



Lynda J. Jacobsen

*Bill Analysis*  
Legislative Service Commission

## **H.B. 290**

126th General Assembly  
(As Introduced)

**Reps. Fende, Ujvagi, Driehaus, Hartnett, Yuko, Harwood, Skindell, Garrison, Brown, Key, Williams**

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### **BILL SUMMARY**

- Establishes a six person State Board of Elections, which will nominate a seventh person as Director of that Board, and specifies that the Director will serve as the chief election officer of the state.
- Generally transfers the election powers and duties of the Secretary of State to the Director of the State Board of Elections, except with respect to the election duties specifically imposed upon the Secretary of State by the Ohio Constitution.
- Specifies that the new Board and the transfer of elections powers and duties takes effect January 1, 2007, and requires the General Assembly, prior to that effective date, to enact necessary legislation to provide for the orderly transfer of those powers and duties.

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### **CONTENT AND OPERATION**

#### **Chief election officer**

Existing law specifies that the Secretary of State is the chief election officer of the state, with powers and duties relating to the registration of voters and the conduct of elections prescribed under the Election Law. The Secretary of State must perform duties relating to the registration of voters and conduct of elections in addition to the Secretary of State's other duties, without additional compensation. (R.C. 3501.04.) The Secretary of State's duties under the Election Law include, among others, appointing all members of boards of elections, preparing rules and instructions for the conduct of elections, adopting rules for registering voters at the offices of the Registrar and Deputy Registrar of Motor Vehicles, and certifying the forms of the ballots and names of candidates for state offices as they will appear on the ballot (R.C. 3501.05).

The bill establishes the State Board of Elections and specifies that the Director of that Board, rather than the Secretary of State, is the chief election officer of the State. As the chief election officer, the Director of the State Board of Elections has the powers and duties relating to the registration of voters and the conduct of elections prescribed in the Elections Law. (R.C. 3501.04(A).) However, the election duties of the Director are not identical to the Secretary of State's election duties under existing law. Although the bill transfers the majority of the Secretary of State's election powers and duties to the Director of the State Board of Elections, the Ohio Constitution requires the Secretary of State to perform specified election duties. Thus, the bill generally transfers elections powers and duties from the Secretary of State to the Director of the State Board of Elections, except for the following specific election duties, which constitutionally must be performed by the Secretary of State or by the Secretary of State in conjunction with the Ohio Ballot Board (Ohio Constitution, Article II, Section Ia, Ib, and Ic, and Article XVI, Section I, and R.C. 3501.05(H), (I), and (K)):

- Preparing the ballot title or statement to be placed on the ballot for proposed laws and proposed constitutional amendments to be submitted to the voters of the state;
- Certifying the form and wording of state referendum questions and issues;
- Receiving all initiative and referendum petitions on state questions and issues and causing the sufficiency of those petitions to be determined.

Prior to the nomination and approval of the first Director of the State Board of Elections, and at any time that office is vacant, the bill requires the Secretary of State to serve, in an interim capacity, as the state's chief election officer (R.C. 3501.04(B)).

### **State Board of Elections**

The bill establishes the State Board of Elections, consisting of the following six members (R.C. 3501.041(A)):

- The Speaker of the House of Representatives;
- The Minority Leader of the House of Representatives;
- The President of the Senate;
- The Minority Leader of the Senate;

- The current president of the Ohio Association of Election Officials;
- The current vice-president of the Ohio Association of Election Officials.

The term of office for a legislative member of the board continues for as long as the person holds the specified leadership position in the house of the General Assembly of which the person is a member. The term of office for the president and vice-president of the Ohio Association of Election Officials continues for as long as the person holds the specified office in that organization. Vacancies must be filled in the manner provided for original appointments. (R.C. 3501.041(B).)

For the sole purpose of permitting membership on the Board and the holding of any other public office or employment, membership on the Board does not constitute the holding of any other office or employment. No member of the Board is disqualified from holding any public office or employment, and no member of the Board forfeits any public office or employment, by reason of the member's position as a member of the Board. (R.C. 3501.041(C).)

The President and Minority Leader of the Senate must serve as co-chairpersons of the Board. The President of the Senate must convene the Board's first meeting; thereafter the co-chairpersons must convene meetings of the Board as they consider necessary to carry out its purposes. (R.C. 3501.041(D).) The members of the Board, by majority vote, must nominate a seventh person as Director of the State Board of Elections. The Director's nomination is subject to approval by a majority vote of the Senate, and the Director must serve at the pleasure of the Board. (R.C. 3501.041(E).)

### **Effective date and implementing legislation**

The provisions of the bill establishing the State Board of Elections and specifying that the Director of that Board is the chief election officer of the state take effect January 1, 2007. Prior to that effective date, the bill requires the General Assembly to enact legislation that amends, enacts, and repeals the sections of the Revised Code that are necessary to implement this bill and to provide for the orderly transfer of the election duties and functions of the Secretary of State that are not expressly granted to the Secretary of State by the Ohio Constitution to the Director of the State Board of Elections. (Section 3 of the bill.)

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## **HISTORY**

ACTION

DATE

Introduced

06-07-05

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