



Ohio Legislative Service Commission

Bill Analysis

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H.B. 78

130th General Assembly
(As Introduced)

Reps. Stinziano, Ashford, Boyd, Cera, Curtin, Hackett, R. Hagan, Mallory, Ramos

BILL SUMMARY

- Requires the Secretary of State, by rule, to establish a secure online process for voter registration, which will allow an applicant who possesses a current and valid Ohio driver's license or identification card to submit to the Secretary of State an application to register to vote or to update the applicant's name, address, or both.
- Requires an applicant to submit information to establish the applicant's address, that the applicant is qualified to register to vote, and that the applicant possesses a current and valid Ohio driver's license or identification card.
- Requires the applicant to attest to the truth and accuracy of the information submitted in the application under penalty of election falsification using the applicant's Ohio driver's license number or state identification card number as proof of the applicant's identity.
- Requires the applicant to agree, under penalty of election falsification, that the applicant is providing the correct information and that the applicant authorizes the Bureau of Motor Vehicles to transmit the applicant's electronic signature to the Secretary of State for election purposes.
- Specifies that an application submitted online through this process need not contain a signature in order to be valid.
- Requires the Secretary of State to submit the completed application to the Bureau of Motor Vehicles for the Bureau to compare the application with the Bureau's driver's license and identification card database.
- Requires the Bureau to submit the completed application and the Bureau's information, including an electronic copy of the applicant's signature, to the

Secretary of State, if the Bureau confirms that the applicant possesses a current and valid Ohio driver's license or identification card.

- Requires the Bureau, if the Bureau was unable to confirm that the applicant possesses a current and valid Ohio driver's license or identification card, to submit the completed application and that information to the Secretary of State.
- Requires the Secretary of State, if the application is confirmed, to transmit the validated application and the applicant's electronic signature to the applicable board of elections for the board to register the applicant.
- Requires the Secretary of State, if the application is not confirmed, to transmit the application to the applicable board of elections for the board to contact the applicant by mail at the address provided in the application and by electronic mail, if the applicant provided an electronic mail address.
- 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 any information or data provided to the Secretary of State by another agency that is confidential while in the possession of the agency providing the information or data remains confidential while in the possession of the Secretary of State.
- Prohibits information provided by 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 maintained in the database and information maintained by the other agency.
- Specifies that an agency is not required to provide information or data to the Secretary of State if doing so is prohibited by federal law or regulation.



- Permits the Secretary of State to enter into agreements to share information or data with other states or groups of states, as the Secretary of State considers necessary, in order to maintain the statewide voter registration database.
- Requires the Secretary of State generally to ensure that any information or data provided to the Secretary of State by another state that is confidential while in the possession of the state providing the information or data 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 statewide voter registration database.

CONTENT AND OPERATION

Online voter registration

Application

The bill requires the Secretary of State, by rule, to establish a secure online process for voter registration, which will allow an applicant who possesses a current and valid Ohio driver's license or identification card to submit to the Secretary of State an application to register to vote or to update the applicant's name, address, or both.

Under the bill, the applicant must submit information to establish the applicant's address, that the applicant is qualified to register to vote, and that the applicant possesses a current and valid Ohio driver's license or identification card. The applicant also must attest to the truth and accuracy of the information submitted in the application under penalty of election falsification using the applicant's Ohio driver's license number or state identification card number as proof of the applicant's identity.

Finally, the applicant must click a box agreeing to a statement, under penalty of election falsification, that the applicant is providing the correct information, that the applicant wishes to register to vote or update the applicant's registration, and that the applicant authorizes the Bureau of Motor Vehicles to transmit the applicant's signature that is on file with the Bureau to the Secretary of State for election purposes.¹

Verification

When the Secretary of State receives a completed online voter registration application, the bill requires the Secretary of State to submit the completed application

¹ R.C. 3503.20(A) to (C).

to the Bureau of Motor Vehicles. The Bureau then must compare the information the applicant submitted with the information in the Bureau's database that lists individuals who possess a current and valid Ohio driver's license or identification card.

If the Bureau confirms that the applicant possesses a current and valid Ohio driver's license or identification card, the Bureau must submit the completed application and the Bureau's information, including an electronic copy of the applicant's signature, to the Secretary of State.

The bill requires the Secretary of State to validate and submit the completed application and the information from the Bureau, including the electronic signature, to the board of elections of the applicant's county. The board then must register the applicant and use the electronic signature as the applicant's signature on voter registration records, for all election and signature-matching purposes. The bill specifies that an application submitted online through this process need not contain a signature in order to be valid.

If the Bureau is unable to confirm that the applicant possesses a current and valid Ohio driver's license or identification card, the Bureau must submit the completed application, along with that information, to the Secretary of State.

Then, the Secretary of State must submit the completed application and the information that the Bureau is unable to confirm the application to the board of elections of the applicant's county. The board must send a notice to the applicant's electronic mail address, if one was provided, and by mail to the address provided in the application, that the application cannot be processed because the Bureau cannot confirm that the applicant possesses a current and valid Ohio driver's license or identification card.²

Data-sharing

Data-sharing with state agencies

Under the bill, state agencies, including the Department of Health, the Bureau of Motor Vehicles, the Department of Job and Family Services, and the Department of Rehabilitation and Correction, must provide any information and data to the Secretary of State that the Secretary of State considers necessary to maintain the statewide voter registration database, except where prohibited by federal law or regulation. The bill requires the Secretary of State to ensure that any information or data that are

² R.C. 3503.14(E) and 3503.20(D).



confidential while in possession of the entity providing the data remains confidential while in the Secretary of State's possession.

The bill prohibits information provided under this provision of law for maintenance of the statewide voter registration database from being used to update a registered elector's name or address. An elector's name or address must be updated only as a result of the elector's actions in filing a notice of change of name, address, or both.

If the information a state agency provides conflicts with that elector's record in the statewide voter registration database, the bill requires a board of elections to contact a registered elector by mail at the address on file with the board to verify the accuracy of the information in the statewide voter registration database.

Data-sharing with other states

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

The Secretary of State must ensure that any confidential information or data provided to the Secretary of State under this program remains confidential while in the Secretary of State's possession. However, under the bill, the Secretary of State may provide such otherwise confidential information or data to persons or organizations that are engaging in legitimate governmental purposes related to the maintenance of the statewide voter registration database.³

HISTORY

ACTION	DATE
Introduced	02-26-13

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³ R.C. 3503.15(A).

