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Bill Analysis
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Reps. Robinson, Allen, Bender, Jolivette, D. Miller, Peterson, Redfern

BILL SUMMARY

- Requires, beginning with the 2002 general election, the Secretary of State to permit all qualified electors to vote through the office of the Secretary of State via the Internet 24 hours per day during the four days before, and through the closing of the polls on the day of, an election.
- Creates the Internet Voting Advisory Council to advise the Secretary of State on the rules to be adopted for Internet voting.
- Requires the Secretary of State to adopt rules in 12 specific areas, including ballot security, voter identification, ballot secrecy, and Internet technologies, for the implementation and administration of Internet voting.
- Requires the Secretary of State to create a pilot project permitting all qualified electors in Franklin County to vote through the office of the Secretary of State via the Internet in the 2001 general election.
- Requires the Secretary of State to create a pilot project permitting all qualified electors in ten counties to vote through the office of the Secretary of State via the Internet in the 2002 primary election.
- Requires the Secretary of State, at the conclusion of each pilot project, to submit a report to the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and the director of each county board of elections identifying any problems arising from Internet voting, and recommending necessary changes.
- Requires the Secretary of State, at the conclusion of each pilot project, to adopt amendments to, or rescind, as necessary, the rules on Internet voting in accordance with the recommendations made in the pilot project report.

- Expands the penalty provisions of existing law for the wrongful printing or transportation of ballots, destruction of ballot materials, and casting or assisting another person in casting fraudulent ballots to apply to ballots prepared for and cast via the Internet.
- Makes specified sections of the Election Law that are potentially inconsistent with Internet voting subject to the rules on Internet voting to be adopted by the Secretary of State, to the extent that those rules are inconsistent with the requirements of existing law.
- Eliminates the ability to challenge a voter's right to vote at a primary election on the basis of a change in party affiliation.

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CONTENT AND OPERATION

Conduct of elections, in general

Under existing law, except for the specified circumstances in which electors are permitted to vote by absent voter's ballots, elections are required to be conducted in person at polling places selected by county boards of elections (secs. 3501.18 and 3505.18).¹

The bill requires the Secretary of State, with the advice of the newly created Internet Voting Advisory Council, to adopt rules permitting qualified electors to vote via the Internet in all primary, general, and special elections, beginning with the 2002 general election (secs. 3501.05(U) and (V) and 3501.053). Prior to that election, the bill requires the Secretary of State to conduct two pilot projects--one in Franklin County and one in ten counties throughout the state--permitting qualified electors to vote via the Internet (Sections 3 and 4 of the bill).

Internet Voting Advisory Council

Membership and organization

The bill creates the Internet Voting Advisory Council, composed of the following eleven members (sec. 3501.052(A)):

- The Secretary of State

¹ Section 3509.02 of the Revised Code permits electors to vote by absent voter's ballots under the following circumstances: (1) the elector is 62 years of age or older, (2) the elector's employment as a full-time firefighter, peace officer, or provider of emergency medical services may prevent the elector from voting at the elector's polling place on the day of the election, (3) the elector is a member of the organized militia serving on active duty in Ohio, (4) the elector will be absent from the polling place on the day of the election because of the elector's entry, or the entry of a member of the elector's family, into a hospital for medical or surgical treatment, (5) the elector is confined in a jail or workhouse under sentence for a misdemeanor or is awaiting trial on a felony or misdemeanor charge, (6) the elector will be unable to vote on the day of the election due to observance of the elector's religious belief, (7) the elector will be absent from the county in which the elector's voting residence is located on the day of an election, and (8) the elector has a physical disability, illness, or infirmity.

Chapter 3511. of the Revised Code codifies the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff, specifying procedures by which members of the Armed Services serving outside Ohio, and their spouses and dependents residing with them, may vote by absent voter's ballots.

- One member of the House of Representatives
- One member of the Senate
- Three directors of county boards of elections
- One person representing the political party of the Speaker of the House of Representatives
- One person representing the political party of the Minority Leader of the House of Representatives
- One person representing a major telecommunications vendor
- Two persons representing different computer software or Internet voting vendors

The Secretary of State is required to serve as chairperson of the Council, and must appoint all of the other members except for (1) the member of the House of Representatives and (2) the member of the Senate. Those members must be appointed by the Speaker of the House of Representatives and the President of the Senate, respectively. The initial appointments are required to be made, and the first meeting of the Council is required to be held, no later than seven days after the bill's effective date. (Sec. 3501.052(A).)

The initial terms for the following members end on December 31, 2001: the member of the House of Representatives, the person representing the political party of the Minority Leader of the House of Representatives, two of the directors of county boards of elections, and one person representing a computer software or Internet voting vendor. The initial terms for remaining appointed members end on December 31, 2002. Thereafter, terms of appointed members are for two years, with each term ending on the same day of the same month as the term it succeeds. Members of the Council may be reappointed. (Sec. 3501.052(B).)

Vacancies on the Council must be filled in the manner provided for an original appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed holds that office for the remainder of that term. (Sec. 3501.052(B).)

Members of the Council receive no compensation, but they must be reimbursed for necessary expenses incurred in the performance of their duties (sec. 3501.052(C)). Membership on the council does not constitute the holding of another public office or employment, and no member of the Council is disqualified

from holding any office or employment by reason of the member's position as a member of the Council (sec. 3501.052(F)).

The bill exempts the Council from the State Agency Sunset Law's provisions (sec. 3501.052(E)).

Duties

The Internet Voting Advisory Council is required to advise the Secretary of State on the administration of Internet voting in each of the following areas (sec. 3501.052(D)):

(1) The *types of Internet technologies*, such as e-mail or the World Wide Web, that should be used for Internet voting.

(2) The *form that should be used for Internet ballots*.

(3) The *authentication and verification measures that should be adopted in order to verify the identification of an elector* before permitting that elector to vote via the Internet.

(4) The *security measures* that should be adopted in order to maintain the integrity of ballots cast via the Internet.

(5) The *privacy measures that should be adopted in order to maintain the secrecy of the ballot*, so that the identity of electors cannot be connected with the content of their ballots.

(6) *Whether electors should be notified of any potential loss of secrecy* involving their voting as a result of voting via the Internet.

(7) *Challenging the right to vote* of electors who cast their ballots via the Internet.

(8) *Counting ballots* cast via the Internet and *retaining those ballots* for possible recounts or election challenges.

(9) *Coordinating communications* between the office of the Secretary of State and county boards of elections with regard to the content of Internet ballots and ballot counts for ballots cast via the Internet.

(10) The *rejection of ballots* cast via the Internet in conflict with the requirements of the Election Law, including, but not limited to, rejecting ballots cast by deceased and nonqualified electors, ballots cast with insufficient

verification of the identity of the elector, and multiple ballots cast under the identification of a single elector.

(11) The *retention of rejected ballots*, including the retention of the reason each ballot was rejected.

(12) *Any other measures necessary* to ensure the integrity of the Internet voting process.

Internet voting

Duties of the Secretary of State

The Secretary of State, with the advice of the Internet Voting Advisory Council, is required to adopt, amend, and rescind, as necessary, rules on the administration of Internet voting pursuant to the Administrative Procedure Act (secs. 3501.05(V) and 3501.053(A)). Rules are required to be adopted in 12 specific areas--the same 12 areas about which the Internet Voting Advisory Council is required to give advice to the Secretary of State (see "**Internet Voting Advisory Council**," above). The initial rules must be adopted by October 1, 2001 (sec. 3501.053(B)).

Timing

On and after October 31, 2002, the Secretary of State is required to permit all qualified electors in the state to vote *through the office of the Secretary of State* via the Internet in all primary, general, and special elections in accordance with the rules adopted by the Secretary of State. Qualified electors must be permitted to cast their ballots via the Internet 24 hours per day during the four days prior to the day of the election, and through the time for the closing of the polls on the day of the election. (Sec. 3501.053(C).)

Prohibitions and associated penalties

Voting or attempting to vote more than once. Existing law prohibits a person from voting or attempting to vote more than once at the same election by any means, including by absent voter's ballots and regular ballots, or by more than one type of absent voter's ballots. Anyone who violates the prohibition is guilty of a felony of the fourth degree.² The bill expands the prohibition to explicitly

² A *felony of the fourth degree generally is punishable by a definite prison term of between six to 18 months, and a fine of not more than \$5,000. Community residential sanctions and nonresidential sanctions possibly may be imposed in lieu of a prison term. Any person convicted of a second violation of any provision of the Election Law is guilty*

prohibit voting or attempting to vote via the Internet as one of the means of multiple voting. (Sec. 3599.12.)

Preparation, custody, and delivery of ballots. Existing law prohibits a person employed to print or engage in printing official ballots from knowingly (1) printing an official ballot other than the one furnished by the board of elections, (2) printing more ballots than are delivered to the board, (3) appropriating, giving, delivering, or permitting to be taken away ballots by a person other than a person authorized by law to do so, (4) printing ballots on paper other than that provided in the contract with the board, or (5) packaging or delivering to the board fewer ballots than the number the board directed to be printed. Anyone who violates the prohibition is guilty of a misdemeanor of the first degree.³ The bill expands the prohibition to apply to anyone *employed to prepare or engage in preparing the official ballots for voting via the Internet*. Additionally, since Internet voting is required to be conducted through the office of the Secretary of State, the bill specifies that an official ballot may be furnished to a preparer by the Secretary of State, instead of only by a board of elections as under existing law. (Sec. 3599.22.)

It is also a misdemeanor of the first degree, under existing law, for a printer or other person entrusted with the printing, custody, or delivery of registration cards or forms, ballots, blanks, pollbooks, cards of instruction, or other required papers (1) to knowingly and unlawfully open or permit to be opened a sealed package containing ballots or other printed forms or (2) to knowingly give or deliver to another person not lawfully entitled to them, unlawfully misplace or carry away, knowingly fail to deliver, or knowingly destroy such documents. It is a misdemeanor of the second degree for a printer or other person entrusted with the printing, custody, or delivery of those documents to negligently lose or permit those documents to be taken from the printed or other entrusted person.⁴ The bill expands these prohibitions to apply to a person entrusted with *preparing* these

of a felony of the fourth degree on the second conviction and must be disenfranchised. (Secs. 2929.14, 2929.15, 2929.16, 2929.17, 2929.18, and 3599.39--not in the bill.)

³ *A misdemeanor of the first degree generally is punishable by a definite term of imprisonment of not more than six months and a fine of not more than \$1,000. Any person convicted of a second violation of any provision of the Election Law must be punished as described in footnote 2. (Secs. 2929.21 and 3599.39--not in the bill.)*

⁴ *A misdemeanor of the second degree generally is punishable by a definite term of imprisonment of not more than 90 days and a fine of not more than \$750. Any person convicted of a second violation of any provision of the Election Law must be punished as described in footnote 2. (Secs. 2929.21 and 3599.39--not in the bill.)*



documents, and includes within the list of protected documents *ballots for voting via the Internet*. (Sec. 3599.23.)

Possession or destruction of property used to conduct elections. Existing law prohibits any person from obtaining or attempting to obtain possession of ballots, ballot boxes, or pollbooks by force, fraud, or other improper means. A person is also prohibited, under existing law, from recklessly destroying any property used in the conduct of elections. Any person who violates either of these prohibitions is guilty of a felony of the fifth degree.⁵ (Sec. 3599.24.)

The bill expands the prohibition against obtaining or attempting to obtain election items by force, fraud, or other improper means to apply to ballot counts and elections returns. It also specifies that the prohibition against recklessly destroying any property used in the conduct of elections includes, although is not limited to, destroying *computer hardware or software or Internet facilities used for Internet voting*. (Sec. 3599.24.)

Assisting a nonqualified elector to vote via the Internet. Existing law prohibits a person from knowingly advising, aiding, or assisting another person to enter a precinct for the purpose of voting in it, knowing that the person is not qualified to vote in that precinct. A person who violates the prohibition is guilty of a felony of the fourth degree. The bill makes it a felony of the fourth degree to also advise, aid, or assist another person to cast a ballot via the Internet, knowing that the person is not a qualified elector. (Sec. 3599.25.)

Fraudulently casting ballots. Existing law prohibits a person from fraudulently putting a ballot or ticket into a ballot box. A person who violates the prohibition is guilty of a felony of the fifth degree. The bill also makes it a felony of the fifth degree for a person to fraudulently cast a ballot via the Internet. (Sec. 3599.26.)

Using the identity of another person. Existing law prohibits a person from *writing or signing* the name of another person on any document, petition, registration card, or other book or record authorized or required by the Election Law with the intent to defraud or deceive. A person who violates the prohibition is guilty of a felony of the fifth degree. In addition to writing or signing the name

⁵ A felony of the fifth degree generally is punishable by a definite prison term of between six to 12 months, and a fine of not more than \$2,500. Community residential sanctions and nonresidential sanctions may be imposed in lieu of a prison term. Any person convicted of a second violation of any provision of the Election Law must be punished as described in footnote 2. (Secs. 2929.14, 2929.15, 2929.16, 2929.17, 2929.18, and 3599.39--not in the bill.)

of another person, the bill makes it a felony of the fifth degree to *otherwise use the identity of another person* on any document, petition, registration card, or other book or record authorized or required by the Election Law with the intent to defraud or deceive. (Sec. 3599.28.)

Franklin County pilot project

Conduct of the project

The Secretary of State, with the advice of the Internet Voting Advisory Council, is required to establish a pilot project to permit electors in Franklin County to vote through the office of the Secretary of State via the Internet in the 2001 general election. The electors must vote in accordance with the rules for Internet voting that the Secretary of State is required to adopt by October 1, 2001, under section 3501.053 of the Revised Code (see "**Internet voting--Duties of the Secretary of State**," above). The project must commence five days prior to the 2001 general election and must end 30 days after that election. (Section 3(A) of the bill.)

Report on the results of the project

Not later than 60 days after the 2001 general election, the Secretary of State must submit a report on the pilot project to the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the director of each county board of elections. The report must include all of the following (Section 3(B) of the bill):

(1) The number of electors who voted via the Internet, and the number of electors who voted in traditional polling places in the 2001 Franklin County general election.

(2) Whether the level of voter participation in the 2001 general election in Franklin County changed relative to the voter participation in the 1999 general election in Franklin County, and the percentage change in the level of voter participation. The Secretary of State must comment on what impact the option of Internet voting had on the change in Franklin County voter participation as compared to prior comparable general elections.

(3) *Whether the Internet voting system functioned properly throughout the course of the election.* The Secretary of State must identify any problems that prevented electors from being able to cast their ballots via the Internet, that resulted in the loss of ballots cast via the Internet, that resulted in the ballot count being delayed, or that resulted in an erroneous determination of winning

candidates, issues, or questions, and must recommend any changes that are necessary to the Internet technologies selected for use in casting and counting ballots voted via the Internet.

(4) *Whether the Internet voting system adequately verified the identification of electors voting via the Internet, while retaining the secrecy of the content of the ballots cast.* The Secretary of State must identify any problems that prevented electors from being able to verify their status as qualified electors, that compromised the secrecy of the ballots voted by those electors, or that allowed persons who were not qualified electors to cast ballots, and must recommend any changes that are necessary to the authentication and verification measures used to identify qualified electors without sacrificing the secrecy of their ballots.

(5) *Whether the Internet voting system remained secure throughout the election.* The Secretary of State must identify any security problems that compromised the integrity of the ballot, and must recommend any changes that are necessary to the security measures used to maintain the integrity of the ballot.

(6) *Whether the right to vote of any electors who voted via the Internet was challenged, and how those challenges were resolved.* The Secretary of State must recommend any changes that are necessary to the Internet voting challenge system in order to permit and to resolve challenges to the right to vote of electors seeking to vote via the Internet.

(7) *Whether a recount of votes cast via the Internet was required for any race, issue, or question, and whether any recount was successfully accomplished.* The Secretary of State must recommend any changes that are necessary to the retention requirements of ballots voted via the Internet in order to permit the successful recount of ballots cast via the Internet.

(8) *Whether any ballots cast via the Internet were rejected, and, if so, the reasons for those rejections.* The Secretary of State must recommend any changes that are necessary to the Internet voting system for the rejection of ballots voted via the Internet in order to ensure the integrity of the ballot count.

The Secretary of State is required to adopt amendments to, or rescind, as applicable, the rules on Internet voting in accordance with the recommendations made in the pilot project report (Section 3(C) of the bill).

Ten county pilot project

Conduct of the project

The Secretary of State, with the advice of the Internet Voting Advisory Council, is required to establish a pilot project to permit the electors in ten counties to vote through the office of the Secretary of State via the Internet in the 2002 primary election. The electors must vote in accordance with the rules for Internet voting that the Secretary of State is required to adopt under section 3501.053 of the Revised Code (see "**Internet voting--Duties of the Secretary of State**," above), as amended or rescinded following the Franklin County pilot project. The project must commence five days prior to the 2002 primary election and must end 30 days after that election. (Section 4(A) of the bill.)

Selection of the counties

The Secretary of State must select ten counties for participation in the pilot project according to the following criteria (Section 4(A) of the bill):

- Five predominantly urban counties.
- Five predominantly rural counties.
- Due regard must be given to selecting counties that are geographically representative of the state.

Report on the results of the project

Not later than 60 days after the 2002 primary election, the Secretary of State must submit a report on the pilot project to the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the director of each county board of elections. The report must include all of the following (Section 4(B) of the bill):

(1) The number of electors who voted via the Internet, and the number of electors who voted in traditional polling places in the 2002 primary election in each of the ten counties participating in the project.

(2) Whether the level of voter participation in the 2002 primary election changed relative to the voter participation in the 1998 primary election in each of the ten counties participating in the project, and the percentage change in the level of voter participation in each of those counties. The Secretary of State must

comment on what impact the option of Internet voting had on the change in voter participation as compared to prior comparable primary elections in those counties.

(3) *Whether the Internet voting system functioned properly throughout the course of the election.* The Secretary of State must identify any problems that prevented electors from being able to cast their ballots via the Internet, that resulted in the loss of ballots cast via the Internet, that resulted in the ballot count being delayed, or that resulted in an erroneous determination of winning candidates, issues, or questions, and must recommend any changes that are necessary to the Internet technologies selected for use in casting and counting ballots voted via the Internet.

(4) *Whether the Internet voting system adequately verified the identification of electors voting via the Internet, while retaining the secrecy of the content of the ballots cast.* The Secretary of State must identify any problems that prevented electors from being able to verify their status as qualified electors, that compromised the secrecy of the ballots voted by those electors, or that allowed persons who were not qualified electors to cast ballots, and must recommend any changes that are necessary to the authentication and verification measures used to identify qualified electors without sacrificing the secrecy of their ballots.

(5) *Whether the Internet voting system remained secure throughout the election.* The Secretary of State must identify any security problems that compromised the integrity of the ballot, and must recommend any changes that are necessary to the security measures used to maintain the integrity of the ballot.

(6) *Whether the right to vote of any electors who voted via the Internet was challenged, and how those challenges were resolved.* The Secretary of State must recommend any changes that are necessary to the Internet voting challenge system in order to permit and to resolve challenges to the right to vote of electors seeking to vote via the Internet.

(7) *Whether a recount of votes cast via the Internet was required for any race, issue, or question, and whether any recount was successfully accomplished.* The Secretary of State must recommend any changes that are necessary to the retention requirements of ballots voted via the Internet in order to permit the successful recount of ballots cast via the Internet.

(8) *Whether any ballots cast via the Internet were rejected, and, if so, the reasons for those rejections.* The Secretary of State must recommend any changes that are necessary to the Internet voting system for the rejection of ballots voted via the Internet in order to ensure the integrity of the ballot count.

The Secretary of State is required to adopt amendments to, or rescind, as applicable, the rules on Internet voting in accordance with the recommendations made in the pilot project report (Section 4(C) of the bill).

Revised Code provisions permitted to be superseded by the Internet voting rules

The bill generally permits provisions of specified sections of the Revised Code to be superseded by the rules for Internet voting adopted by the Secretary of State under section 3501.053(A). The following chart identifies the sections of the Election Law that are continued by the bill, except as some or all of their provisions may otherwise be affected by the rules for Internet voting.

<i>REVISED CODE SECTION:</i>	<i>PROVISIONS PERMITTED TO BE SUPERSEDED BY THE RULES ON INTERNET VOTING:</i>
§ 3501.22	Requires precinct election officials to perform all of the duties regarding receiving ballots and supplies, opening and closing the polls, overseeing the casting of ballots while the polls are open, and other duties.
§ 3501.23	Requires precinct officials at a special election at which no candidates are to be elected or a one-party primary election to be limited to four judges who must perform all duties for the proper conduct of that election.
§ 3501.26	Specifies the duties of the receiving officials when the polls are closed after a primary, general, or special election, including counting and tallying the vote.
§ 3501.30	Requires the board of elections to provide for each polling place all the necessary supplies for casting and counting ballots; requires United States flags to be placed at the entrance to each polling place; and requires election officials to enforce a prohibition against loitering and congregating near a polling place.
§ 3501.32	Requires a presiding judge to open the polls at 6:30 a.m. and generally close the polls at 7:30 p.m. on the day of an election.
§ 3503.23	Requires precinct election officials to conspicuously post and display at the polling place one copy of the registration list of voters in the precinct, and, at



	specified times, to mark the names of voters who have voted, on the day of a general or primary election.
§ 3503.24	Requires corrections and additions to precinct lists to be supplied to precinct clerks the day before the election for use in receiving voter signatures and checking against registration forms.
§ 3505.01	Requires the Secretary of State to certify the forms of the official ballots for each county 60 days before the general election, or, in the case of a special election for the purpose of submitting proposed constitutional amendments to voters, 75 days before the election.
§ 3505.03	Specifies the official office type ballot form, and the rotation of names on that form, required to be used for the election of candidates to office.
§ 3505.04	Specifies the form of the official nonpartisan ballot, requires the rotation of names on the form, and specifies other information and directions required to be printed on the ballot.
§ 3505.06	Specifies the form of the official questions and issues ballot and the order of the questions and issues required to be printed on the ballot.
§ 3505.07	Permits a board of elections or the Secretary of State to provide under certain circumstances separate ballots for offices, issues, or questions to be voted upon in a minor political subdivision, and specifies the form and arrangement of names on those ballots.
§ 3505.08	Specifies the type and weight of paper to be used for ballots, the font size to be used in ballot text, the size and location of columns and border lines, and other details for ballots.
§ 3505.10	Specifies the form, the font size to be used in ballot text, the size and location of columns and border lines, and other details for official presidential ballots.
§ 3505.11	Requires ballots to be bound into tablets that are identified by precinct, and specifies the number of ballots to be prepared for each precinct.
§ 3505.12	Specifies the details to be printed on, the font size to be used for, and precinct locations at which must be

	posted, instructions for marking ballots and obtaining replacement ballots.
§ 3505.18	Specifies the procedures for voting when an elector appears in person at a polling place.
§ 3505.19	Requires a previously challenged person who offers to vote at an election to be examined as in the case of an original challenge.
§ 3505.20	Specifies the procedures for conducting and resolving a challenge at a polling place to a person's right to vote.
§ 3505.21	Permits a political party to appoint a challenger and a witness (during the counting of ballots) for a polling place, and specifies who may be present at a polling place during the counting, certifying, and signing of the final election returns.
§ 3505.22	Requires a person to be questioned, and the person's signature to be examined, before the person is permitted to vote, if a precinct officer, challenger, or other elector has reason to believe the person is impersonating an elector.
§ 3505.23	Specifies how ballots are required to be marked, folded, and returned, and specifies that a voter may receive up to two replacement ballots if the voter soils, defaces, or erroneously marks the voter's original or first replacement ballot.
§ 3505.24	Permits an elector who is unable to mark a ballot due to illiteracy or physical infirmity to receive the assistance of two election officials of different political parties.
§ 3505.26	Specifies the procedures that must be followed at the time for the closing of the polls.
§ 3505.27	Specifies the procedures for the counting and the tallying of ballots, and the reporting of the number of votes cast for each candidate and for and against each question and issue.
§ 3505.30	Requires election judges to prepare a summary statement of the results of the ballots that must be transmitted to the board of elections, and requires the

	board to compile, prepare, and transmit to the Secretary of State an unofficial count of ballot results.
§ 3505.31	Provides, after the results have been tallied, for the sealing of ballots, pollbooks, poll lists, and tally sheets in containers to be filed with the board of elections, requires the board to preserve all ballots for at least 60 days after an election, and requires the board to preserve pollbooks, poll lists, tally sheets, and other records and returns for two years after an election.
§ 3513.14	Specifies the form for primary ballots, and generally requires those ballots to include blank spaces for write-in candidates.
§ 3513.15	Requires that names of candidates seeking the same nomination at a primary election and, in specified circumstances, the names of first choices for president of candidates for delegate and alternate to the national convention of a political party be rotated on the ballot.
§ 3513.17	Generally prohibits the name of a candidate who dies prior to five days before a primary election from appearing on the ballot, and requires strips of paper to be pasted onto ballots to cover the name of the deceased candidate.
§ 3513.18	Requires party primaries to be held at the same time and place, and specifies how ballot boxes for each party are to be identified.
§ 3513.19	Specifies the grounds on which the right of a person to vote at a primary election may be challenged.
§ 3513.20	Requires a challenged person, before being permitted to vote at a primary election, to make a statement before one of the precinct election officials to determine whether the person is entitled to vote in that election, and requires the statement to be returned to the office of the board of elections.
§ 3513.21	Requires the judges and clerks of election to canvass the vote, sign and seal it, and make returns to the board of elections at the close of the polls in a primary election, details how disputed ballots should

	be identified and returned to the board, and requires the board to determine for whom disputed ballots should be counted and proceed to count and tally those ballots.
§ 3513.23	Requires a name written in the blank space provided on the ballot of one political party under the title of an office to be counted as a vote for the nomination of the named person, if that person filed a declaration of intent to be a write-in candidate, and prohibits a person from being nominated who does not have at least as many votes as the number of petition signatures required for the printing of the person's name on the ballot.
§ 3513.30	Requires a board of elections to remove the names of withdrawn candidates from the ballots to the extent practicable before an election.
§ 3515.011	Requires a recount for certain elections if the number of votes cast for a winning nominee, candidate, question, or issue does not exceed the number of votes cast for the losing nominee, candidate, question, or issue by a specified percentage of the total votes cast.
§ 3515.03	Specifies the procedures that must be followed before a recount may be undertaken, and requires that specified persons are entitled to attend and witness a recount.
§ 3515.04	Specifies the procedures for conducting a recount, including requiring a board of elections, in the presence of all witnesses, to open the sealed ballot containers and recount them, specifying that only the director of the board, board members, or employees may handle the ballots, and requiring witnesses to be permitted to see the ballots.
§ 3515.07	Requires the board of elections to fix the charge for conducting a recount of votes, which charge is required to include all expenses, other than regular operating expenses, incurred by the board due to the recount.
§ 3515.13	Specifies the procedures to be followed in a court-

	ordered recount arising from a contest of an election.
§ 3523.05	Specifies the form required to be used for ballots that propose amendments to the Constitution of the United States.

Challenge to a person's right to vote: elimination of one ground

Under existing law, it is the duty of any witness or challenger and of any judge of elections, and the right of any elector, who doubts another's legal entitlement to vote at a *primary election* to challenge the right of that person to vote. There are three grounds upon which a person's right to vote at a primary election may be challenged: (1) that the person is not a legally qualified elector, (2) that the person has received or been promised some valuable reward or consideration for that person's vote, or (3) that the person is not affiliated with or is not a member of the political party whose ballot the person desires to vote. The bill eliminates the third ground for challenging a person's right to vote at a primary election. (Sec. 3513.19; outright repeal of sec. 3517.016 in Section 2 of the bill.)

Challenge to a person's right to vote: associated written statement

Currently, before a challenged person is allowed to vote at a primary election, the person is required to make a statement, under penalty of election falsification, giving the person's name, age, residence, and length of residence in the precinct, county, and state; stating that the person *desires to be affiliated* with and *supports the principles* of the political party whose ballot the person desires to vote; and giving all other facts necessary to determine whether the person is entitled to vote in that primary election. Because the bill eliminates change in party affiliation as a ground for challenge, it also eliminates the portion of the statement concerning party affiliation and support of party principles. (Secs. 3513.19(B) and 3513.20.)

Party affiliation determination: relocation of provisions

The bill moves, but does not change, existing substantive provisions concerning *party affiliation* from the primary election--challenges provisions to the provisions concerning signing or circulating a petition of candidacy for party nomination or election. A person's party affiliation must be *determined*, as under existing law, by examining the elector's voting record for the current year and the immediately preceding two calendar years as shown on the voter's registration card. (Secs. 3513.05 (seventh paragraph), 3513.19(A)(3), 3513.191(C)(4), 3517.014, and 3517.015.)

While one cannot be challenged for changing party affiliation under the bill, voting in a different political party at a primary election may affect the validity of one's signature on a petition of candidacy in the future. For example, under existing law, declarations of candidacy for party nomination must be signed by specified numbers of qualified electors who are members *of the same political party* as the candidate. For purposes of signing or circulating a petition of candidacy, existing law considers an elector to be a member of a political party if the elector voted in that party's primary election within the preceding two calendar years, or if the elector did not vote in any other party's primary election within the preceding two calendar years. The bill does not change that existing law or the manner of ascertaining party affiliation mentioned above. Voting in a different political party at a primary election, thus, has the effect of changing one's party affiliation, such that, if one were then to sign a petition of candidacy of a person affiliated with another party, it would seem that that signature would not be valid if the voter's registration card shows a vote for a different party ballot within the prescribed period. (Sec. 3513.05.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
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