



# Ohio Legislative Service Commission

## Bill Analysis

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### H.B. 377

128th General Assembly  
(As Introduced)

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

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## BILL SUMMARY

### Ballot integrity act

- Specifies that the act is to be known as "The Ballot Integrity Act" (Section 3).

### Petition circulators not to have been convicted of fraud

- Prohibits a person who pleads guilty to or is convicted of an offense involving identify theft, fraud, or forgery under Ohio law, federal law, or the law of another state from circulating or witnessing the signing of any petition under the Election Law (R.C. 2961.01(B)(2)).

### Petition circulators to register with the Secretary of State

- Requires each person who intends to circulate an initiative petition to register with the Secretary of State, and requires the Secretary of State to develop and maintain a registry of petition circulators (R.C. 3519.013).

### Petition circulators to affirm understanding of petition circulating laws

- Requires the circulator of a statewide initiative petition to affirm, on the circulator's statement, that the circulator has read and understands the laws pertaining to petition circulation (R.C. 3501.38(E)(1) and 3519.05).

### Petition circulators' statements to be notarized

- Requires petition circulator's statements to be notarized (R.C. 3501.38(E)(1)).

## **Training program for petition circulators**

- Requires the Secretary of State to develop training programs for paid and volunteer petition circulators, which program must be conducted in the broadest, most cost-effective manner available, and by electronic and remote access.
- Requires petitioners or the representatives of petition entities (see below) to inform paid and volunteer petition circulators of the availability of the training programs, and specifies that a petition circulator who participates in a training program is deemed to have complied with the requirement that the circulator has read and understands the petition circulation laws. (R.C. 3519.011.)

## **Licensing of petition entities**

- Defines a "petition entity" as a person or committee that provides compensation to a circulator to circulate an initiative petition (R.C. 3519.012(A)).
- Prohibits a petition entity from compensating a circulator to circulate an initiative petition unless the petition entity has been licensed by the Secretary of State.
- Requires the Secretary of State, by rule, to establish a process by which a petition entity is to apply for a license. (R.C. 3519.012(B)(1)(a).)
- Permits the Secretary of State to deny a license to a petition entity if the petition entity or any of its principals has been found in a judicial or administrative proceeding to have violated the petition laws of Ohio or any other state and the violation involved authorizing or knowingly permitting certain acts that justify the revocation of a petition entity's license (as described in (2) four dot points below), and requires the Secretary of State to deny a license to a petition entity if no current representative of the petition entity has completed the training program described above (R.C. 3519.012(B)(1)(b)).

## **Registration of licensed petition entities**

- Requires a licensed petition entity to register with the Secretary of State by providing (1) information about the subject matter of, and, when finalized, a copy of, any proposed law or constitutional amendment for which a petition will be circulated by circulators coordinated or paid by the petition entity, (2) the petition entity's current name, address, telephone number, and electronic mail address, and (3) the name and signature of the petition entity's designated agent (R.C. 3519.012(E)(1)).
- Requires a petition entity to inform the Secretary of State within 20 days of any change in the registration data (R.C. 3519.012(E)(2)).

## Discipline of petition entities

- Authorizes the Secretary of State, at any time, to request a petition entity to document that the petition entity meets the training requirement described above (R.C. 3519.012(B)(2)).
- Requires the Secretary of State to revoke a licensed petition entity's license (1) if the petition entity violates the provisions of the bill that, had they been violated at the time issuance of the petition entity's license was under consideration, would have authorized denial of the petition entity's license or (2) if the petition entity authorized or knowingly permitted (a) forgery of a registered elector's signature, (b) circulation of a petition or part petition by anyone other than the circulator who signs the circulator's statement that is attached to the petition or part petition, (c) use of a false circulator name or address in the circulator's statement, (d) payment of money or anything of value to a person for the purpose of inducing the person to sign, or to withdraw the person's name from, a petition, (e) circulation of a petition or part petition by anyone who is not registered as a petition circulator, or (f) notarization of a petition or part petition outside the presence of the circulator or without production of the identification required for notarization (R.C. 3519.012(B)(3)).
- Permits any registered elector to file a complaint with the Secretary of State alleging a violation of the petition entity licensing provisions, and requires the Secretary of State upon receiving such a complaint to conduct an adjudication under the Administrative Procedure Act (R.C. 3519.012(C)(1)).
- Specifies that if the Secretary of State determines that a petition entity has provided compensation to a circulator to circulate an initiative petition without first obtaining a license, the Secretary of State must fine the petition entity an amount not exceeding \$100 per circulator for each day that the circulator or circulators circulated petitions or part petitions on behalf of the unlicensed petition entity (R.C. 3519.012(C)(1)(a)).
- Specifies that if the Secretary of State determines that a petition entity authorized or knowingly permitted any of the acts enumerated above, the Secretary of State must revoke the petition entity's license for not less than 90 nor more than 180 days and invalidate any signatures obtained in violation of the law, and if the Secretary of State determines that a petition entity authorized or knowingly permitted any of the acts enumerated above for a second or subsequent time, the Secretary of State must revoke the petition entity's license for not less than 180 days nor more than one year and invalidate any signatures obtained in violation of the law (R.C. 3519.012(C)(1)(b)).

- Requires the Secretary of State to consider all circumstances relating to the authorizing or permitting of the acts enumerated above when fixing the length of a license revocation (R.C. 3519.012(C)(1)).
- Permits a petition entity whose license has been revoked to apply for reinstatement of the license, the reinstatement to take effect when the period of revocation expires (R.C. 3519.012(C)(2)).
- Requires the Secretary of State, in determining whether to reinstate a petition entity's license, to consider whether the petition entity employs or contracts with any person who served as a director, officer, owner, or principal of a petition entity the license of which was revoked, the role of that individual in the facts underlying the prior license revocation, and the role of that individual in the petition entity's post-revocation activities, and any other facts the petition entity presents, including, but not limited to, remedial actions, if any, that have been implemented to avoid future violations (R.C. 3519.012(C)(3)).

### **Administration of the petition entity licensing system**

- Requires the Secretary of State to issue a decision on any application for a new or reinstated petition entity license within ten business days after the petition entity files an application.
- Requires an application for a new or reinstated petition entity license to be on a form prescribed by the Secretary of State.
- Requires an application for a new or reinstated petition entity license to be accompanied by a nonrefundable license fee, the amount of which the Secretary of State is required to establish by rule. (R.C. 3519.012(D).)

### **Public input on ballot titles**

- Requires the Secretary of State or a board of elections, when preparing a ballot title for a question or issue, to provide for public input on the title before determining the ballot title language (R.C. 3519.21(A)(2)).

## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	11-18-09

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