



Ohio Legislative Service Commission

Bill Analysis

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S.B. 110

130th General Assembly
(As Introduced)

Sens. Turner, Tavares

BILL SUMMARY

Preregistration to vote

- Allows a 16 or 17 year old to preregister to vote and to update the person's preregistration information, so long as the person otherwise meets the qualifications of an elector.
- Specifies that a preregistered person is not eligible to vote until the person becomes a registered elector.
- Requires a board of elections to automatically register a preregistered person, and to send that person a notification of registration, not less than 45 days before the date of the first election in which the person will be eligible to vote.
- Requires the board to consider the person's preregistration form to be the person's registration form.
- Modifies the voter registration, change of residence, and change of name forms to allow an applicant to use those forms to preregister to vote or to update the person's preregistration information.
- Requires a board of elections to keep a record of each completed application to preregister to vote or to change a name or address in a person's preregistration record that it receives.
- Specifies that the statewide voter registration database must include preregistration records, along with a clear marking on each record indicating that the person is not yet a qualified elector.

- Permits a preregistered person who will be eligible to vote in an election to submit an application for absent voter's ballots for that election before the person is automatically registered to vote.
- Allows such an applicant to indicate on the absent voter's ballot request form that the applicant is preregistered to vote and will be eligible to vote in that election.
- Specifies that the board of elections must not process a preregistered person's application for absent voter's ballots until after the applicant is automatically registered to vote.
- Prohibits juveniles from committing several types of offenses related to preregistration to vote, which offenses mirror the voter registration-related offenses that an adult might commit.
- Specifies that a juvenile who commits one of those offenses is guilty of a delinquent act that would be a fifth degree felony if it could be committed by an adult.
- Incorporates references to preregistration into each offense involving voter registration that an adult might commit.
- Adds references to preregistration to numerous other sections of the Revised Code that mention voter registration.

Compensated voter registration workers

- Eliminates several administrative requirements for compensated voter registration workers, such as attending training and signing affirmations, which currently are not enforced because they have been ruled unconstitutional.
- Removes a provision of law that prohibited compensating a voter registration worker on a fee per registration or fee per volume basis.

Compensated petition circulators

- Eliminates a statute, which currently is not enforced because it has been ruled unconstitutional, that prohibited compensating election petition circulators on a per-signature or per-volume basis.

Correction of cross-reference

- Corrects a cross-reference to refer to the proper section of the Revised Code.

CONTENT AND OPERATION

Preregistration to vote

The bill generally allows 16 and 17 year olds to preregister to vote and to update their preregistration information. Under the bill, a person who is at least 16 years of age but will not be 18 years of age or older at the next general election may preregister to vote in the precinct in which the person resides. The person must be a U.S. citizen who will have lived in that precinct for 30 days before the next election in which the person will be eligible to vote.

A preregistered person is not eligible to vote until the person becomes a registered elector. The applicable board of elections must automatically register the person not less than 45 days before the date of the first election in which the person will be eligible to vote. The person's preregistration form is considered to be a registration form.

The bill requires the board then to send the person a notification of registration. Continuing law requires the boards of elections to mail that notification to each person who registers to vote or updates the person's registration.¹

Under continuing law, a person who will be 18 years old on or before the day of the next general election may register to vote if the person otherwise qualifies as an elector. Such a person may vote in the primary election immediately preceding that general election, even if the person is not 18 on the day of the primary election.²

Registration and preregistration form

The bill modifies the requirements for the voter registration, change of residence, and change of name forms to allow an applicant to use those forms to preregister to vote or to update the person's preregistration. (Currently, applicants may register to vote or update their names or addresses using the same form.)

Under the bill, the form must include the following questions and statement:

Will you be at least 18 years of age on or before the day of the next general election? yes no

¹ R.C. 3501.01(V), 3503.07(B), 3503.14, 3503.16, 3503.19(C), and 3503.192.

² R.C. 3503.011 (not in the bill) and 3503.07(A).



Are you at least 16 years of age and do you wish to be automatically registered to vote when you will be 18 years of age on or before the day of the next general election?

yes no

If you checked 'no' in response to both of these questions, do not submit this form.

The current form asks whether the applicant will be at least 18 years of age on or before the next general election,. Additionally, federal law requires voter registration forms to include other information that is not specified in Ohio law. Under continuing law, the Secretary of State must prescribe forms that comply with both state and federal law.³

Preregistration records

The bill requires a board of elections to keep a record of each completed application to preregister to vote or to change a name or address in a person's preregistration record that it receives. As is discussed above, a preregistration form becomes the person's registration form when the person is automatically registered to vote.

Further, the statewide voter registration database must include those preregistration records. Each such record in the database must have a clear marking indicating that the preregistered person is not yet a qualified elector. Otherwise, the bill requires the Secretary of State and the boards of elections to treat the preregistration records in the database in the same way as registration records, including making a preregistered person's name, address, and precinct number available on the Secretary of State's web site.⁴

Preregistered person's application for absent voter's ballots

The bill allows a preregistered person who will be eligible to vote in an election to apply for absent voter's ballots for that election before the person is automatically registered to vote. A preregistered person must be automatically registered 45 days before the day of the election. Continuing law allows electors to apply for absent voter's ballots not earlier than January 1 of the year of an election or not earlier than 90 days

³ R.C. 3503.14. See also National Voter Registration Act of 1993, 42 U.S.C. 1973gg *et seq.* and *Voter Registration and Information Update Form*, Ohio Secretary of State, available at sos.state.oh.us/sos/upload/elections/forms/4010.pdf, accessed April 18, 2013.

⁴ R.C. 3501.05(W), 3501.11(U), 3503.15, and 3503.192.



before the day of that election, whichever is earlier. Preregistered persons do not become electors, however, until they are registered and eligible to vote.

Under the bill, the application form for absent voter's ballots must include boxes for the applicant to check, indicating either that the person is a qualified elector or that the person is preregistered to vote and will be a qualified elector for that election. Currently, an applicant must affirm that the applicant is a qualified elector.

When a board of elections receives an application for absent voter's ballots that indicates that the applicant is preregistered to vote, the director must wait until the 45th day before the day of the election to process the application.⁵

Offenses involving preregistration

The bill prohibits juveniles from committing several types of offenses related to preregistration to vote. Whoever violates those prohibitions is guilty of a delinquent act that would be a fifth degree felony if it could be committed by an adult. The juvenile offenses mirror several adult voter registration offenses, which are a fifth degree felony.

Under the bill, no person shall knowingly:⁶

- Preregister or apply or attempt to preregister to vote in a precinct in which the person is not qualified to preregister;
- Impersonate another or write or assume the name of another, real or fictitious, in preregistering or attempting to preregister;
- Swear or affirm falsely upon a lawful examination by or before any preregistering officer;
- Preregister under more than one name; or
- Make any false statement on any form for preregistration or change of preregistration.

Additionally, the bill includes references to preregistration in the description of each offense involving voter registration that an adult might commit. Along with the

⁵ R.C. 3503.192, 3509.03, 3509.04, 3511.02, 3511.021, and 3511.04.

⁶ R.C. 3599.111.



offenses described above, those prohibitions include, for example, bribing a person to register to vote or preventing a person from lawfully registering.⁷

Inclusion of preregistration in other references to voter registration

The bill also adds references to preregistration to numerous other sections of the Revised Code that mention voter registration.⁸ For example, the bill:

- Incorporates preregistration into the state's continuing requirements concerning voter registration records, programs, and drives;
- Authorizes the Secretary of State to adopt rules for the purposes of implementing the law regarding voter preregistration;
- Provides for the cancelation of the preregistration records of individuals who have been convicted of a felony, who have died, or who have requested that their records be canceled; and
- Allows an elector to challenge a preregistered person's right to preregister.

Compensated voter registration workers

The bill eliminates the requirement that a compensated voter registration worker do each of the following:⁹

- Preregister with the Secretary of State and complete an online training;
- Identify the person's name, address, and employer on each completed voter registration form;
- Personally deliver or mail each completed registration form to the Secretary of State or a board of elections; and
- Sign and submit with each batch of voter registration forms an affirmation that the person has completed the training and complied with all laws governing voter registration activities.

⁷ R.C. 3599.02, 3599.11, 3599.161, 3599.18, 3599.26, and 3599.31.

⁸ R.C. 111.29, 145.053, 329.051, 742.042, 2961.01, 2967.17, 3307.072, 3309.072, 3313.77, 3501.011, 3501.012, 3501.04, 3501.05, 3501.11, 3501.13, 3501.18, 3501.30, 3501.31, 3501.33, 3501.90, 3503.02, 3503.09, 3503.10, 3503.11, 3503.111, 3503.12, 3503.13, 3503.17, 3503.18, 3503.19, 3503.191, 3503.21, 3503.24, 3503.25, 3503.26, 3503.28, 3503.30, 3503.33, 3505.20, 3517.01, 3517.08, 3517.1013, 3517.18, 4501.023, 4503.03, 4507.06, 4507.51, 5101.54, 5115.05, 5505.044, and Sections 3 and 4 of the bill.

⁹ R.C. 3503.14, 3503.19(B)(2)(c), and 3503.28(A)(5) and repeal of R.C. 3503.29.

These administrative requirements currently are not enforced because a federal court has ruled that they violate voter registration workers' First Amendment rights.¹⁰

The bill also removes a provision of law that prohibited compensating a voter registration worker on a fee per registration or fee per volume basis, instead of on the basis of time worked.¹¹

Compensated petition circulators

Similarly, the bill eliminates a prohibition against compensating election petition circulators on a per-signature or per-volume basis, instead of on the basis of time worked.¹² This law currently is not enforced because a federal court has held that it violates petition circulators' First Amendment rights.¹³

Correction of cross-reference

Finally, the bill corrects a cross-reference to refer to the proper section of the Revised Code. Currently, the provision incorrectly identifies the section of law that lists the qualifications to be an Ohio elector.¹⁴

HISTORY

ACTION	DATE
Introduced	04-16-13

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¹⁰ *Project Vote v. Blackwell*, 455 F. Supp. 2d 694 (N.D. Ohio 2006); partial summary judgment granted in *Project Vote v. Blackwell*, 2008 U.S. Dist. LEXIS 9878 (N.D. Ohio 2008).

¹¹ Repeal of R.C. 3599.111.

¹² Repeal of R.C. 3599.111.

¹³ *Citizens for Tax Reform v. Deters*, 518 F.3d 375 (6th Cir. 2008).

¹⁴ R.C. 3503.02(G)(3).

