



# Ohio Legislative Service Commission

## Bill Analysis

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**Sens.** Wagoner, Hite, Bacon, Beagle, Coley, Daniels, Faber, Jones, Jordan, Lehner, Manning, Niehaus, Widener

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## **BILL SUMMARY**

### **Election administration**

#### **Documentation for voters with a former address on their ID**

- 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.<sup>1</sup>

#### **Contracts for the provision of election services**

- Permits a board of elections to contract with another board of elections in this state, with a county automatic data processing board, or with an educational service center for the provision of election services, including any statutory duties imposed upon the board.<sup>2</sup>
- Requires any contract entered into under this provision to be approved by the boards of county commissioners of the affected counties.

#### **Bulk purchase of election supplies**

- 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.<sup>3</sup>

#### **Bid threshold for ballots and election supplies**

- Increases from \$10,000 to \$25,000 the cost of a contract for printing ballots or for printing and furnishing other election supplies that may be let without competitive bidding.<sup>4</sup>

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<sup>1</sup> R.C. 3503.16(B)(1)(a) and 3505.18(A)(1).

<sup>2</sup> R.C. 3501.111.

<sup>3</sup> R.C. 3501.302.

<sup>4</sup> R.C. 3501.301 and 3505.13.

### **Out-of-state ballot printing**

- Permits a board of elections to award a ballot printing contract to an out-of-state bidder if the lowest bid by that bidder is at least 10% less than the lowest bid by an in-state bidder.<sup>5</sup>

### **Use of a voter's full Social Security number instead of last four digits**

- 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.<sup>6</sup>
- 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.<sup>7</sup>

### **Number of precinct officials at a special election**

- 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.<sup>8</sup>

### **Polling place accessibility**

- 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.<sup>9</sup>

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<sup>5</sup> R.C. 3505.13.

<sup>6</sup> 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.

<sup>7</sup> R.C. 3501.13.

<sup>8</sup> R.C. 3501.22.

<sup>9</sup> R.C. 3501.29.

### **Journalist access to polling places**

- Specifies that a journalist must be allowed reasonable access to a polling place during an election.<sup>10</sup>

### **Qualifications to circulate an election petition**

- 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.<sup>11</sup>

### **Voter challenges**

- 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.<sup>12</sup>

### **Certification of unofficial election results**

- 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.<sup>13</sup>

### **Time for use of voting machines**

- 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.<sup>14</sup>

### **Official oversight over a board of elections**

- Requires the Secretary of State to adopt rules to establish procedures and standards for doing all of the following: determining when a board of elections shall be placed

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<sup>10</sup> R.C. 3501.35.

<sup>11</sup> R.C. 3503.06.

<sup>12</sup> R.C. 3505.20.

<sup>13</sup> R.C. 3505.30.

<sup>14</sup> R.C. 3505.23.

under official oversight, placing a board under official oversight, a board to transition out of being under official oversight, and the Secretary of State to supervise a board that is under official oversight.<sup>15</sup>

### **Minimum precinct size**

- Establishes a minimum precinct size of 500 electors for precincts located in a municipal corporation.
- Specifies that a board of elections does not violate the minimum precinct size if its minimum precinct size varies from the statutory minimum by 5% or less.
- Permits a board of elections to apply to the Secretary of State for a waiver from the minimum precinct size requirement, and requires a board that applies for a waiver to explain the reason for the waiver request.
- Permits the Secretary of State to waive the minimum precinct size requirement, upon application of a board of elections.<sup>16</sup>
- Specifies that the minimum precinct size requirements do not apply to a precinct established at a state or national home for disabled soldiers.<sup>17</sup>
- Requires a board of elections to rearrange and combine precincts as necessary to comply with the minimum precinct size requirements not later than December 31, 2011.<sup>18</sup>

### **United States passport as voter ID**

- Permits a United States passport to be used as voter identification.<sup>19</sup>

### **Number of precinct officials at multiple precinct polling locations**

- Permits a board of elections that opts to use multiple precinct polling locations to appoint a reduced number of precinct election officials to staff the polling location,

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<sup>15</sup> R.C. 3501.05.

<sup>16</sup> R.C. 3501.18.

<sup>17</sup> R.C. 3501.20.

<sup>18</sup> Section 3.

<sup>19</sup> R.C. 3503.14, 3503.16, 3503.19, 3503.28, 3505.18, 3509.03, 3509.031, 3509.04, 3511.02, 3511.05, and 3511.09.

and specifies the manner in which the voting location manager will be selected for that multiple precinct polling location.<sup>20</sup>

### **Temporary directives**

- Changes the time during which the Secretary of State may issue and have in effect temporary directives from the period beginning 90 days before an election and ending 40 days after the election to the period beginning 30 days before an election and ending 30 days after the election.<sup>21</sup>

### **Training of election officials**

- Permits the Secretary of State to mandate training, in addition to that required under continuing law, for election officials on a continuing basis in an effort to achieve election uniformity.<sup>22</sup>

## **Initiative and referendum petitions**

### **Filing requirements for initiative and referendum petitions**

- Requires the petitioner of any petition to designate on each part-petition the county in which the petition was circulated and a sequential number for each part-petition.
- Requires a petitioner, when filing the petition, to also file (1) an electronic copy of the petition along with a verification that the electronic copy is a true representation of the original paper petition, (2) a summary of the number of part-petitions filed per county and the number of signatures on each part-petition, and (3) an index of the electronic copy.
- Specifies that, for a request made for inspection or copying of a petition, the request is fulfilled when the Secretary of State provides inspection of or copies of the electronic copy of the petition, and specifies that this provision applies from the time of the initial petition filing until the part-petitions are returned to the Secretary of State after the boards of elections determine the sufficiency of the part-petitions.
- Specifies that discrepancies between the original paper petition and the electronic copy of the petition do not render the petition invalid, but specifies that such

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<sup>20</sup> R.C. 3501.22.

<sup>21</sup> R.C. 3501.053.

<sup>22</sup> R.C. 3501.27.

discrepancies, if the product of fraud, are subject to criminal penalties for election falsification.<sup>23</sup>

### **Notifying petitioners of signature verification results**

- 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.

### **Collection of additional signatures on petitions**

- 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.<sup>24</sup>
- Prohibits the circulator of a petition from collecting additional signatures during the period beginning on the date the petition is filed and ending on the date that the Secretary of State determines the sufficiency of the signatures that were originally filed.<sup>25</sup>

### **Special elections**

- Requires a subdivision placing a question, issue, nomination, or election on the ballot at a special election to prepay at least 70% 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 cost calculation after the election.<sup>26</sup>

### **Primary elections**

- 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.<sup>27</sup>

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<sup>23</sup> R.C. 3519.16.

<sup>24</sup> R.C. 3519.16.

<sup>25</sup> R.C. 3519.16.

<sup>26</sup> R.C. 3501.17.

<sup>27</sup> R.C. 3513.02.



## Candidates

### Notifying candidates of identical names

- Changes the process for notifying candidates that they have identical surnames from special delivery or telegram to certified mail.<sup>28</sup>

### Withdrawal of a candidate

- Specifies the process for removing a person's name from the ballot when the candidate withdraws before any election, not just a primary election.<sup>29</sup>

### Elections to fill vacancies

- Permits an election to be conducted to fill a vacancy in office if an officeholder retires, is removed, or otherwise vacates that office.<sup>30</sup>

## Ballots

### Ballots with more marks than legal selections (overvotes)

- 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.
- Generally 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 unless all of the following apply, in which case the ballot shall be counted:
  - (1) The voter marks the ballot for a candidate and writes in the identical candidate's name;
  - (2) The ballots are counted at a central location using automatic tabulating equipment; and

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<sup>28</sup> R.C. 3513.131,

<sup>29</sup> R.C. 3513.30.

<sup>30</sup> R.C. 3513.31(I).

(3) At least three members of the board of elections agree that the candidate's name, as it appears on the ballot, and the name of the candidate written in by the voter are identical.

- Requires a voter's ballot to be invalidated for an overvoted office, question, or issue, but specifies that the ballot shall not be invalidated for any other office, question, or issue for which the voter has not marked an excess number of selections.<sup>31</sup>

#### **Elimination of references to punch card ballots**

- Eliminates all references to punch card ballots, including counting standards for circumstances in which chads are not completely detached from the ballots.<sup>32</sup>

#### **Removal of local issues from the ballot**

- 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.<sup>33</sup>

#### **Number of ballots required to be prepared for ballots on demand**

- 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).<sup>34</sup>

### **Voter registration**

#### **Administration of the statewide voter registration database**

- Requires the Secretary of State to administer the statewide voter registration database and make it continuously available to each board of elections.<sup>35</sup>

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<sup>31</sup> R.C. 3505.28.

<sup>32</sup> R.C. 3506.12, 3506.15, 3509.01, 3515.04, and repeal of 3506.16.

<sup>33</sup> R.C. 3505.05.

<sup>34</sup> R.C. 3505.11.

<sup>35</sup> R.C. 3503.15 and 3501.05.

- 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.

### **Data sharing with state agencies and other states**

- 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.
- Requires a board of elections to contact a registered elector at the address on file with the board to verify the accuracy of information in the statewide voter registration database, if information received from another agency identifies a discrepancy between the information in the database and information maintained by the other agency.<sup>36</sup>
- 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.<sup>37</sup>

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<sup>36</sup> R.C. 3503.15.

<sup>37</sup> R.C. 3503.15.

## **Persons eligible to purge voters from the database**

- 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.<sup>38</sup>

## **Cancellations of voter registrations due to death**

- 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.
- 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.<sup>39</sup>
- 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.<sup>40</sup>

## **Online voter registration and updating of registration information**

- Permits a registered voter to use the online voter registration process (see below) to update the elector's name, address, or both.<sup>41</sup>
- 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, including the applicant's

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<sup>38</sup> R.C. 3501.05 and 3503.15.

<sup>39</sup> R.C. 3503.18 and 3503.21(A)(2).

<sup>40</sup> R.C. 3503.21(A)(3).

<sup>41</sup> R.C. 3503.20(B).

Social Security number, (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.<sup>42</sup>
- Specifies that a voter registration application submitted online through the Internet is not required to contain a signature to be considered valid.
- 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.<sup>43</sup>

#### **Database information available online**

- 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.<sup>44</sup>

#### **Persons who are compensated for registering voters**

- 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.<sup>45</sup>

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<sup>42</sup> R.C. 3503.20.

<sup>43</sup> R.C. 3503.14(E) and 3503.20(B).

<sup>44</sup> R.C. 3503.15(G)(1).

<sup>45</sup> R.C. 3503.28 and repeal of section 3503.29.

- 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.<sup>46</sup>

### **Sending of acknowledgement notice**

- Permits a board of elections to send an acknowledgment notice to any registered elector at any time to facilitate the maintenance and accuracy of the statewide voter registration database.<sup>47</sup>

### **Clarification on return process for voter registration forms**

- Ensures that various provisions of law governing the submission of voter registration forms consistently describe the manner and location to which those forms may be returned.<sup>48</sup>

### **Voting history**

- Requires a board of elections to maintain a list of registered voters in the county who cast a ballot at each election, which list must be provided to the Secretary of State after each election.<sup>49</sup>
- Requires the Secretary of State to compile the voting history of each registered elector who casts a ballot in an election, for inclusion in the statewide voter registration database.
- Requires the Secretary of State to determine, by rule, the length of an elector's voting history that is to be included in the database.<sup>50</sup>

### **Incomplete voter registration applications**

- Requires the Secretary of State to establish, by rule, a uniform process for notifying individuals who have submitted an incomplete voter registration application of the incomplete status of that application, and requires the process to permit such an individual to provide any information required to complete the application.<sup>51</sup>

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<sup>46</sup> R.C. 3503.28.

<sup>47</sup> R.C. 3503.22.

<sup>48</sup> R.C. 3503.19.

<sup>49</sup> R.C. 3501.11.

<sup>50</sup> R.C. 3501.05.

<sup>51</sup> R.C. 3503.05.

## **Address verification with national change of address database**

- Requires boards of elections, instead of the Secretary of State, to verify the address information of each registered voter in the county with the national change of address database.
- Increases the frequency at which such verification shall be conducted, from once in every odd-numbered year to at least once in each year.<sup>52</sup>

## **Provisional ballots**

### **Changes in categories of provisional voters**

- 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.
- 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.<sup>53</sup>

### **Provisional ballot affirmation form**

- 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.<sup>54</sup>

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<sup>52</sup> R.C. 3503.21.

<sup>53</sup> R.C. 3503.16 and 3505.181.

<sup>54</sup> R.C. 3505.182.

- Requires an election official checklist to also be printed on the provisional ballot envelope, which checklist must be signed by two election officials who are members of different political parties affirming that those election officials followed the proper procedures in verifying the provisional voter's registration information, address, and correct precinct.<sup>55</sup>
- 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.<sup>56</sup>
- Prohibits the election official from recording any of the information required to be provided by the provisional voter on the provisional ballot affirmation.

#### **Provisional voters who decline to execute the required 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.<sup>57</sup>

#### **Elimination of ten-day period to provide additional information**

- 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.

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<sup>55</sup> R.C. 3505.182.

<sup>56</sup> R.C. 3505.181.

<sup>57</sup> R.C. 3505.181(B) and 3505.183(B)(1).



- 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.
- Eliminates a provision of current 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 instead requires the hearing to be conducted prior to the election.<sup>58</sup>

### **Determining validity of provisional ballots**

- 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;
  - (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.<sup>59</sup>

### **Use of a provisional ballot affirmation as notice of change of address or name**

- 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

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<sup>58</sup> R.C. 3503.24, 3505.181, and 3505.183.

<sup>59</sup> R.C. 3505.183(B)(1).

residence or change of name form, instead of requiring the elector to complete and sign a separate form.<sup>60</sup>

### **Voters who execute an affirmation stating that they do not have ID**

- Specifies that, if a provisional voter executes an affirmation that the provisional voter does not have identification and the election officials determine, while verifying that individual's eligibility to vote, that the elector does have identification and failed to provide it, that the elector will be deemed to have committed election falsification by filing that affirmation and the elector's provisional ballot must not be counted.<sup>61</sup>

## **Absent voting**

### **Time for in-person and mail-in 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.<sup>62</sup>
- 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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<sup>60</sup> R.C. 3503.16.

<sup>61</sup> R.C. 3505.18 and 3505.183.

<sup>62</sup> 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).<sup>63</sup>

### **Process for in-person absent voting**

- Specifies that all of the following apply to the casting of absent voter's ballots in person:<sup>64</sup>
  - The absent voter must provide identification in the same manner as a voter who casts a ballot in person on the day of an election.
  - The absent voter is not required to complete an absent voter's ballot identification envelope.
  - The board of elections must provide a signature book to be signed by absent voters who are casting their ballots in person.
  - If a board of elections employs more than one location for casting absent voter's ballots in person before an election, an electronic pollbook that provides real time access to voting records must be used at each such location.
  - No person other than a precinct election official is to be permitted to challenge the right to vote of an absent voter who is casting a ballot in person. The precinct election officials may challenge such a voter's right to vote in the same manner as a challenge may be made on the day of an election.
  - No absent voter may receive a replacement ballot after the voter's absent voter's ballot has been scanned or entered into automatic tabulating equipment.

### **Unsolicited applications for absent voter's ballots**

- 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.<sup>65</sup>

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<sup>63</sup> R.C. 3503.16.

<sup>64</sup> R.C. 3509.051.

<sup>65</sup> R.C. 3509.03 and 3509.031.

### **Prepayment of return postage costs**

- Prohibits a board of elections from prepaying the return postage on absent voter's ballot applications.<sup>66</sup>
- Requires absent voters to send their marked ballots to a board of elections with the postage prepaid.<sup>67</sup>

### **Entity responsible for sending and receiving absent voter's ballots**

- 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.<sup>68</sup>

### **Sealing of unsealed envelopes; inserting ballots**

- 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.<sup>69</sup>

### **Vote totals for absent voter's ballots**

- 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.<sup>70</sup>

### **Incomplete absent voter's ballot envelopes**

- 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.<sup>71</sup>
- Specifies that an absent voter's ballot is not to be accepted or counted if the statement of voter is incomplete.

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<sup>66</sup> R.C. 3509.03 and 3509.031.

<sup>67</sup> R.C. 3509.05 (current law) and 3511.09.

<sup>68</sup> 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.

<sup>69</sup> R.C. 3509.05(C).

<sup>70</sup> R.C. 3509.06.

<sup>71</sup> R.C. 3509.06.

- Specifies that, if election officials determine that the Statement of Voter of an absent voter's ballot identification envelope has not been signed, the election officials are not to count that ballot. If the election officials are able to determine the identity of the absent voter who returned the unsigned envelope, the election officials must do all of the following:<sup>72</sup>
  - Reinstate that elector's ability to receive and cast a ballot in that election.
  - Remove the notation in the pollbook that indicates that the elector has requested an absent voter's ballot, which notation would otherwise require the elector to cast a provisional ballot on election day.
  - Note on the unsigned envelope that the envelope is unsigned, that the ballot will not be counted, and that the voter's right to cast a ballot was reinstated.
  - Mail a notification to the elector's address on file with the board of the elector's reinstated eligibility to vote, if the ballot is received five or more days before the election.
  - Permit the elector to vote a regular ballot in that election.
- Specifies that a voter who casts a ballot after having the voter's absent voter's ballot rejected under this provision must not be considered to have voted or attempted to vote more than once.

### **Stub A requirements**

- 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.<sup>73</sup>

### **Use of federal write-in absentee ballot for state and local elections**

- 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.<sup>74</sup>

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<sup>72</sup> R.C. 3509.07.

<sup>73</sup> R.C. 3509.07.

<sup>74</sup> R.C. 3511.14.

## **Electronic pollbooks**

### **Certification by the Board of Voting Machine Examiners**

- 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.

### **Adoption for use by a board of elections**

- 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.<sup>75</sup>
- 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.<sup>76</sup>

### **Consent decrees entered into under the Election Law**

- Specifies that only the Attorney General, in consultation with the Governor, Secretary of State, President of the Senate, and the Speaker of the House of Representatives, shall enter into a consent decree in any judicial challenge to any provision of the Election Law or to any election procedure conducted under the rules, directives, or advisories issued by the Secretary of State.<sup>77</sup>

### **Campaign finance changes**

- Prohibits a local elected official, during the 90 days before that elected official's name appears on the ballot at an election, from producing or disseminating any mass mailing or any form of advertising from the official's office that includes the name or photograph of the elected official.
- Permits a document or form of advertising produced or disseminated during the 90-day period to include the name of the office the official holds, but not the name or photograph of the official.

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<sup>75</sup> R.C. 3506.05.

<sup>76</sup> R.C. 3506.021.

<sup>77</sup> R.C. 3501.40.

- Specifies that no violation of this prohibition occurs, and no fine shall be imposed, if an elected official sends out normal office correspondence using office letterhead that is issued on a regular schedule throughout the year during the 90 days before the date of an election at which the official's name appears on the ballot.<sup>78</sup>
- Specifies that whoever violates this prohibition must be fined at least three times the cost of producing or disseminating the document or paid form of advertising, which amount must be paid to the political subdivision that produced or disseminated the document or paid for the advertising, and also specifies that the person shall be subject to any applicable penalties for any other violations of the Campaign Finance Law that the person may have committed.<sup>79</sup>

## **Campaigning outside a polling place**

### **Distance in which campaigning is prohibited**

- Eliminates the current law prohibition against loitering, congregating, or campaigning within the area marked by the small flags outside a polling place and instead prohibits persons from loitering, congregating, or campaigning within fifty feet of the entrance of a polling place.
- Specifies that a person who violates this prohibition is guilty of a minor misdemeanor, except that, if the person refuses to comply with the judges of elections or law enforcement officers who are enforcing it, or if the person repeats the violation, the person is guilty of a misdemeanor of the first degree.<sup>80</sup>

### **Interference with nearby businesses**

- Prohibits the line of waiting voters and persons loitering, congregating, or campaigning near that line from impeding the normal flow of traffic or access to the entrance or exit of any business or organization in the vicinity.<sup>81</sup>

## **New 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.

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<sup>78</sup> R.C. 3517.211.

<sup>79</sup> R.C. 3517.992(FF).

<sup>80</sup> R.C. 3501.35(A).

<sup>81</sup> R.C. 3501.35(D).

- Requires half of those signatures to be filed 100 days before the primary election at which the new party seeks to place candidates on the ballot and the other half to be filed 90 days before that election.<sup>82</sup>

### **Former electors voting presidential ballots**

- Clarifies the circumstances under which a former Ohio elector is eligible to vote in a presidential general election in Ohio.
- Requires a former Ohio elector seeking to vote in a presidential general election to also submit a form to cancel the person's Ohio voter registration.
- Requires boards of elections to transmit electronically to the Secretary of State any certificates of intent to vote a presidential general election ballot that they receive.<sup>83</sup>

### **Miscellaneous**

#### **Changes required for consistency with the Ohio Constitution**

- 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.<sup>84</sup>
- 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.<sup>85</sup>

#### **Elimination of obsolete cross-reference in Voter Identification Law**

- 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.<sup>86</sup>

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<sup>82</sup> R.C. 3501.01, 3517.01, and 3517.012.

<sup>83</sup> R.C. 3504.01, 3504.02, 3504.04, and 3504.05.

<sup>84</sup> R.C. 3501.02.

<sup>85</sup> R.C. 3519.16 and Article II, Section 1g, Ohio Constitution.

<sup>86</sup> R.C. 3503.14, 3509.03, 3509.031, 3509.04, 3509.05, 3511.02, 3511.05, and 3511.09.



### **Renaming "judges of election" to "precinct election officials"**

- 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."<sup>87</sup>

### **Determination of voting location manager**

- Specifies that the voting location manager must be a member of the political party whose candidate received the highest number of votes for Governor in the precincts whose polling places are located at the applicable voting location, when tallying the combined vote for Governor for all such precincts.<sup>88</sup>

### **Correction of cross-references**

- Corrects an incorrect cross-reference in existing law to refer to the correct section of the Revised Code.<sup>89</sup>
- Revises division cross-references to a section that is newly subdivided in the bill.<sup>90</sup>

### **Insertion of missing word**

- 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.<sup>91</sup>

### **Eliminate references to multiple "ballot boxes"**

- Eliminates provisions of existing law that refer to ballots for separate offices or issues being placed in separate ballot boxes within a precinct polling location.<sup>92</sup>

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<sup>87</sup> 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.

<sup>88</sup> R.C. 3501.22.

<sup>89</sup> R.C. 3501.38(A).

<sup>90</sup> R.C. 4301.32, 4301.334, and 4303.29.

<sup>91</sup> R.C. 3519.01.

<sup>92</sup> R.C. 2101.44, 3501.30, 3505.07, 3505.08, 3505.16, 3505.23, and 3513.18.

## Location of facsimile signatures on ballot

- Changes a provision of existing law that requires the facsimile signatures of members of boards of elections to appear on the back of the ballot to instead require those signatures to appear at the end of the ballot.<sup>93</sup>

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## HISTORY

ACTION	DATE
Introduced	04-12-11
Reported, S. Government Oversight & Reform	05-19-11
Passed House (23-10)	05-24-11

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<sup>93</sup> R.C. 3505.08 and 3509.05.

