Ohio Legislative Service Commission

Bill Analysis   Lynda J. Jacobsen

Sub. H.B. 260[*]
128th General Assembly
(As Reported by H. Elections and Ethics)

Reps.   Stewart and Heard, Book, Domenick, Dyer, Foley, Garland, Letson, Okey, Skindell, Weddington, B. Williams, Yuko

TABLE OF CONTENTS

BILL SUMMARY

Election administration

- Requires a board of elections, when establishing precincts, changing the number of precincts, or changing precinct boundaries, to do so in accordance with the Secretary of State's rules (R.C. 3501.11, 3501.18, and 3501.21).

---

[*] This analysis was prepared before the report of the House Elections and Ethics Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

- Requires a board of elections to notify the Secretary of State within five days after it approves changes to the boundaries of any precinct or the relocation of any polling place (R.C. 3501.11, 3501.18, and 3501.21).

- Requires a board of elections to determine the allocation and distribution of voting machines by calculating the minimum number of devices required for all precincts based on specified criteria, including the estimated time to complete the ballot and voter turnout at the most recent similar election, and then allocating additional devices considering historic voter turnout, change in the number of registered voters, historic wait periods for machines, number of absent voter's ballot requests, ballot length, number of machines needed for emergency purposes, and other factors.

- Excludes from this calculation those individuals who have failed to respond within 30 days to any confirmation notice and those voters who requested an absent voter's ballot for the most recent similar election. (R.C. 3506.12.)

- Expands the election costs that local subdivisions are required to pay when conducting an election to include the costs of compensation for overtime worked by the director, deputy director, and employees in the office of a board of elections when preparing and conducting the election and a flat depreciation for the equipment used to prepare for and conduct the election.

- Requires the Secretary of State to establish a depreciation schedule and a flat depreciation fee that will be charged to subdivisions conducting special elections. (R.C. 3501.17.)

- Revises the information that must be printed on instruction cards that are prepared for the guidance of electors in marking their ballots (R.C. 3505.12).

- Requires a board of county commissioners to establish an Elections Revenue Fund, and permits the board to establish an Elections Capital Improvement Fund, and specifies the purposes for which those funds may be used. (R.C. 3501.17.)

- Requires a subdivision placing a question, issue, nomination, or election on the ballot at a special election to prepay at least 65% of the estimated cost of preparing for and conducting that election to the county Elections Revenue Fund prior to the election, and specifies that additional costs must be paid, and overpayments must be refunded, following the final costs calculation after the election. (R.C. 3501.17.)

- Requires boards of elections to provide statistics regarding the number and type of ballots cast, counted, and not counted, and the number of electors eligible to vote in

an election, to the Secretary of State within 30 days after the election results are certified. (R.C. 3505.331.)

- Specifies that, when additional judges of election are appointed, the combination of regular and additional judges must not permit more than one-half of the total number of judges to be members of the same political party. (R.C. 3501.22.)

- Requires each board of elections to adopt a policy to either allow or disallow split shift schedules for any precinct election official other than the presiding judge, and requires a policy adopting split shifts to ensure an adequate number of election officers in each precinct and address inadequate numbers of election officers caused by split shifts.

- Specifies that election officers who work a split shift must be paid a percentage of the regular election officer pay, based on the percentage of hours worked. (R.C. 3501.22.)

- Requires the Secretary of State to adopt rules specifying the manner in which elections will be conducted in the event of an emergency, and requires each board of elections to submit and periodically update a disaster preparedness plan (R.C. 3501.40).

Qualifications for specified activities under the Election Law

- Revises the qualifications for an elector by stating that a person is a qualified elector if the person will have been a resident and will have been registered to vote for 30 days immediately preceding the day of the election (R.C. 3503.01).

- Eliminates the requirement that a person reside in the precinct in which the person offers to vote (R.C. 3503.06).

- Specifies that an elector must reside in the precinct in which a candidacy or issue will appear on the ballot and be eligible to vote a regular ballot on that candidacy or issue to be eligible to sign a petition for that candidacy or issue. (R.C. 3501.38 and 3503.06.)

- Eliminates residency requirements for circulators of an election petition, and instead requires the circulator of an election petition to be at least 18 years of age (R.C. 3503.06).

Voter registration

- Specifies that the Secretary of State is the chief elections official who coordinates Ohio's responsibilities under the National Voter Registration Act of 1993 (NVRA) (R.C. 3503.10).

- Requires each "designated agency" that is required to provide voter registration services to enter into a memorandum of understanding with the Secretary of State, and specifies the duties that a designated agency must agree to perform under the memorandum (R.C. 3503.10).

- Revises the language that must appear on voter registration forms distributed by designated agencies (R.C. 3503.10).

- Requires voter registration forms completed at or returned to a designated agency to be transmitted to the appropriate board of elections within five business days after receipt, instead of within five days, as under current law (R.C. 3503.19).

- Authorizes the Secretary of State or the head of a state agency with supervisory authority over a designated agency to effect compliance with the Voter Registration Law by bringing a mandamus action in the Ohio Supreme Court (R.C. 3503.10).

- Eliminates a restriction on the voter registration activities conducted by the Department of Job and Family Services (R.C. 3503.10).

- Restricts to the board of elections or the office of the Secretary of State the locations to which a voter registration application may be returned by mail (R.C. 3503.19).

- Requires the Secretary of State to adopt rules that require any change of address submitted to change a person's driver's license or state identification card to also serve as a notification of change of address for voter registration purposes (R.C. 3503.11).

- Requires, not later than December 31, 2010, the Secretary of State to establish a secure Internet web site to permit individuals to submit a voter registration application, change the individual's name, address, or other information in the individual's current voter registration record, determine the status of the individual's previously submitted voter registration, and, if necessary, correct an error or omission on that voter registration application.

- Requires the Internet-based registration application to contain the same information, warnings, and disclaimers as are required for paper voter registration applications,

and requires information submitted through that application process to be compared with the information in the database of the Registrar of Motor Vehicles.

- Specifies that a person who registers through the Internet must be considered to have registered by mail, and requires the board of elections to notify an Internet applicant if the application does not substantially match the information in the motor vehicle records.

- Requires the Secretary of State to establish a Task Force to implement online voter registration requirements by developing a memorandum of understanding between the Secretary of State and the Bureau of Motor Vehicles. (R.C. 3503.11.)

- Requires, not later than August 1, 2012, all individuals who meet the qualifications of an elector and who do any of the following to automatically be registered to vote: graduate from a public, private, or community high school, register or update their service with a designated agency, or apply for, renew, or update a driver's license or state identification card.

- Specifies that an individual may opt out of automatic voter registration.

- Requires the Secretary of State to adopt rules to implement automatic voter registration, and requires the Secretary of State to establish a Task Force to develop a memorandum of understanding between the Secretary of State and participating entities to provide for the orderly implementation and maintenance of the automatic voter registration process.

- Requires a board of elections to send to the Secretary of State, 60 days prior to a general election and 60 days prior to a primary election in an even-numbered year, a list of individuals who failed to respond to a confirmation notice or whose voter registration was canceled in the previous 12 months, and requires the Secretary of State to make that information available for public inspection on the Secretary of State's web site. (R.C. 3503.22.)

- Requires a board of elections that cancels an elector's voter registration to record the reason for the cancellation. (R.C. 3503.21.)

- Specifies that a voter who submits a voter registration application for a county other than the county in which the voter is currently registered must be considered to have requested cancellation of the registration in the current county. (R.C. 3503.21.)

- Requires voter registration forms to include a space, which must be labeled "Recommended" in which the person submitting the application is permitted to record a contact phone number, an electronic mail address, or both. (R.C. 3503.14.)

- Specifies that an inmate of a public or private institution who is a United States citizen, who has resided in Ohio for 30 days, and who is 18 years of age or older must be permitted to register to vote at the address of the institution, and specifies what constitutes a person being an inmate for temporary purposes, and thus qualified to vote at the address from which the person entered the institution. (R.C. 3503.04.)

- Revises the process for voting after an elector moves or changes the elector's name (R.C. 3503.16).

- Permits electors who have moved within a county or who have changed their names and moved within a county to vote a regular ballot, rather than a provisional ballot (R.C. 3503.16).

- Permits any elector who moves, changes the elector's name, or both, to simultaneously update the voter's registration and vote by absent voter's ballot, instead of restricting simultaneous updating and voting to electors who are too ill, disabled, or infirm to appear at the board of elections (R.C. 3503.16, 3509.02, and 3509.08).

- Requires a board of elections that does not accept a person's voter registration application to notify the applicant, by whatever means of contact the applicant has provided, of the reasons for rejecting the application and permit the applicant to provide whatever information is necessary to complete the application (R.C. 3503.19).

- Specifies that, if an applicant provides the missing information on the applicant's voter registration form not less than 15 days before the day of an election, the applicant must be considered registered as of the date the application was submitted, and the applicant must be permitted to vote a regular ballot at that election. (R.C. 3503.19.)

- Specifies that, if an applicant with an incomplete application casts a provisional ballot and provides the required information, the applicant must be considered registered on the day the application was submitted, and requires the board to count the provisional ballot, if it is otherwise valid. (R.C. 3503.19.)

- Requires a board of elections that receives a voter registration application by mail to determine whether the applicant is a first-time mail-in registrant and, under federal law, required to provide additional identification when the applicant appears to vote (R.C. 3503.141).

- Requires the Secretary of State to coordinate with the boards of elections to identify, collect, and distribute best practices for processing voter registrations, which the Secretary of State must issue to the boards at least once every two years (R.C. 3503.142).

- Requires the Secretary of State and the Registrar of Motor Vehicles to enter into an agreement to match information in the statewide voter registration database with motor vehicle records, as required under federal law (R.C. 3503.15).

- Requires the Secretary of State to establish, by rule, a process for notifying boards of elections of any relevant nonmatch that the Secretary of State receives through the record-matching agreement, and specifies what constitutes a "nonmatch" (R.C. 3503.15).

- Prohibits a nonmatch from being the sole reason for failing to add a voter to the statewide voter registration database, for challenging or upholding a challenge to a person's voter registration or right to vote, for canceling a person's voter registration, for requiring a person to vote a provisional ballot, or for failing to provide a regular ballot or absent voter's ballot to an otherwise eligible voter (R.C. 3503.15).

Ballots

- Establishes a minimum number of ballots to be prepared for each election, which number of ballots varies based on the type of election being conducted and, in specified cases, the voter turnout in prior similar elections, and permits a board of elections to prepare additional ballots in the discretion of the board. (R.C. 3505.11.)

- Requires a board of elections that prints ballots on demand to have ready for use enough ballot printing paper to print 80% of the number of ballots required if the board did not print ballots on demand (R.C. 3505.11).

- Revises and reduces the amount of instructions required to be printed on each ballot (R.C. 3505.03 and 3505.10).

- Requires the title of each office and the name of each candidate appearing on the ballot to be flush left and not centered on the ballot or on any column appearing on the ballot, and requires the name of each candidate to be printed using standard capitalization in accordance with instructions provided by the Secretary of State (R.C. 3505.03, 3505.04, 3505.08, and 3506.11).

- Generally prohibits the names of candidates for nomination or election to the same office from appearing on different pages of the ballot (R.C. 3505.03, 3505.04, 3505.08, and 3506.11).

- Prohibits the ballot language for any state or local question, issue, or amendment from exceeding 300 words unless the Revised Code or a municipal or county charter specifies the ballot language, and that language exceeds 300 words (R.C. 3505.06).

- Removes the limit on the number of sample ballots that a board of elections may print (R.C. 3505.08).

Voting process

- Changes the documents that may be accepted as identification for election purposes (R.C. 3501.01).

- Permits a voter to provide a current and valid photo identification that lists the elector's name in a manner that substantially conforms to the elector's name in the elector's voter registration records and that was issued by the state or any of its agencies or subdivisions, a public, private, or proprietary institution of higher education, or the government of the United States or to provide a signed affirmation as to the voter's identity, which must include specified information. (R.C. 3501.01.)

- Eliminates a requirement that a voter's identification show the voter's address (R.C. 3501.01).

- Requires first-time mail-in registrants to provide identification in accordance with federal law (R.C. 3501.01).

- Increases from five minutes to ten minutes the time limit for voters to occupy a voting machine when all machines are in use and voters are waiting to occupy them (R.C. 3503.23).

Provisional ballots

- Reduces from 13 to three the categories of persons required to vote by provisional ballot and states that no person who is deemed ineligible to cast a regular ballot may be denied, for any reason, the opportunity to cast a provisional ballot at any polling location (R.C. 3505.181).

- Revises the process for casting a provisional ballot and eliminates the detailed information that election officials currently are required to record on a provisional ballot envelope (R.C. 3505.181 and 3505.182).

- Defines the "jurisdiction" within which a person may validly cast a provisional ballot as the county in which the person is registered to vote (R.C. 3505.181).

- Requires the Secretary of State to prescribe the form and content of provisional ballot envelopes, and specifies the form of the "Provisional Voter's Affirmation" that must appear on the envelope (R.C. 3505.181 and 3505.182).

- Requires a board of elections to contact an individual who cast a provisional ballot but who failed to sign the provisional affirmation to notify the individual of the missing signature and to provide the individual an opportunity to correct the affirmation not later than ten days after the election.

- Permits an individual who has been notified of a missing signature on a provisional ballot affirmation to provide a signed statement that the applicant submitted the provisional ballot, which statement must be considered the applicant's signature on the affirmation. (R.C. 3505.183.)

- Requires a provisional ballot to be counted if the individual's signature substantially conforms to the individual's signature in the voter registration record, the individual is properly registered to vote, and the individual is eligible to cast a ballot for the election in which the individual cast the provisional ballot. (R.C. 3505.183.)

- Requires the board of elections to remake a voter's provisional ballot for all offices, questions, and issues for which the voter was eligible to cast a ballot, if the provisional voter is a qualified elector but the individual is registered to vote in a different precinct than the one in which the individual cast the provisional ballot (R.C. 3503.183).

- Requires a board of elections to make available for public inspection, not later than 24 hours after the unofficial election results have been determined, the names of provisional voters and the precincts in which they voted.

- Prohibits personal information about an individual provisional ballot, including information provided on the affirmation form and information as to whether a ballot was counted, from being disclosed to any person other than the voter who cast the provisional ballot. (R.C. 3505.183.)

Absent voter's ballots

- Requires absent voter's ballots for overseas voters and uniformed services voters eligible to vote under federal law to be printed and ready for use on the 45th day before the day of the election, and generally requires absent voter's ballots for all other absent voters to be ready for use on the 28th day before the day of an election through noon on the Monday before the election. (R.C. 3509.01.)

- Increases from one to four the number of locations at which a board of elections may permit absent voter's ballots to be cast in person before the day of an election (R.C. 3501.10).

- Requires an affirmative vote of three members of a board of elections to establish more than one location for in-person absent voting, and requires any tie or disagreement of the board on this issue to be submitted to the Secretary of State for resolution (R.C. 3501.10).

- Specifies that a board of elections may employ additional locations for all or part of the absent voting period, and requires the board to determine the time period during which those locations will be employed at the time the board votes to establish additional locations for in-person absent voting. (R.C. 3501.10.)

- Requires a board of elections to notify the board of county commissioners of the number, name, location, and estimated cost of the additional locations it intends to establish.

- Requires a board of elections to file with the Secretary of State and the board of county commissioners the final determination of the board regarding the establishment of in-person absent voting locations.

- Requires the Secretary of State to adopt rules regarding the siting of additional locations for the purpose of allowing voters to cast absent voter's ballots in person, and requires the rules to ensure the equitable distribution of such locations including distribution with respect to a county's unique geography, population distribution, minority voter access, and ease of voter access to the locations.

- Requires the rules to ensure, to the extent practical, that the distribution will not unduly favor any political party. (R.C. 3501.10.)

- Requires the vote on whether and where to employ additional in-person absent voting locations to take place not later than 60 days prior to the day of any election other than a special election.

- Requires the Secretary of State to prescribe uniform standards for absent voter's ballot materials, forms, and content, to which the boards of elections are required to adhere (R.C. 3509.01, 3509.04, 3511.05, and 3511.06; repeal of R.C. 3511.07).

- Revises the language that is required to appear on absent voter's ballot identification envelopes and eliminates instructions on preparing a gummed envelope and instructions for dealing with a stuck flap on an envelope (R.C. 3509.04 and 3511.05).

- Permits applications for absent voter's ballots to be submitted by electronic mail or by other means via the Internet, and requires a voter who submits an application electronically to include an image of the voter's signature, instead of the voter's actual signature (R.C. 3509.03, 3509.031, and 3511.02).

- Permits an elector to make a single request for absent voter's ballots for all elections at which the voter is eligible to vote during a calendar year (R.C. 3509.03, 3509.031, and 3511.02).

- Requires a board of elections to send an application for annual absent voter's ballots not later than December 15 of each year, to each person who requested annual absent voter's ballots for the current year and cast such ballots in the general election (R.C. 3509.03, 3509.031, and 3511.02).

- Requires the director of a board of elections who receives an incomplete application for absent voter's ballots to notify the elector of the missing information and provide the elector with the opportunity to provide the required information (R.C. 3509.04 and 3511.04).

- Permits a voter who is returning absent voter's ballots from outside of the United States to return those ballots by commercial delivery service (R.C. 3511.09).

- Repeals the current process for casting and returning uniformed services and overseas absent voter's ballots and instead duplicates the language for casting regular absent voter's ballots (Chapter 3511.).

- Eliminates the option of counting absent voter's ballots in each precinct (R.C. 3509.06).

- Requires a board of elections to appoint special election judges for the purpose of processing and counting absent voter's ballots (R.C. 3509.06 and 3511.11).

- Specifies the steps for processing and counting absent voter's ballots and specifies which of those steps may be completed prior to the day of the election (R.C. 3509.06 and 3511.11).

- Requires a board of elections to use an internal tracking system for all delivered absent voter's ballots, which system allows the board of elections to locate a voter's registration information based on the returned identification envelope, and specifies one manner in which a board of elections may comply with this requirement. (R.C. 3509.04 and 3511.05.)

- Requires a board of elections that receives an envelope purporting to contain voted absent voter's ballots that does not include all required information to contact the absent voter and give the absent voter an opportunity to provide the missing information (R.C. 3509.06 and 3511.11).

- Requires the Secretary of State to prescribe uniform standards for processing missing information that is to be included on an absent voter's ballot application or on an absent voter's ballot identification envelope (R.C. 3509.06 and 3511.11).

Implementation of federal absent voting law

- Generally changes filing deadlines for candidates, questions, and issues from the 75th day to the 85th day before the day of the election and increases by ten days other associated election deadlines (R.C. 3501.02).

- Includes all election provisions in other areas of the law that establish deadlines for certifying issues to the ballot.

- Permits any individual to request election documents electronically from the office of the Secretary of State and to receive those documents through electronic means.

- Permits the Secretary of State to establish procedures to permit individuals to make such electronic requests from a board of elections (R.C. 3503.191, 3509.10, and 3511.021).

- Requires the Secretary of State to establish a free access system to allow any person to determine the status of the person's absent voter's ballot request, the person's completed absent voter's ballot, and whether the person's absent voter's ballot was counted (R.C. 3509.10 and 3511.021).

- Requires a board of elections to accept and process Federal Write-In Absentee Ballots as required under federal law (R.C. 3511.14).

Election observers

- Expands the times and locations for which election observers may be appointed by permitting a political party or a group of five or more candidates to appoint an observer for any time in which a board of elections permits an elector to receive, complete, and return an absent voter's ballot in person (R.C. 3505.21).

- Specifies the manner in which the board of elections must be notified of observers appointed to serve at in-person absent voting locations (R.C. 3505.21).

- Reduces from six to four the number of observers who may be appointed regarding ballot issues in any one precinct (R.C. 3505.21).

- Specifies that observers who serve during the casting of the ballots are only permitted to: (1) watch and listen to the activities conducted by the precinct election officials and the interactions between precinct election officials and voters, (2) document the observer's observations, and (3) discuss with the election officials any alleged violation of state or federal election law or the Secretary of State's rules or directives (R.C. 3505.21).

- Prohibits an observer who serves during the casting of the ballots from interacting with any precinct election official or with any voter while the observer is inside the polling place, within the area between the polling place and the small flags posted 100 feet from the polling places, or within ten feet of any elector waiting in line to vote, if the line extends beyond those small flags (R.C. 3505.21).

- Specifies that no violation of this prohibition occurs as a result of an incidental interaction between an observer and a voter or a precinct election official, such as an exchange of greetings or directing a voter to an election official (R.C. 3505.21).

- Requires election observers to display a name tag or badge upon which may only be stated "Observer" followed by the observer's name. (R.C. 3505.21.)

- Requires the board of elections to provide for each observer and each election official a brief overview of the rules pertaining to and the responsibilities of election officials and observers, which must be prescribed by the Secretary of State. (R.C. 3505.21.)

- Requires the Secretary of State to prescribe uniform observer training materials, which must be available on the Secretary of State's web site not less than 60 days before an election, and requires a board of elections to provide to each political party, group of candidates, or committee appointing observers an electronic link to those training materials.

- Requires each political party, group of candidates, or committee appointing observers to make its best efforts to provide the training link to all observers that it appoints. (R.C. 3505.21.)

- Repeals a provision of current law that specifically authorizes observers to be appointed in precincts where marking devices, automatic tabulating equipment, voting machines, or any combination of those are used (repeal of R.C. 3506.13).

Elections by mail

- Permits a board of elections to conduct the following elections held within the county as an election by mail: (1) a special election held on a day other than the day of a primary or general election, (2) an election to fill a vacancy in a nomination for Congressional representative or a vacancy in the office of Congressional representative, and (3) any election at which no nominations for or elections to office appear on the ballot (R.C. 3507.01).

- Requires the Secretary of State to adopt rules governing the holding of an election by mail when the district or area within which the election is being conducted includes territory in more than one county. (R.C. 3507.01.)

- Requires a board of elections that is conducting an election by mail to mail an absent voter's ballot application on or before the 45th day before the day of the election to each qualified elector in the county who is entitled to vote on the office, question, or issue, to mail an absent voter's ballot directly to an elector who requested annual absent voter's ballots, and to open its offices on the day of the election to allow qualified voters to vote in person and to receive absent voter's ballots. (R.C. 3507.02.)

- Requires the board of elections that is conducting an election by mail to place a notice at all polling places used in the jurisdiction in which the election by mail is being conducted at the last regular state election that states the location of the board of elections, that absent voter's ballots may be delivered to the board of elections, and that absent voter's ballots may be cast in person at the board of elections from 6:30 a.m. until 7:30 p.m. (R.C. 3507.03).

Voter challenges

- Limits the grounds on which an elector's voter registration or right to vote may be challenged, so that electors may only be challenged on the following grounds: (1) that the person is not a resident of the precinct in which the person is registered to vote, (2) that the person is not a citizen of the United States, (3) that the person is not 18 years of age or older, (4) that the person is not a qualified elector for that election, or (5) that the person is not the elector that the person purports to be (R.C. 3503.24, 3505.20, 3509.07, 3511.041, and 3513.19).

- Permits a person to be challenged at a primary election on the ground that the person is not affiliated with or is not a member of the political party whose ballot the person has requested, and revises the process for determining the party affiliation of such a challenged voter (R.C. 3513.19).

- Permits a challenge to be made only if the challenger knows or reasonably believes that the challenged elector is not qualified and entitled to vote (R.C. 3503.24, 3505.20, 3509.07, 3511.04, and 3513.19).

- Permits the board of elections to decide applications to correct a precinct registration list based on the records of the board, and requires the board to conduct a hearing to resolve each challenge to a voter's registration (R.C. 3503.24).

- Requires a notice of a voter registration challenge hearing to be sent at least seven days before the hearing, instead of three days, as under current law, and specifies the information that must appear in the notice (R.C. 3503.24).

- Specifies that a public vote of three members of a board of elections is required to uphold a challenge to a person's right to vote or to correct a precinct registration list, and requires all tie votes or disagreements of the board to be submitted to the Secretary of State for resolution (R.C. 3503.24).

- Eliminates a current law provision that permits a challenge hearing to be postponed until after the day of the election and that requires a challenged elector whose hearing has been postponed to vote a provisional ballot (R.C. 3503.24).

- Specifies the exact questions that election judges must ask of a person challenged at a polling place, and eliminates the authority of election judges to ask additional questions to determine the person's qualifications to vote (R.C. 3505.20).

- Specifies that a challenge made on the day of an election may be upheld only if a majority of the election judges for the precinct at which the person offers to vote find, by clear and convincing evidence, that the challenged person is not eligible to vote a regular ballot on the grounds so challenged. (R.C. 3505.20 and 3513.19.)

- Specifies that the person challenging an elector's right to vote bears the burden of proving, by clear and convincing evidence, that the challenged elector's registration should be canceled. (R.C. 3503.24, 3505.20, 3509.07, 3511.041, and 3513.19.)

- Prohibits a person, organization, or political party from compiling a list of voters to challenge on the sole basis of mail that was returned as undeliverable, mail the receipt of which was not acknowledged, locations that have been the subject of foreclosure, or discrepancies identified by comparing, matching, or otherwise analyzing a voter registration list with any other database than those expressly prescribed by state or federal election law, and specifies that whoever violates this prohibition is guilty of a felony of the fourth degree. Imposes a fine of $500 per name compiled, in addition to any criminal penalties that may be imposed. (R.C. 3599.30.)

- Eliminates a provision of current law that has been held unconstitutional that permitted the judges of elections to require a person challenged on the basis of citizenship to provide a naturalization certificate (R.C. 3505.20).

- Permits an absent voter's ballot application to be challenged on the same grounds as a person's right to vote may be challenged (R.C. 3509.07 and 3511.041).

- Prohibits an election official or other person from challenging the validity of an absent voter's ballot that has been completed and returned by using the challenge procedure, and instead requires the validity of that ballot to be determined through the processing and counting process (R.C. 3509.07 and 3511.041).

Counting ballots

- Eliminates current law's prohibition against counting ballots that are marked contrary to law (R.C. 3505.28).

- Requires a board of elections to remake and count as a valid vote for the candidate any ballot in which a candidate's name is properly marked and the same candidate's name is also written in as a write-in candidate (R.C. 3506.21).

Political parties

- Eliminates intermediate political parties and revises the methods and standards for determining if a party is a major political party, a minor political party, or if the organization no longer qualifies as a political party (R.C. 3501.01, 3501.07, 3505.10, 3513.05, 3513.31, 3517.012, 3517.02, and 3517.03).

- Lowers the percentage of votes required for a party to retain its party status and reduces the number of signatures required on a petition for a party's formation (R.C. 3501.01, 3501.07, 3505.10, 3513.05, 3513.31, 3517.012, 3517.02, and 3517.03).

- Permits any political party, not just a major political party, to appoint a candidate for nomination when an opposing party's candidate dies before the primary election (R.C. 3501.01, 3501.07, 3505.10, 3513.05, 3513.31, 3517.012, 3517.02, and 3517.03).

Pilot project: use of county vote centers in lieu of precinct polling places

- Permits the Secretary of State to implement a pilot project to evaluate the use of county vote centers for general elections for state and county office in 2011 as an alternative to operating precinct polling places.

- Requires a board of elections that desires to participate in the pilot project to hold a public hearing and submit records of that hearing to the Secretary of State and to notify the board of county commissioners of its desire to participate.

- Specifies standards that counties must meet to be included in the pilot project, and requires the Secretary of State to attempt to include counties of diverse geography, population, race, and location, to the extent practicable.

- Requires the Secretary of State to file a report regarding the pilot project with the Speaker of the House of Representatives and the President of the Senate not later than January 1, 2012 (Section 3).

Pilot project: electronic transmission of unvoted absent voter's ballots

- Permits the Secretary of State to implement a pilot project to evaluate the effectiveness and reliability of transmitting unvoted absent voter's ballots and armed service absent voter's ballots by secure electronic transmission to overseas and armed service voters.

- Requires the Secretary of State, in selecting counties for participation in the pilot project, to select counties that have the necessary technological means to transmit ballots securely and to attempt to include counties of diverse geography, population, race, and location, to the extent practicable.

- Requires the Secretary of State to file a report regarding the pilot project with the Speaker of the House of Representatives and the President of the Senate not later than January 1, 2011.

Task Force on Special Elections and Cost Reductions

- Creates the Joint Task Force on Special Elections and Cost Reductions, comprised of members of the General Assembly, representatives from the office of the Secretary of State, representatives of local government organizations, election officials, and members of the public.

- Requires the Task Force to study the timing and conduct of special elections for the purpose of developing recommendations to unify, to the extent practical, the dates of elections throughout the state and opportunities to reduce the cost of election administration, including partnerships between government agencies and streamlining elections processes, for the purpose of developing recommendations to maintain unfettered voter access to democracy while reducing the cost of election administration.

- Requires the Task Force to forward its findings to the Speaker of the House of Representatives, the President of the Senate, and all charter counties and charter municipal corporations not later than December 31, 2010. (Section 5.)

Miscellaneous

- Requires the Department of Administrative Services (DAS) to establish a purchasing program for ballots and other election and registration supplies, and permits boards of elections to provide for the acquisition of those supplies through the DAS program (R.C. 125.042 and 3501.11).

- Increases from $10,000 to $25,000 the cost of a ballot printing contract that a board of elections may enter into without publishing notice and without requiring a bond (R.C. 3505.13).

- Revises the appointment process for members of boards of elections if the Secretary of State believes a recommended elector would not be a competent member of the board (R.C. 3501.07).

- Includes in the definition of "party candidate" a candidate who receives a certificate of nomination without a primary election, because no primary election was needed (R.C. 3501.01, 3513.30, and 3513.31).

- Eliminates the requirement that the Secretary of State provide indexed copies of the election laws to the boards of elections and instead requires the Secretary of State to provide the boards of elections with an electronic link to all election laws in force (R.C. 3501.05).

- Eliminates the requirement that election results be sent to the Secretary of State by certified mail (R.C. 3505.30).

- Permits any person filing a declaration of candidacy to withdraw at any time prior to a presidential primary election, instead of requiring the person to withdraw prior to the 50th day before that election (R.C. 3513.30).

- Prohibits, not later than December 31, 2011, an Ohio driver's license, an Ohio commercial driver's license, or an Ohio identification card from displaying on its face any administrative number other than the distinguishing number assigned to the licensee or cardholder (R.C. 4506.03, 4507.13, and 4507.52).

- Requires a board of elections to compile, from reports filed by the clerk of courts, a list of persons who have been convicted and incarcerated for crimes that disenfranchise an elector under Ohio law. (R.C. 3503.21.)

- Requires a person completing certain election forms to provide the person's "birthdate" instead of the person's "date of birth."

- Specifies that certain provisions for filling vacancies when an officeholder dies apply only to an office for which a candidate may be nominated by a political party at a primary election. (R.C. 3513.31.)

- Eliminates unnecessary descriptions of the types of petitions that may be filed under the election law in the section describing the circulator statement (R.C. 3501.38).

- Eliminates a requirement that a county using punch card ballots to establish one or more counting stations, located at the board of elections, to count all punch card ballots (R.C. 3506.12).

- Corrects date information for initiative and referenda elections to accurately reflect recent amendments to the Ohio Constitution (R.C. 3501.02).

HISTORY

ACTION	DATE
Introduced	08-04-09
Reported, H. Elections & Ethics	---

h0260-rh-128.docx/kl