

**As Introduced**

**130th General Assembly  
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**S. B. No. 337**

**Senator Turner**

**Cosponsors: Senators Schiavoni, Tavares, Seitz**

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**A B I L L**

To amend sections 3501.05 and 3517.153 of the Revised Code to permit the Secretary of State and the Ohio Elections Commission to issue subpoenas and summons in the performance of their duties, as authorized under the Elections Law, to any person outside the state and to provide for the enforcement of the subpoenas and summons under the Elections Law.

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

**Section 1.** That sections 3501.05 and 3517.153 of the Revised Code be amended to read as follows:

**Sec. 3501.05.** The secretary of state shall do all of the following:

(A) Appoint all members of boards of elections;

(B) Issue instructions by directives and advisories in accordance with section 3501.053 of the Revised Code to members of the boards as to the proper methods of conducting elections.

(C) Prepare rules and instructions for the conduct of elections;

(D) Publish and furnish to the boards from time to time a	19
sufficient number of indexed copies of all election laws then in	20
force;	21
(E) Edit and issue all pamphlets concerning proposed laws or	22
amendments required by law to be submitted to the voters;	23
(F) Prescribe the form of registration cards, blanks, and	24
records;	25
(G) Determine and prescribe the forms of ballots and the	26
forms of all blanks, cards of instructions, pollbooks, tally	27
sheets, certificates of election, and forms and blanks required by	28
law for use by candidates, committees, and boards;	29
(H) Prepare the ballot title or statement to be placed on the	30
ballot for any proposed law or amendment to the constitution to be	31
submitted to the voters of the state;	32
(I) Except as otherwise provided in section 3519.08 of the	33
Revised Code, certify to the several boards the forms of ballots	34
and names of candidates for state offices, and the form and	35
wording of state referendum questions and issues, as they shall	36
appear on the ballot;	37
(J) Except as otherwise provided in division (I)(2)(b) of	38
section 3501.38 of the Revised Code, give final approval to ballot	39
language for any local question or issue approved and transmitted	40
by boards of elections under section 3501.11 of the Revised Code;	41
(K) Receive all initiative and referendum petitions on state	42
questions and issues and determine and certify to the sufficiency	43
of those petitions;	44
(L) Require such reports from the several boards as are	45
provided by law, or as the secretary of state considers necessary;	46
(M) Compel the observance by election officers in the several	47
counties of the requirements of the election laws;	48

(N)(1) Except as otherwise provided in division (N)(2) of 49  
this section, investigate the administration of election laws, 50  
frauds, and irregularities in elections in any county, and report 51  
violations of election laws to the attorney general or prosecuting 52  
attorney, or both, for prosecution; 53

(2) On and after August 24, 1995, report a failure to comply 54  
with or a violation of a provision in sections 3517.08 to 3517.13, 55  
3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, or 3599.031 of the 56  
Revised Code, whenever the secretary of state has or should have 57  
knowledge of a failure to comply with or a violation of a 58  
provision in one of those sections, by filing a complaint with the 59  
Ohio elections commission under section 3517.153 of the Revised 60  
Code; 61

(O) Make an annual report to the governor containing the 62  
results of elections, the cost of elections in the various 63  
counties, a tabulation of the votes in the several political 64  
subdivisions, and other information and recommendations relative 65  
to elections the secretary of state considers desirable; 66

(P) Prescribe and distribute to boards of elections a list of 67  
instructions indicating all legal steps necessary to petition 68  
successfully for local option elections under sections 4301.32 to 69  
4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 70

(Q) Adopt rules pursuant to Chapter 119. of the Revised Code 71  
for the removal by boards of elections of ineligible voters from 72  
the statewide voter registration database and, if applicable, from 73  
the poll list or signature pollbook used in each precinct, which 74  
rules shall provide for all of the following: 75

(1) A process for the removal of voters who have changed 76  
residence, which shall be uniform, nondiscriminatory, and in 77  
compliance with the Voting Rights Act of 1965 and the National 78  
Voter Registration Act of 1993, including a program that uses the 79

national change of address service provided by the United States	80
postal system through its licensees;	81
(2) A process for the removal of ineligible voters under	82
section 3503.21 of the Revised Code;	83
(3) A uniform system for marking or removing the name of a	84
voter who is ineligible to vote from the statewide voter	85
registration database and, if applicable, from the poll list or	86
signature pollbook used in each precinct and noting the reason for	87
that mark or removal.	88
(R) Prescribe a general program for registering voters or	89
updating voter registration information, such as name and	90
residence changes, by boards of elections, designated agencies,	91
offices of deputy registrars of motor vehicles, public high	92
schools and vocational schools, public libraries, and offices of	93
county treasurers consistent with the requirements of section	94
3503.09 of the Revised Code;	95
(S) Prescribe a program of distribution of voter registration	96
forms through boards of elections, designated agencies, offices of	97
the registrar and deputy registrars of motor vehicles, public high	98
schools and vocational schools, public libraries, and offices of	99
county treasurers;	100
(T) To the extent feasible, provide copies, at no cost and	101
upon request, of the voter registration form in post offices in	102
this state;	103
(U) Adopt rules pursuant to section 111.15 of the Revised	104
Code for the purpose of implementing the program for registering	105
voters through boards of elections, designated agencies, and the	106
offices of the registrar and deputy registrars of motor vehicles	107
consistent with this chapter;	108
(V) Establish the full-time position of Americans with	109
Disabilities Act coordinator within the office of the secretary of	110

state to do all of the following: 111

(1) Assist the secretary of state with ensuring that there is 112  
equal access to polling places for persons with disabilities; 113

(2) Assist the secretary of state with ensuring that each 114  
voter may cast the voter's ballot in a manner that provides the 115  
same opportunity for access and participation, including privacy 116  
and independence, as for other voters; 117

(3) Advise the secretary of state in the development of 118  
standards for the certification of voting machines, marking 119  
devices, and automatic tabulating equipment. 120

(W) Establish and maintain a computerized statewide database 121  
of all legally registered voters under section 3503.15 of the 122  
Revised Code that complies with the requirements of the "Help 123  
America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666, 124  
and provide training in the operation of that system; 125

(X) Ensure that all directives, advisories, other 126  
instructions, or decisions issued or made during or as a result of 127  
any conference or teleconference call with a board of elections to 128  
discuss the proper methods and procedures for conducting 129  
elections, to answer questions regarding elections, or to discuss 130  
the interpretation of directives, advisories, or other 131  
instructions issued by the secretary of state are posted on a web 132  
site of the office of the secretary of state as soon as is 133  
practicable after the completion of the conference or 134  
teleconference call, but not later than the close of business on 135  
the same day as the conference or teleconference call takes place. 136

(Y) Publish a report on a web site of the office of the 137  
secretary of state not later than one month after the completion 138  
of the canvass of the election returns for each primary and 139  
general election, identifying, by county, the number of absent 140  
voter's ballots cast and the number of those ballots that were 141

counted, and the number of provisional ballots cast and the number 142  
of those ballots that were counted, for that election. The 143  
secretary of state shall maintain the information on the web site 144  
in an archive format for each subsequent election. 145

(Z) Conduct voter education outlining voter identification, 146  
absent voters ballot, provisional ballot, and other voting 147  
requirements; 148

(AA) Establish a procedure by which a registered elector may 149  
make available to a board of elections a more recent signature to 150  
be used in the poll list or signature pollbook produced by the 151  
board of elections of the county in which the elector resides; 152

(BB) Disseminate information, which may include all or part 153  
of the official explanations and arguments, by means of direct 154  
mail or other written publication, broadcast, or other means or 155  
combination of means, as directed by the Ohio ballot board under 156  
division (F) of section 3505.062 of the Revised Code, in order to 157  
inform the voters as fully as possible concerning each proposed 158  
constitutional amendment, proposed law, or referendum; 159

(CC) Be the single state office responsible for the 160  
implementation of the "Uniformed and Overseas Citizens Absentee 161  
Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 1973ff, 162  
et seq., as amended, in this state. The secretary of state may 163  
delegate to the boards of elections responsibilities for the 164  
implementation of that act, including responsibilities arising 165  
from amendments to that act made by the "Military and Overseas 166  
Voter Empowerment Act," Subtitle H of the "National Defense 167  
Authorization Act for Fiscal Year 2010," Pub. L. No. 111-84, 123 168  
Stat. 3190. 169

(DD) Perform other duties required by law. 170

Whenever a primary election is held under section 3513.32 of 171  
the Revised Code or a special election is held under section 172

3521.03 of the Revised Code to fill a vacancy in the office of 173  
representative to congress, the secretary of state shall establish 174  
a deadline, notwithstanding any other deadline required under the 175  
Revised Code, by which any or all of the following shall occur: 176  
the filing of a declaration of candidacy and petitions or a 177  
statement of candidacy and nominating petition together with the 178  
applicable filing fee; the filing of protests against the 179  
candidacy of any person filing a declaration of candidacy or 180  
nominating petition; the filing of a declaration of intent to be a 181  
write-in candidate; the filing of campaign finance reports; the 182  
preparation of, and the making of corrections or challenges to, 183  
precinct voter registration lists; the receipt of applications for 184  
absent voter's ballots or ~~armed-service~~ uniformed services or 185  
overseas absent voter's ballots; the supplying of election 186  
materials to precincts by boards of elections; the holding of 187  
hearings by boards of elections to consider challenges to the 188  
right of a person to appear on a voter registration list; and the 189  
scheduling of programs to instruct or reinstruct election 190  
officers. 191

In the performance of the secretary of state's duties as the 192  
chief election officer, the secretary of state may administer 193  
oaths, issue subpoenas to any person within or without the state, 194  
summon witnesses within or without the state, compel the 195  
production of books, papers, records, and other evidence, and fix 196  
the time and place for hearing any matters relating to the 197  
administration and enforcement of the election laws. Any person, 198  
within or without the state, who fails to obey a subpoena or 199  
summons issued by the secretary of state pursuant to this section 200  
may be prosecuted under section 3599.37 of the Revised Code, as 201  
applicable. 202

In any controversy involving or arising out of the adoption 203  
of registration or the appropriation of funds for registration, 204

the secretary of state may, through the attorney general, bring an 205  
action in the name of the state in the court of common pleas of 206  
the county where the cause of action arose or in an adjoining 207  
county, to adjudicate the question. 208

In any action involving the laws in Title XXXV of the Revised 209  
Code wherein the interpretation of those laws is in issue in such 210  
a manner that the result of the action will affect the lawful 211  
duties of the secretary of state or of any board of elections, the 212  
secretary of state may, on the secretary of state's motion, be 213  
made a party. 214

The secretary of state may apply to any court that is hearing 215  
a case in which the secretary of state is a party, for a change of 216  
venue as a substantive right, and the change of venue shall be 217  
allowed, and the case removed to the court of common pleas of an 218  
adjoining county named in the application or, if there are cases 219  
pending in more than one jurisdiction that involve the same or 220  
similar issues, the court of common pleas of Franklin county. 221

Public high schools and vocational schools, public libraries, 222  
and the office of a county treasurer shall implement voter 223  
registration programs as directed by the secretary of state 224  
pursuant to this section. 225

**Sec. 3517.153.** (A) Upon the filing of a complaint with the 226  
Ohio elections commission, which shall be made by affidavit of any 227  
person, on personal knowledge, and subject to the penalties for 228  
perjury, or upon the filing of a complaint made by the secretary 229  
of state or an official at the board of elections, setting forth a 230  
failure to comply with or a violation of any provision in sections 231  
3517.08 to 3517.13, 3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, 232  
or 3599.031 of the Revised Code, the commission shall proceed in 233  
accordance with sections 3517.154 to 3517.157 of the Revised Code. 234

(B) The commission shall prescribe the form for complaints 235



made under division (A) of this section. The secretary of state 236  
and boards of elections shall furnish the information that the 237  
commission requests. The commission or a member of the commission 238  
may administer oaths, and the commission may issue subpoenas to 239  
any person ~~in~~ within or without the state compelling the 240  
attendance of witnesses and the production of relevant papers, 241  
books, accounts, and reports. Any person, within or without the 242  
state, who fails to obey a subpoena issued by the commission 243  
pursuant to this section may be prosecuted under section 3599.37 244  
of the Revised Code, as applicable. Section 101.42 of the Revised 245  
Code governs the issuance of subpoenas insofar as applicable. Upon 246  
the refusal of any person to obey a subpoena or to be sworn or to 247  
answer as a witness, the commission may apply to the court of 248  
common pleas of Franklin county under section 2705.03 of the 249  
Revised Code. The court shall hold proceedings in accordance with 250  
Chapter 2705. of the Revised Code. 251

(C) No prosecution shall commence for a violation of a 252  
provision in sections 3517.08 to 3517.13, 3517.17, 3517.18, 253  
3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised Code 254  
unless a complaint has been filed with the commission under this 255  
section and all proceedings of the commission or a panel of the 256  
commission, as appropriate, under sections 3517.154 to 3517.157 of 257  
the Revised Code are completed. 258

(D) The commission may recommend legislation and render 259  
advisory opinions concerning sections 3517.08, 3517.082, 3517.092, 260  
3517.102, 3517.105, 3517.1014, 3517.13, 3517.18, 3517.20 to 261  
3517.22, 3599.03, and 3599.031 of the Revised Code for persons 262  
over whose acts it has or may have jurisdiction. When the 263  
commission renders an advisory opinion relating to a specific set 264  
of circumstances involving any of those sections stating that 265  
there is no violation of a provision in those sections, the person 266  
to whom the opinion is directed or a person who is similarly 267

situated may reasonably rely on the opinion and is immune from 268  
criminal prosecution and a civil action, including, without 269  
limitation, a civil action for removal from public office or 270  
employment, based on facts and circumstances covered by the 271  
opinion. 272

(E) The commission shall establish a web site on which it 273  
shall post, at a minimum, all decisions and advisory opinions 274  
issued by the commission and copies of each election law as it is 275  
amended by the general assembly. The commission shall update the 276  
web site regularly to reflect any changes to those decisions and 277  
advisory opinions and any new decisions and advisory opinions. 278

**Section 2.** That existing sections 3501.05 and 3517.153 of the 279  
Revised Code are hereby repealed. 280