



Ohio Legislative Service Commission

Bill Analysis

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Sub. H.B. 377* 128th General Assembly (As Reported by H. Elections and Ethics)

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

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)).
- Specifies that the right to circulate or witness a petition is not restored when a person's other rights are restored because the person has completed the person's sentence for identity theft, fraud, or forgery (R.C. 2967.16).

Petition circulators to register with the Secretary of State

- Requires each person who intends to circulate an initiative or referendum 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).

* 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.

Petition circulators to affirm understanding of petition circulating laws

- Requires the circulator of a statewide initiative petition or referendum 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).

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 and any person who directly supervises 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 or referendum petition (R.C. 3519.012(A)).
- Specifies that a person or committee does not provide compensation to a circulator if the person or entity provides food or beverages valued at \$10 or less to the circulator (R.C. 3519.012(A)).
- Prohibits a petition entity from compensating a circulator to circulate an initiative or referendum 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 entity authorized or knew or should have known of 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 any person who supervises circulators on behalf of the petition entity has not 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 or any referred law or item of law 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, or (e) circulation of a petition or part petition by anyone who is not registered as a petition circulator (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 or referendum 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).)

Submission and printing of petition title

- Requires the proposed title of an initiative or referendum petition to be submitted to the Attorney General for review along with the petition summary required under current law (R.C. 3519.01).
- Requires the Attorney General to determine whether the proposed petition title is a fair and truthful statement of the initiative or referendum petition (R.C. 3519.01).
- Requires the petition title to be printed immediately above the heading of the place for signatures on each part of the petition (R.C. 3519.05).

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

ACTION

DATE

Introduced
Reported, H. Elections & Ethics

11-18-09

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