



Lynda J. Jacobsen

Bill Analysis
Legislative Service Commission

H.B. 685

123rd General Assembly
(As Introduced)

**Reps. Trakas, Tiberi, Allen, Damschroder, DePiero, Grendell, Jerse,
Robinson, Schuring, Van Vyven, Verich, Widener**

BILL SUMMARY

- Eliminates the ability to challenge a voter's right to vote at a primary election on the basis of a change in party affiliation.
- Eliminates the written statement that a challenged voter is required to file stating that the voter desires to be affiliated with and supports the principles of the political party whose ballot the person desires to vote.
- Permits electors to designate the political party with which they desire to be affiliated (1) on their voter registration forms, (2) by completing and returning political party designation forms, and (3) by voting in a political party's primary election.
- Requires the Secretary of State to prescribe the form and content for political party designation forms.
- Requires the Bureau of Motor Vehicles to make political party designation forms available to all customers, and requires specified entities to accept political party designation forms from registered electors.
- Changes from two years to four years the length of time a person remains affiliated with a political party after voting in the party's primary election.
- Relocates provisions for determining a person's political party affiliation.

CONTENT AND OPERATION

Challenge to a person's right to vote

Elimination of one ground for challenge

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 person'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.)

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 changes 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.)

Political party affiliation

Overview

The bill moves certain 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, and makes specified changes to those provisions.

Existing law

Under existing law, a person's party affiliation is determined for primary election voting purposes 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 and by using the "standards of affiliation" mentioned in the next sentence. For the purposes of signing or circulating a petition of candidacy for

party nomination or election, 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*. 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 within the prescribed period. (Secs. 3513.05 (seventh paragraph) and 3513.19(A)(3).)

Relocation of provisions

Due to the elimination of political party affiliation as a ground for challenging a voter's right to vote at a primary election, the bill relocates certain provisions for determining a voter's political party affiliation and makes conforming changes in related statutory provisions. Under existing law, those provisions are located in the section of the Revised Code that permits a voter's right to vote at a primary election to be challenged based on political party affiliation. The bill relocates them to the section of the Revised Code that determines a voter's political party affiliation for the purposes of signing and circulating a petition of candidacy for party nomination and election. (Secs. 3513.05 (seventh paragraph), 3513.19(A)(3), 3513.191(C)(4), 3517.014, and 3517.015.)

Political party designation

In addition to determining party affiliation by the political party's ballot a voter chooses to vote in a primary election, the bill permits a voter to select, *at any time*, a political party with which to be affiliated. The bill requires the Secretary of State to prescribe the form and content for new political party designation forms, and requires currently authorized voter registration forms to include a space on which a person registering to vote may designate the political party with which the person desires to be affiliated. A registered elector also could *change* the elector's registration because of a desire to designate a political party affiliation; this is in addition to a change in registration authorized by existing law because of a change of address or change of name. In completing either a voter registration form or a political party designation form, an elector who selects either (1) a political party not officially recognized in Ohio, or (2) a political party barred from the ballot because it engages in a program of sedition or treason or advocates the overthrow by force or violence of the federal government, the Ohio state government, or an Ohio local government, is required to be registered as an unaffiliated elector until the person designates a recognized political party by use of a political party designation form. (Secs. 3501.05(A), 3503.14, 3503.15(A) and (B), and 3503.19(A).)

A registered elector who desires to designate a political party affiliation or to change the political party with which the elector is affiliated may designate the political party with which the elector desires to be affiliated by completing a political party designation form and delivering it in any of the following ways (sec. 3503.15(A)):

- In person at any state or local office of a designated agency.
- In person at the office of the Registrar of Motor Vehicles or any deputy registrar of motor vehicles.
- In person at a public high school or vocational school.
- In person at a public library.
- In person at the office of a county treasurer.
- In person at a branch office established by a board of elections.
- In person, through another person, or by mail at the office of the Secretary of State.
- In person, through another person, or by mail at the office of a board of elections.

Each of the locations at which a registered elector may deliver a political party designation form is required to follow certain procedures used under existing law upon the receipt of voter registration, change of name, and change of address forms (secs. 3503.11 and 3503.19).¹ Additionally, the Registrar of Motor Vehicles or a deputy registrar is required to make political party designation forms available to all customers, but is not required to offer assistance in completing the forms. The Secretary of State must prescribe the form for political party designation forms to be used by the Bureau of Motor Vehicles, and the Bureau of Motor Vehicles is required to supply all of its deputy registrars with a sufficient number of those forms. (Sec. 3503.11.)

Length of affiliation with a political party

The bill changes from two years to *four years* the length of time a person remains affiliated with a political party after voting in a political party's primary

¹ The bill is missing a reference to political party designation forms in one of these procedures--transmitted to the appropriate board of elections within five days of the form's receipt (sec. 3503.19(A), second paragraph). This can be added by a technical amendment.

election. After four years, if the person has not voted in that party's primary election and if the person has not changed political parties (1) by voting in another party's primary election or (2) by completing and returning (a) a political party designation form for another party or (b) a changed voter registration form designating another party affiliation, the person will become an unaffiliated voter. (Secs. 3503.23 and 3513.05 (seventh paragraph).)

Under the bill, a person may change the person's political party affiliation *at any time within that four-year period* by completing and returning a political party designation form or a changed voter registration form designating another political party affiliation (see ***Political party designation***," above), or by voting in another party's primary election. Such a change, however, may affect the validity of a person's signature on a petition of candidacy.

For example, under continuing 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, the bill considers an elector to be a member of a political party if the elector *voted in that party's primary election within the preceding four calendar years*, or if the elector *did not vote in any other party's primary election within the preceding four calendar years* (sec. 3513.05 (seventh paragraph)). Voting in another political party at a primary election, or completing and returning a political party designation form or a changed voter registration form designating another political party affiliation, within that four-year period, thus, has the effect of changing a person's political party affiliation, such that, if the person were then to sign a petition of candidacy, the validity of the person's signature may be called into question depending on whose petition is signed and how the courts construe the bill's provisions.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	05-03-00	p. 1890

H0685-I.123/ejs