



S.B. 350

126th General Assembly
(As Introduced)

Sens. **R. Miller, Dann, Fedor, Hagan, Kearney, Prentiss, Roberts, Wilson, Zurz**

BILL SUMMARY

- Exempts an individual from criminal liability for knowingly failing to properly return an entrusted voter registration form when the individual is engaged in registering applicants as part of a voter registration activity conducted by a corporation, association, or other organization; and instead imposes that criminal liability solely on the corporation, association, or other organization.
- Changes the deadline that triggers criminal penalties for knowingly failing to properly return a voter registration form entrusted to a person to on or before the 30th day before the election.
- Revises the prohibitions and associated penalties with respect to various types of voter registration form misconduct.
- Clarifies that an individual who assists in voter registration outside an official voter registration place must sign the individual's name on the registration form and provide the individual's address as well as employer's name (if employed to register applicants) on the form.

CONTENT AND OPERATION

Criminal prohibitions

Existing law

Existing law prohibits any person who helps another person register *outside an official voter registration place* from (1) knowingly destroying or helping another person destroy any completed voter registration form, (2) knowingly failing to return any registration form entrusted to the person to *any* board of

elections or the Secretary of State's office within the *earlier of ten days after the form is completed or the 30th day before the election* (unless the form is received by the person within 24 hours of the 30th day before the election, in which case the form must be returned within ten days of its receipt), or (3) knowingly returning any registration form entrusted to the person to any location other than any board of elections or the Secretary of State's office. Existing law also contains prohibitions similar to items (2) and (3) above that specifically relate to persons *who receive compensation* for "registering a voter"--meaning any effort, for compensation, to provide voter registration forms or to assist persons in completing or returning those forms. (R.C. 3599.11(B), (C), and (D).)

Currently, a person who knowingly destroys or knowingly helps another person to destroy a completed registration form (item (1) above) is guilty of *election falsification* (a *felony of the fifth degree*). And, currently, a person (including one who receives compensation for registering a voter) who violates any of the other prohibitions mentioned above *generally* is also guilty of election falsification. However, in the latter circumstances, the offense is reduced to a misdemeanor of the first degree if all of the following apply: the offender does not have a prior conviction for violating any of the other prohibitions mentioned above; the violation in question does not cause any person to miss any voter registration deadline with regard to any election; and the number of voter registration forms that the offender failed to properly return does not exceed 49. (R.C. 3599.11(B)(2) and (C)(1) and (2).)

Changes proposed by the bill

Revised prohibitions and penalties. Subject to the caveats discussed below, a "person" (see new definition below) would be guilty under the bill of a *misdemeanor of the first degree* (not of election falsification, as under existing law) if the person helps an applicant to register outside an official voter registration place and knowingly does either of the following: (a) destroys or helps another person to destroy any completed registration form (a prohibition similar to item (1) above) or (b) fails to return any registration form entrusted to that person to *the* (instead of "any" as under existing law) board of elections or the Secretary of State's office *on or before the 30th day before* the election in question. These two prohibitions would be substituted for the previously described prohibitions and penalties of existing law for voter registration form misconduct and reflect (as noted in italics) both location for return and deadline for return changes. (R.C. 3599.11(B)(1), (C), and (D).)

Meaning of "person." For purposes of the revised prohibitions, the bill defines a "person" to mean either (1) an individual who is helping an applicant to register outside an official voter registration place if that individual is not helping applicants to register as part of a voter registration activity conducted by a

corporation, association, or other organization, or (2) a corporation, association, or other organization that is conducting a voter registration activity at which an individual volunteering or employed on its behalf helps applicants register outside an official registration place (R.C. 3599.11(B)(3)). This definition will control who is the offender under the revised prohibitions. (See **COMMENT**.)

Caveats. The bill creates an exception to the second revised prohibition (item (2) above) when a registration form is entrusted to an individual representing a corporation, association, or other organization as part of a voter registration activity and the form is not properly returned. In such a case, only the corporation, association, or other organization (not the individual) would be subject to the misdemeanor of the first degree penalties. (R.C. 3599.11(B)(1)(b) and (B)(2)(b).)¹

The bill relatedly *permits* an individual who is registering applicants through such a voter registration activity and who helps an applicant to register, to return the entrusted registration form to the board of elections or the Secretary of State's office *by means of* the corporation, association, or other organization (R.C. 3599.11(B)(1)(b) and (B)(2)(a)).

Returning registration forms

Existing law requires that any person *who receives compensation for registering a voter* must return any registration form entrusted to the person to any board of elections or to the Secretary of State's office. The bill establishes a potential exception to that requirement for individuals who are registering applicants through a voter registration activity conducted by a corporation, association, or other organization; in that circumstance, either the individual or the corporation, association, or other organization may return a voter registration form to "any" board of elections or the Secretary of State's office. The bill specifically provides in this regard that an individual who registers applicants through a voter registration activity conducted by a corporation, association, or other organization may so return an entrusted registration form *by means of* the corporation, association, or other organization. (R.C. 3503.19(B)(2)(c).)²

¹ *Technically, under the bill's definition of "person," only the corporation, association, or other organization could violate the prohibition any way. The voter registration form would be "entrusted to that person" for return to the board of elections or the Secretary of State's office.*

² *The bill should perhaps refer here to "the" board of elections, instead of "any" board of elections, for consistency with the "**Criminal prohibitions**" provisions discussed previously in this analysis.*

Signing registration forms

Existing law requires that *any person* who registers a voter for compensation, other than certain officials and employees who typically handle voter registration forms at official voter registration places, sign the person's name on the voter registration form and write the person's address and the person's employer's name (if employed to register applicants) on the form. The bill clarifies that this requirement only applies to the *individual* who is registering an applicant, by substituting the term "individual" for "person." (R.C. 3503.14(A), (B), (D), and (E).)

COMMENT

"Person" is generally defined for every Revised Code provision in the Definitions and Rules of Construction Law (R.C. Chapter 1.) as an individual, corporation, business trust, estate, trust, partnership, or association. This definition in R.C. 1.59(C) currently applies to the voter registration-related statutory provisions discussed in this analysis. Apparently, however, it has not always been clear to election officials and others whether the discussed statutory provisions apply to the individual who physically assists another with registration, to an associated entity that conducts voter registration activity, or to both. Among other things, the bill proposes an approach to that issue.

HISTORY

ACTION	DATE
Introduced	07-25-06

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