Ohio Legislative Service Commission

Bill Analysis   Lynda J. Jacobsen

S.B. 148
129th General Assembly
(As Introduced)

Sen.   Wagoner

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BILL SUMMARY

Election administration

- Eliminates a provision of existing law that requires a pollworker to record in the pollbook the last four digits of an elector's driver's license number or state identification card number, if the driver's license or state identification card provided by the elector as identification contains the elector's former address.[1]

- Permits a board of elections to contract with another board of elections in this state or with a county automatic data processing board for the provision of election services in the county, including any statutory duties imposed upon the board.[2]

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[1] R.C. 3503.16(B)(1)(a) and 3505.18(A)(1).

[2] R.C. 3501.111.

- Permits the Secretary of State to enter into agreements for the bulk purchase of election supplies in order to reduce the costs for those purchases by boards of elections.

- Requires a board of elections that desires to participate in such agreements to file a written request for inclusion with the Secretary of State agreeing to be bound by the terms and conditions that the Secretary of State prescribes and to make payments directly to the vendor under each agreement.[3]

- Requires voters who use their Social Security Numbers for identification on registration applications, provisional ballot affirmations, absent voter's ballots, and other election documents to provide all nine digits of their Social Security Number, instead of the last four digits, as required by current law.[4]

- Specifies that the Social Security Number of any elector or any applicant for voter registration is not a public record, and requires the board of elections to redact any such number from any record that it makes available for public inspection or copying.[5]

- Permits a board of elections to select two precinct election officials who are not members of the same political party, instead of the usual four precinct officials, to serve as the precinct officials for a precinct at a special election, if the board determines that four officials are not required.[6]

- Eliminates the requirement that ramps have a grade of not more than 8% and instead requires ramps to comply with the Americans with Disabilities Act of 1990.

- Clarifies that an elector is only eligible to vote in the elector's car if the elector is unable to enter the polling place due to the inaccessibility of the polling place.[7]

- Specifies that a journalist must be allowed reasonable access to a polling place during an election.[8]

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[3] R.C. 3501.302.

[4] R.C. 3503.14, 3503.19, 3503.28, 3505.18, 3505.181, 3505.183, 3509.03, 3509.031, 3509.04, 3511.02, and 3511.05.

[5] R.C. 3501.13.

[6] R.C. 3501.22.

[7] R.C. 3501.29.

[8] R.C. 3501.35.

- Eliminates current law provisions that require the circulator of an initiative or referendum petition to be a resident of Ohio, and eliminates provisions requiring circulators of all other election petitions to be a resident and registered to vote for 30 days before the next election.[9]

- Eliminates the detailed questions that precinct officials currently must ask a voter who is challenged based on citizenship, and eliminates a requirement that naturalized citizens provide their naturalization certificate.

- Eliminates the authority for a presiding judge to ask questions not specified in law as the judge considers necessary to determine an elector's qualifications to vote at an election.[10]

- Eliminates a provision of existing law that requires boards of elections to certify the unofficial election results to the Secretary of State by certified mail.[11]

- Requires the Secretary of State to notify, by certified mail, each member of the committee in charge of the circulation of the petition as to the sufficiency or insufficiency of the petition.

- Specifies that the ten-day period to obtain additional signatures begins after the first member of the committee receives notice of the petition's insufficiency by certified mail from the Secretary of State.[12]

- Prohibits the circulator of a referendum petition from collecting additional signatures during the period beginning 90 days after the Governor filed the bill that is subject to the referendum with the Secretary of State and ending on the date that the Secretary of State notifies the circulators that the petition has insufficient signatures.[13]

- Increases from five minutes to ten minutes the maximum time a voter may occupy a voting compartment or use a voting machine when all the compartments or machines are in use and voters are waiting to occupy them.[14]

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[9] R.C. 3503.06.

[10] R.C. 3505.20.

[11] R.C. 3505.30.

[12] R.C. 3519.16.

[13] R.C. 3519.16.

[14] R.C. 3505.23.

Primary elections

- Eliminates the ability to conduct a special primary election if a congressional candidate withdraws, dies, or is disqualified before the primary or general election.[15]

- Changes the basis for calculating whether a primary election should be conducted from the number of declarations of candidacy filed to the number of candidates certified to appear on the ballot.[16]

Candidates

- Changes the process for notifying candidates that they have identical surnames from special delivery or telegram to certified mail.[17]

- Specifies the process for removing a person's name from the ballot when the candidate withdraws before any election, not just a primary election.[18]

- Permits an election to be conducted to fill a vacancy in office if an officeholder retires, is removed, or otherwise vacates that office.[19]

Ballots

- Retains a provision of current law that generally prohibits ballots from being counted that are marked contrary to law, except in the case of technical error.

- Specifies that a ballot is marked contrary to law and does not contain a technical error if the voter marks more selections for a particular office, question, or issue than the number of selections that the voter is allowed by law to make for that office, question, or issue.

- Specifies that a voter marks more selections for a particular office than the voter is allowed by law to make for that office if the voter marks the ballot for a candidate and also writes in the name of the candidate as a write-in vote.

- Requires the voter's ballot to be invalidated for the overvoted office, question, or issue, but specifies that the ballot shall not be invalidated for any other office,

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[15] R.C. 111.27 and repeal of R.C. 3513.301 and 3513.312.

[16] R.C. 3513.02.

[17] R.C. 3513.131,

[18] R.C. 3513.30.

[19] R.C. 3513.31(I).

question, or issue for which the voter has not marked an excess number of selections.[20]

- Requires the prosecuting attorney, as part of the duties as legal advisor of the board of elections, to give final approval to the ballot language for any local question or issue, and eliminates the Secretary of State's duty to give final approval to such language.[21]

- Eliminates all references to punch card ballots, including counting standards for circumstances in which chads are not completely detached from the ballots.[22]

- Permits a political subdivision, taxing authority, or other entity that placed an issue on the ballot to remove that issue from the ballot at any time prior to the 70th day before the election using the same process that the entity used to originally certify the issue for the ballot.

- Requires a board of elections to remove the issue from the ballot, upon receipt of a notification that the issue has been withdrawn.[23]

- Specifies a process for determining the minimum number of ballots to be prepared in a county that uses ballots on demand for a primary election, if no primary election was held four years previously (the election typically used to determine the comparable number of ballots to be produced).[24]

Voter registration

- Requires the Secretary of State to administer the statewide voter registration database and make it continuously available to each board of elections.[25]

- Requires the Secretary of State to adopt rules establishing a uniform method for addressing instances in which records contained in the statewide voter registration database do not conform with records maintained by the Bureau of Motor Vehicles.

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[20] R.C. 3505.28.

[21] R.C. 309.09(J), 3501.05, and 3501.11.

[22] R.C. 3506.12, 3506.15, 3509.01, 3515.04, and repeal of 3506.16.

[23] R.C. 3505.05.

[24] R.C. 3505.11.

[25] R.C. 3503.15 and 3501.05.

- Requires state agencies, including the Department of Health, Bureau of Motor Vehicles, Department of Job and Family Services, and the Department of Rehabilitation and Correction, to provide any information and data to the Secretary of State that the Secretary of State considers necessary to maintain the statewide voter registration database.

- Requires the Secretary of State to ensure that information or data provided to the Secretary of State by another agency that is confidential in that agency's possession remains confidential while in the possession of the Secretary of State.

- Prohibits information provided from another agency from being used to update the name and address of a registered elector, and specifies that an elector's name and address may only be updated as a result of the elector's actions in filing a notice of change of name, change of address, or both.

- Permits the Secretary of State to enter into agreements to share information or data with other states or groups of states, as the Secretary considers necessary, in order to maintain the statewide voter registration database.

- Generally requires the Secretary of State to ensure that information or data provided to the Secretary of State by another state that is confidential in that state's possession remains confidential while in the possession of the Secretary of State, but permits the Secretary of State to provide otherwise confidential information or data to persons or organizations that are engaging in legitimate governmental purposes related to the maintenance of the database.[26]

- Eliminates current law language requiring boards of elections to purge a voter's name and voter registration upon cancellation of the voter's registration, and requires, as under existing law, the Secretary of State to specify, by rule, the persons authorized to add, delete, modify, or print records in the database.[27]

- Requires the chief health officer of each political subdivision and the Director of Health to file with the Secretary of State and each board of elections, at least monthly, specified information regarding all persons over age 18, who have died within the month.

- Requires the Secretary of State and the Director of Health to jointly establish a secure electronic system through which they will exchange the required information regarding the death of a registered elector.

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[26] R.C. 3503.15.

[27] R.C. 3501.05 and 3503.15.

- Requires a board of elections or the Secretary of State to promptly cancel the registration of each elector who is named in a death report filed under these provisions.[28]

- Requires the registration of a registered elector to be cancelled upon the filing with the board of elections of a certified copy of the death certificate of the registered elector by the deceased elector's spouse, parent, or child, by the administrator of the deceased elector's estate, or by the executor of the deceased elector's will.[29]

- Permits a registered voter to use the online voter registration process (see below) to update the elector's name, address, or both.[30]

- Requires the Secretary of State, by rule, to establish a secure online process for voter registration, which will allow a voter registration to be submitted online to the Secretary of State.

- Requires an online applicant to be registered to vote, if all of the following apply: (1) the application contains all of the required information, (2) the applicant is qualified to register to vote, and (3) the applicant attests to the truth and accuracy of the information in the online application under penalty of election falsification using the applicant's Ohio driver's license number or the number of the applicant's Ohio identification card as proof of identity.

- Requires the Secretary of State to obtain an electronic copy of the applicant's signature that is on file with the Bureau of Motor Vehicles for each application submitted online through the Internet.

- Requires the Secretary of State to employ whatever security measures the Secretary considers necessary to ensure the integrity and accuracy of voter registration information submitted via the Internet.[31]

- Specifies that a voter registration application submitted online through the Internet is not required to contain a signature to be considered valid.

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[28] R.C. 3503.18 and 3503.21(A)(2).

[29] R.C. 3503.21(A)(3).

[30] R.C. 3503.20(B).

[31] R.C. 3503.20.

- Specifies that the applicant's signature obtained from the Bureau of Motor Vehicles must be considered the applicant's signature for all election and signature-matching purposes.[32]

- Eliminates a provision of current law that limits the information in the statewide voter registration database that may be made available on the Secretary of State's web site.[33]

- Permits a voter registration application, change of address, or change of residence to be returned by mail to the state Department or any county Department of Job and Family Services, instead of only allowing those to be returned by mail to the Secretary of State or a board of elections, as under current law.[34]

- Expands a provision of existing law that limits the voter registration duties of the Department of Job and Family Services to also allow the Department to accept voter registration forms by mail.[35]

- Eliminates provisions of existing law requiring persons who are compensated for registering voters to register with the Secretary of State and complete a training program regarding voter registration.

- Eliminates the requirement that the Secretary of State establish a training program for persons who are compensated for registering voters.[36]

- Eliminates the requirement that a board of elections or a designated agency distribute an informational brochure regarding voter registration to each person who requests more than two voter registration forms at one time.[37]

Provisional ballots

- Consolidates several categories of voters who are required to cast a provisional ballot because of lack of identification into a single category, thereby reducing the number of reasons that a voter may be required to cast a provisional ballot.

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[32] R.C. 3503.14(E) and 3503.20(B).

[33] R.C. 3503.15(G)(1).

[34] R.C. 3503.16(A) and 3503.19.

[35] R.C. 3503.10(L).

[36] R.C. 3503.28 and repeal of section 3503.29.

[37] R.C. 3503.28.

- Eliminates the requirement that an elector who changes the elector's name and remains within a precinct cast a provisional ballot, and instead permits an elector who changes the elector's name but stays in the same precinct to vote a regular ballot.

- Requires an elector who moves from one county to another and changes the elector's name to vote a provisional ballot in the same manner as any other elector who moves from one county to another without updating the elector's registration information must vote a provisional ballot.

- Requires an individual who is casting a ballot after the time for the closing of the polls pursuant to a court order extending the time for the closing of the polls to cast a provisional ballot.[38]

- Eliminates the provisional ballot affirmation form established in current law, and instead requires the Secretary of State to prescribe the form of the written affirmation by rule, which affirmation must be printed on the face of the provisional ballot envelope.[39]

- Eliminates a provision of existing law that requires election officials to record on the provisional ballot envelope the type of identification provided by a provisional voter.[40]

- Prohibits the election official from recording any of the information required to be provided by the provisional voter on the provisional ballot affirmation.

- Requires the election official to explain to an individual who declines to execute the affirmation that the individual's provisional ballot will not be counted.

- Eliminates a provision of current law that requires the election officials to record the name of an individual who declines to execute the affirmation and transmit that information with the provisional ballot for the purpose of ballot verification.

- Eliminates a provision of current law that permits such an individual's provisional ballot to be counted if the election officials determine that the individual is eligible to vote.[41]

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[38] R.C. 3503.16 and 3505.181.

[39] R.C. 3505.182.

[40] R.C. 3505.181.

[41] R.C. 3505.181(B) and 3505.183(B)(1).

- Eliminates the option for an elector who does not provide identification or who does not provide documentation to resolve a polling place challenge to provide that information to the board of elections within ten days after the election.

- Eliminates the current law requirement that election officials note on the provisional ballot affirmation whether a provisional voter is required to appear at the board of elections within ten days to provide additional information.

- Eliminates a provision of current law that prohibits election officials from determining the validity of a provisional ballot until they receive the required information from the provisional voter or ten days passes, whichever occurs first.

- Eliminates a provision of current law that requires election officials, when considering the validity of a provisional ballot, to review additional information provided by the provisional voter within ten days after the day of the election.

- Retains a provision of existing law permitting a voter registration application hearing or a challenge hearing that has been postponed until after the election to be conducted during the ten days following the election, and permits an elector who is the subject of such a hearing to provide information to verify the individual's eligibility to vote.[42]

- Specifies that, when determining whether a provisional ballot is valid and entitled to be counted, the board of elections must examine the affirmation executed by the provisional voter, the Statewide Voter Registration Database, and other records maintained by the board of elections.

- Requires the provisional voter to provide all of the following information on the affirmation for the provisional ballot to be eligible to be counted:

    (1) The elector's printed name;

    (2) The elector's signature;

    (3) The elector's date of birth;

    (4) The elector's Social Security Number, Ohio driver's license number, or state identification card number, or an affirmative notation that the elector provided the required identification to the election officials;

    (5) The elector's residence address;

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[42] R.C. 3505.181 and 3505.183.

(6) A statement that the individual is a registered voter in the jurisdiction in which the provisional ballot is being voted; and

(7) A statement that the individual is eligible to vote in the election in which the provisional ballot is being voted.[43]

- Eliminates the current law requirement that an election official direct a voter who is in the wrong precinct to the voter's correct precinct.[44]

- Requires the provisional ballot affirmation of elector who votes a provisional ballot due to a change of residence, change of name, or both, to serve as the change of residence or change of name form, instead of requiring the elector to complete and sign a separate form.[45]

Absent voting

- Requires absent voter's ballots that will not be cast in person to be printed and ready for use on the 21st day before an election, except for military and overseas voters, whose ballots must be available 45 days before an election.

- Requires absent voter's ballots to be printed and ready for use for in-person voting beginning on the 16th day before the election to 6 p.m. on the last Friday before the election, except that in-person ballots must not be available for use on Sundays.

- Specifies that, on days absent voter's ballots may be cast in person, those ballots must be available Monday through Friday from 8 a.m. to 6 p.m. and Saturday from 8 a.m. to 12 p.m.[46]

- Changes the time during which a registered elector who has moved or changed the elector's name may appear in person at the office of the board to fill out a change of residence or change of name form and vote in person to match the time during which any other elector may appear at the office of the board and cast an absent voter's ballot in person.

- Changes the time during which a disabled elector who has moved or changed the elector's name may request an absent voter's ballot and simultaneously update the

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[43] R.C. 3505.183(B)(1).

[44] R.C. 3505.181(D) and (G).

[45] R.C. 3503.16.

[46] R.C. 3509.01, 3503.16, and 3511.10.

elector's address or name to match the time during which any other elector may request an absent voter's ballot (21 days before an election).[47]

- Prohibits a board of elections from mailing any unsolicited applications for absent voter's ballots.

- Permits a board of elections to mail an absent voter's ballot application only to an elector who has requested such an application.[48]

- Prohibits a board of elections from prepaying the return postage on absent voter's ballot applications.[49]

- Requires absent voters to send their marked ballots to a board of elections with the postage prepaid.[50]

- Requires the board of elections, rather than the director, to deliver absent voter's ballots to voters who request them, and requires those ballots to be returned to the board, rather than the director.[51]

- Requires the board of elections to place voted ballots in the identification envelope and seal it, if the board opens the return envelope and discovers that the ballots are not properly enclosed and sealed in the identification envelope, in the same manner as the board inserts ballots and seals envelopes for uniformed services and overseas voters under existing law.[52]

- Requires a board of elections, when tallying the results of absent voter's ballots, to add those votes to the vote totals for the precincts in which the applicable absent voters reside.[53]

- Permits the precinct election officials to challenge the right to vote of an absent voter if the identification envelope statement of voter has not been completed.[54]

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[47] R.C. 3503.16.

[48] R.C. 3509.03 and 3509.031.

[49] R.C. 3509.03 and 3509.031.

[50] R.C. 3509.05 (current law) and 3511.09.

[51] R.C. 3509.03, 3509.031, 3509.04, 3509.05, 3509.06, 3509.08, 3509.09, 3511.02, 3511.04, 3511.05, 3511.06, 3511.07, 3511.08, 3511.09, 3511.10, 3511.11, and 3511.13.

[52] R.C. 3509.05(C).

[53] R.C. 3509.06.

- Prohibits an absent voter's ballot from being accepted or counted if Stub A is not included in the envelope with the ballot, instead of prohibiting the ballot from being counted if Stub A is detached, as under current law.[55]

- Requires a board of elections to accept and process federal write-in absentee ballots for all federal, state, and local elections conducted in any year.[56]

Electronic pollbooks

- Authorizes the Board of Voting Machine Examiners to test, and the Secretary of State to certify, electronic pollbooks for use in Ohio in the same manner as voting equipment is tested and certified.

- Specifies that, if an electronic pollbook is certified by the Secretary of State, equipment of the same model and make may be adopted for use at elections, as long as it operates in an identical manner.[57]

- Permits a board of elections to adopt the use of any electronic pollbook that has been certified for use in Ohio, instead of using pollbooks or signature poll lists.

- Requires the Secretary of State to provide rules, instructions, directives, and advisories regarding the examination, testing, and use of electronic pollbooks to boards of elections that have adopted them.[58]

Political parties

- Reduces from 1% to ½ of 1% of the total vote for Governor the number of voters who must sign a petition to organize a new political party.

- Reduces from 120 days to 100 days before a primary election the number of days a petition generally must be filed to establish a new political party.

- Permits a petition to establish a new political party to be filed 80 days before the general election, if the party states that it will certify candidates only for the offices of president and vice-president at that general election.[59]

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[54] R.C. 3509.06.

[55] R.C. 3509.07.

[56] R.C. 3511.14.

[57] R.C. 3506.05.

[58] R.C. 3506.021.

Miscellaneous

- Changes a provision of existing law that states that an initiative or referendum will appear on the ballot at the first general election that occurs 90 or 60 days, respectively, after the petition is filed to conform to recent changes made to the Ohio Constitution, which place those issues on the ballot at the next general election occurring at least 125 days after the petition is filed.[60]

- Eliminates statutory language governing protests against statewide initiative petitions and the verification of those petitions, which the Ohio Supreme Court now has exclusive jurisdiction over.[61]

- Removes from various provisions of the Election Law the prohibition against using a notice of election for voter identification purposes, since the law requiring the notice of election to be sent was previously repealed and the document no longer exists.[62]

- Changes all references to "judges of election" to refer to "precinct election officials," and changes references to the "presiding judge" to the "voting location manager."[63]

- Corrects an incorrect cross-reference in existing law to refer to the correct section of the Revised Code.[64]

- Revises division cross-references to a section that is newly subdivided in the bill.[65]

- Inserts the word "one" to clarify that the Ohio Ballot Board may divide initiative petitions into individual petitions containing only *one* proposed law or constitutional amendment.[66]

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[59] R.C. 3501.01, 3517.01, and 3517.012.

[60] R.C 3501.02.

[61] R.C. 3519.16 and Article II, Section 1g, Ohio Constitution.

[62] R.C. 3503.14, 3509.03, 3509.031, 3509.04, 3509.05, 3511.02, 3511.05, and 3511.09.

[63] R.C. 3501.051, 3501.13, 3501.17, 3501.22, 3501.26, 3501.27, 3501.28, 3501.29, 3501.30, 3501.301, 3501.32, 3501.33, 3501.35, 3501.37, 3503.02, 3503.26, 3505.17, 3505.20, 3505.21, 3505.23, 3505.26, 3505.29, 3505.31, 3509.06, 3513.19, 3513.21, 3599.07, 3599.17, 3599.19, and 3599.31.

[64] R.C. 3501.38(A).

[65] R.C. 4301.32, 4301.334, and 4303.29.

[66] R.C. 3519.01.

HISTORY

ACTION	DATE
Introduced	04-12-11

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