



Wendy H. Gridley

Bill Analysis
Legislative Service Commission

S.B. 284

123rd General Assembly
(As Introduced)

Sen. Watts

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.

CONTENT AND OPERATION

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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