving a license, a petition 208
entity is determined to no longer be in compliance with the 209
requirements of division (B) of this section or if the petition 210
entity authorized or knowingly permitted any of the following 211
regarding a statewide initiative petition: 212

(a) Forgery of a registered elector's signature; 213

(b) Circulation of a petition or part petition by anyone 214
other than the circulator who signs the circulator's statement 215
attached to that petition or part petition; 216

(c) Use of a false circulator name or address in the 217
circulator's statement; 218

(d) Payment of money or any thing of value to a person for 219
the purpose of inducing the person to sign or withdraw the 220
person's name from a petition; 221

(e) Circulation of a petition or part petition by anyone who 222
is not registered as a petition circulator as required under 223
section 3519.013 of the Revised Code; or 224

(f) Notarization of a petition or part petition outside of 225
the presence of the circulator or without the production of the 226
required identification for notarization. 227

(C)(1) Any registered elector may file a complaint with the 228
secretary of state of alleging a violation of this section. Upon 229
receipt of such a complaint, the secretary of state shall conduct 230
an adjudication under Chapter 119. of the Revised Code. 231

(a) If the secretary of state determines that a petition 232
entity has provided compensation to a circulator to circulate an 233

initiative petition without first obtaining a license under this 234
section, the secretary of state shall fine the petition entity an 235
amount not to exceed one hundred dollars per circulator for each 236
day that the circulator or circulators circulated petitions or 237
part petitions on behalf of the unlicensed petition entity. 238

(b) If the secretary of state determines that a petition 239
entity authorized or knowingly permitted any of the acts set forth 240
in division (B)(3) of this section, the secretary of state shall 241
revoke the petition entity's license for not less than ninety days 242
and not more than one hundred eighty days and invalidate any 243
signatures obtained in violation of that division. If the 244
secretary of state determines that a petition entity authorized or 245
knowingly permitted any of the acts set forth in division (B)(3) 246
of this section for a second or subsequent time, the secretary of 247
state shall revoke the petition entity's license for not less than 248
one hundred eighty days and not more than one year and invalidate 249
any signatures obtained in violation of that division. 250

The secretary shall consider all circumstances relating to 252
the authorization or permitting of the acts set forth in division 253
(B)(3) of this section when fixing the length of the license 254
revocations. 255

(2) A petition entity whose license has been revoked may 256
apply for reinstatement of that license, to be effective upon 257
expiration of the term of revocation. 258

(3) In determining whether to reinstate a license, the 259
secretary of state may consider both of the following: 260

(a) Whether the petition entity employs or contracts with any 261
person who served as a director, officer, owner, or principal of a 262
petition entity whose license was revoked, the role of that 263
individual in the facts underlying the prior license revocation, 264

and the role of that individual in a petition entity's 265
post-revocation activities; 266

(b) Any other facts the petition entity presents to the 267
secretary of state, including, but not limited to, remedial 268
actions, if any, that have been implemented to avoid future acts 269
that would violate this section. 270

(D) The secretary of state shall issue a decision on any 271
application for a new or reinstated license within ten business 272
days after a petition entity files an application. The application 273
shall be on a form prescribed by the secretary of state and shall 274
be accompanied by a nonrefundable license fee, the amount of which 275
the secretary of state shall establish by rule. 276

(E)(1) A petition entity that receives a license under this 277
section shall register with the secretary of state by providing 278
all of the following information: 279

(a) The subject matter of and, once finalized, a copy of, any 280
proposed law or constitutional amendment for which a petition will 281
be circulated by circulators coordinated or paid by the petition 282
entity; 283

(b) The current name, address, telephone number, and 284
electronic mail address of the petition entity; and 285

(c) The name and signature of the designated agent of the 286
petition entity. 287

(2) A petition entity shall notify the secretary of state 288
within twenty days of any change in the information submitted 289
pursuant to division (E)(1) of this section. 290

Sec. 3519.013. Each person who intends to circulate an 291
initiative petition shall, prior to circulating that petition, 292
register as a petition circulator with the secretary of state. 293

The secretary of state shall, by rule, develop and maintain a 294

registry of all circulators of initiative petitions. 295

Sec. 3519.05. If the measure to be submitted proposes a 296
constitutional amendment, the heading of each part of the petition 297
shall be prepared in the following form, and printed in capital 298
letters in type of the approximate size set forth: 299

"INITIATIVE PETITION 300

Amendment to the Constitution 301

Proposed by Initiative Petition 302

To be submitted directly to the electors" 303

"Amendment" printed in fourteen-point boldface type shall 304
precede the title, which shall be briefly expressed and printed in 305
eight-point type. The summary shall then be set forth printed in 306
ten-point type, and then shall follow the certification of the 307
attorney general, under proper date, which shall also be printed 308
in ten-point type. The petition shall then set forth the names and 309
addresses of the committee of not less than three nor more than 310
five to represent the petitioners in all matters relating to the 311
petition or its circulation. 312

Immediately above the heading of the place for signatures on 313
each part of the petition the following notice shall be printed in 314
boldface type: 315

"NOTICE 316

Whoever knowingly signs this petition more than once; except 317
as provided in section 3501.382 of the Revised Code, signs a name 318
other than one's own on this petition; or signs this petition when 319
not a qualified voter, is liable to prosecution." 320

The heading of the place for signatures shall be 321
substantially as follows: 322

"(Sign with ink. Your name, residence, and date of signing must be 323
given.) 324

—		325	
	Rural Route or	326	
	other Post-	327	
Signature County Township	office Address	Month Day Year	328
—		329	
(Voters who do not live in a municipal corporation should fill in		330	
the information called for by headings printed above.)		331	
(Voters who reside in municipal corporations should fill in the		332	
information called for by headings printed below.)		333	
—		334	
	City Street	335	
	or and	336	
Signature County Village Number	Ward Precinct	Month Day Year"	337
—		338	
The text of the proposed amendment shall be printed in full,		339	
immediately following the place for signatures, and shall be		340	
prefaced by "Be it resolved by the people of the State of Ohio."		341	
Immediately following the text of the proposed amendment must		342	
appear the following form:		343	
"I,, declare under penalty of election		344	
falsification that I am the circulator of the foregoing petition		345	
paper containing the signatures of electors, that the		346	
signatures appended hereto were made and appended in my presence		347	
on the date set opposite each respective name, and are the		348	
signatures of the persons whose names they purport to be or of		349	
attorneys in fact acting pursuant to section 3501.382 of the		350	
Revised Code, and that the electors signing this petition did so		351	
with knowledge of the contents of same. <u>I further declare that I</u>		352	
<u>have read and understand the laws pertaining to petition</u>		353	
<u>circulation.</u> I am employed to circulate this petition by		354	

..... (Name and address of employer).	355
(The preceding sentence shall be completed as required by section	356
3501.38 of the Revised Code if the circulator is being employed to	357
circulate the petition.)	358
(Signed)	359
(Address of circulator's permanent	360
residence in this state)	
.....	361
WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY	362
OF THE FIFTH DEGREE."	363
If the measure proposes a law, the heading of each part of	364
the petition shall be prepared as follows:	365
"INITIATIVE PETITION	366
Law proposed by initiative petition first to be submitted to	367
the General Assembly."	368
In all other respects, the form shall be as provided for the	369
submission of a constitutional amendment, except that the text of	370
the proposed law shall be prefaced by "Be it enacted by the people	371
of the state of Ohio."	372
The form for a supplementary initiative petition shall be the	373
same as that provided for an initiative petition, with the	374
exception that "supplementary" shall precede "initiative" in the	375
title thereof.	376
The general provisions set forth in this section relative to	377
the form and order of an initiative petition shall be, so far as	378
practical, applicable to a referendum petition, the heading of	379
which shall be as follows:	380
"REFERENDUM PETITION	381
To be submitted to the electors for their approval or	382
rejection"	383

The title, which follows the heading, shall contain a brief 384
legislative history of the law, section, or item of law to be 385
referred. The text of the law so referred shall be followed by the 386
certification of the secretary of state, in accordance with 387
division (B)(2)(b) of section 3519.01 of the Revised Code, that it 388
has been compared with the copy of the enrolled act, on file in 389
the secretary of state's office, containing such law, section, or 390
item of law, and found to be correct. 391

Sec. 3519.21. (A) The order in which all propositions, 392
issues, or questions, including proposed laws and constitutional 393
amendments, shall appear on the ballot and the ballot title of all 394
such propositions, issues, or questions shall be determined by the 395
secretary of state in case of propositions to be voted upon in a 396
district larger than a county, and by the board of elections in a 397
county in the case of a proposition to be voted upon in a county 398
or a political subdivision thereof. In preparing such a ballot 399
title the secretary of state or the board shall ~~give~~ do all of the 400
following: 401

(1) Give a true and impartial statement of the ~~measures~~ 402
measure in such language that the ballot title shall not be likely 403
to create prejudice for or against the measure. ~~The;~~ 404

(2) Provide for public input on the ballot title before 405
determining the language of the title; and 406

(3) Permit the person or committee promoting such measure ~~may~~ 407
to submit to the secretary of state or the board a suggested 408
ballot title, which shall be given full consideration by the 409
secretary of state or board in determining the ballot title. 410

(B) Except as otherwise provided by law, all propositions, 411
issues, or questions submitted to the electors and receiving an 412
affirmative vote of a majority of the votes cast thereon are 413
approved. 414

Section 2. That existing sections 2961.01, 3501.38, 3519.05, 415
and 3519.21 of the Revised Code are hereby repealed. 416

Section 3. This act shall be known as "The Ballot Integrity 417
Act." 418