



Ohio Legislative Service Commission

Bill Analysis

Lynda J. Jacobsen

Sub. H.B. 194*

129th General Assembly

(As Reported by H. State Government and Elections)

Reps. Mecklenborg and Blessing

TABLE OF CONTENTS

Election administration.....	3
Presumption of pollworker error	3
Documentation for voters with a former address on their ID	3
Contracts for the provision of election services	3
Bulk purchase of election supplies	4
Bid threshold for ballots and election supplies.....	4
Number of precinct officials at a special election	4
Polling place accessibility	4
Journalist access to polling places	4
Qualifications to circulate an election petition	4
Voter challenges	5
Certification of unofficial election results.....	5
Minimum precinct size.....	5
Initiative and referendum petitions.....	6
Filing requirements for initiative and referendum petitions.....	6
Notifying initiative and referendum petitioners of signature verification results	6
Collection of additional signatures on petitions.....	7
Primary elections	7
Changing presidential primary election from March to May	7
Determination of whether to conduct primary election	7
Candidates.....	7
Notifying candidates of identical names	7
Withdrawal of a candidate	7
Ballots.....	8
Ballots with more marks than legal selections (overvotes).....	8
Elimination of references to punch card ballots	8
Removal of local issues from the ballot	8
Number of ballots required to be prepared for ballots on demand	8
Voter registration.....	9
Administration of the statewide voter registration database.....	9

* This analysis was prepared before the report of the House State Government and Elections Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

Data-sharing with state agencies and other states	9
Persons eligible to purge voters from the statewide voter registration database.....	10
Cancellation of voter registrations due to death.....	10
Online updating of voter registration information	11
Sending of acknowledgment notice	11
Address verification with national change of address database.....	11
Database information available online.....	11
Persons who are compensated for registering voters.....	12
Voter registration informational brochure.....	12
Provisional ballots	12
Changes in categories of provisional voters	12
Provisional ballot affirmation form	13
Provisional voters who decline to execute the required affirmation.....	13
Elimination of ten-day period to provide additional information	13
Determining validity of provisional ballots	14
Elimination of requirement to direct voters to the correct precinct.....	15
Use of provisional ballot affirmation as notice of change of address or name.....	15
Assistance for disabled and illiterate electors	15
Absent voting	15
Time for in-person and mail-in absent voting.....	15
Location for in-person absent voting.....	16
Unsolicited applications for absent voter's ballots.....	17
Prepayment of return postage costs.....	17
Entity responsible for sending and receiving absent voter's ballots	17
Sealing of unsealed envelopes; inserting ballots	17
Vote totals for absent voter's ballots.....	17
Challenging absent voters based on incomplete envelopes	18
Stub A requirements	18
Use of federal write-in absentee ballot for state and local elections.....	18
Election observers	18
Observing during the casting of in-person absent voter's ballots	18
Activities of election observers who serve during the casting of the ballots	18
Electronic pollbooks	19
Certification by the Board of Voting Machine Examiners	19
Adoption for use by a board of elections	19
Campaign finance changes.....	19
New political parties	20
Presidential ballots for former electors	20
Voter history.....	21
Miscellaneous	21
Transporting students to vote during regular school hours	21
Method for boards of elections to send required documents to the Secretary of State	21
Eliminate reference to multiple "ballot boxes"	22
Changes required for consistency with the Ohio Constitution	22
Elimination of obsolete cross-reference in Voter Identification Law	22
Renaming "judges of election" to "precinct election officials"	23
Correction of cross-reference	23
Insertion of missing word.....	23

BILL SUMMARY

Election administration

Presumption of pollworker error

- Specifies that, in any administrative review or legal action brought regarding the actions of any election official, all of the following apply:
 - No election official can be presumed to have committed any error in the course of the election official's duties, unless that error is independently proven by the facts of the administrative review or legal proceeding.
 - If an election official has been found to have committed an error with respect to a particular person or set of circumstances, that election official must not be presumed to have committed an error with respect to any other person or set of circumstances.
 - If election officials in one precinct, polling location, or county are found to have committed an error with respect to a particular person or set of circumstances, that error shall not be presumed to have occurred in any other precinct, polling location, or county.¹

Documentation for voters with a former address on their ID

- Eliminates a provision of existing law that requires a pollworker to record in the pollbook the last four digits of an elector's driver's license number or state identification card number, if the driver's license or state identification card provided by the elector as identification contains the elector's former address.²

Contracts for the provision of election services

- Permits a board of elections to contract with another board of elections in this state with a county automatic data processing board, or with an educational service center for the provision of election services, including any statutory duties imposed upon the board.³
- Requires any contract entered into under this provision to be approved by the boards of county commissioners of the affected counties.

¹ R.C. 3501.40.

² R.C. 3503.16(B)(1)(a) and 3505.18(A)(1).

³ R.C. 3501.111.

Bulk purchase of election supplies

- Permits the Secretary of State to enter into agreements for the bulk purchase of election supplies in order to reduce the costs for those purchases by boards of elections.
- Requires a board of elections that desires to participate in such agreements to file a written request for inclusion with the Secretary of State agreeing to be bound by the terms and conditions that the Secretary of State prescribes and to make payments directly to the vendor under each agreement.⁴

Bid threshold for ballots and election supplies

- Increases from \$10,000 to \$25,000 the cost of a contract for printing ballots and furnishing other election supplies that may be let without competitive bidding.⁵

Number of precinct officials at a special election

- Permits a board of elections to select two precinct election officials who are not members of the same political party, instead of the usual four precinct officials, to serve as the precinct officials for a precinct at a special election, if the board determines that four officials are not required.⁶

Polling place accessibility

- Eliminates the requirement that ramps have a grade of not more than 8% and instead requires ramps to comply with the Americans with Disabilities Act of 1990.⁷

Journalist access to polling places

- Specifies that a journalist must be allowed reasonable access to a polling place during an election.⁸

Qualifications to circulate an election petition

- Eliminates current law provisions that require the circulator of an initiative or referendum petition to be a resident of Ohio, and eliminates provisions requiring

⁴ R.C. 3501.302.

⁵ R.C. 3501.301 and 3505.13.

⁶ R.C. 3501.22.

⁷ R.C. 3501.29.

⁸ R.C. 3501.35.

circulators of all other election petitions to be a resident and registered to vote for 30 days before the next election.⁹

Voter challenges

- Eliminates the detailed questions that precinct officials currently must ask a voter who is challenged based on citizenship, and eliminates a requirement that naturalized citizens provide their naturalization certificate.
- Eliminates the authority for a presiding judge to ask questions not specified in law as the judge considers necessary to determine an elector's qualifications to vote at an election.¹⁰

Certification of unofficial election results

- Eliminates a provision of existing law that requires boards of elections to certify the unofficial election results to the Secretary of State by certified mail.¹¹

Minimum precinct size

- Establishes a minimum precinct size of 500 electors for precincts located in a municipal corporation.
- Specifies that a board of elections does not violate the minimum precinct size if its minimum precinct size varies from the statutory minimum by 5% or less.
- Permits a board of elections to apply to the Secretary of State for a waiver from the minimum precinct size requirement, and requires a board that applies for a waiver to explain the reason for the waiver request.
- Permits the Secretary of State to waive the minimum precinct size requirement, upon application of a board of elections.¹²
- Specifies that the minimum precinct size requirements do not apply to a precinct established at a state or national home for disabled soldiers.¹³

⁹ R.C. 3503.06.

¹⁰ R.C. 3505.20.

¹¹ R.C. 3505.30.

¹² R.C. 3501.18.

¹³ R.C. 3501.20.

- Requires a board of elections to rearrange and combine precincts as necessary to comply with the minimum precinct size requirements not later than December 31, 2011.¹⁴

Initiative and referendum petitions

Filing requirements for initiative and referendum petitions

- Requires the circulator of any petition to designate on each part-petition the county in which the petition was circulated and a sequential number for each part-petition.
- Requires a petition circulator, when filing the petition, to also file (1) an electronic copy of the petition along with a verification that the electronic copy is a true representation of the original paper petition, (2) a summary of the number of part-petitions filed per county and the number of signatures on each part-petition, and (3) an index of the electronic copy.
- Specifies that, for a request made for inspection or copying of a petition, the request is fulfilled when the Secretary of State provides inspection of or copies of the electronic copy of the petition, and specifies that this provision applies from the time of the initial petition filing until the part-petitions are returned to the Secretary of State after the boards of elections determine the sufficiency of the part-petitions.
- Specifies that discrepancies between the original paper petition and the electronic copy of the petition do not render the petition invalid, but specifies that such discrepancies, if the product of fraud, are subject to criminal penalties for election falsification.¹⁵

Notifying initiative and referendum petitioners of signature verification results

- Requires the Secretary of State to notify, by certified mail, each member of the committee in charge of the circulation of the petition as to the sufficiency or insufficiency of the petition.
- Specifies that the ten-day period to obtain additional signatures begins after the first member of the committee receives notice of the petition's insufficiency by certified mail from the Secretary of State.¹⁶

¹⁴ Section 6 of the bill.

¹⁵ R.C. 3519.16.

¹⁶ R.C. 3519.16.

Collection of additional signatures on petitions

- Prohibits the circulator of a petition from collecting additional signatures during the period beginning on the date a petition is filed and ending on the date that the Secretary of State determines the sufficiency of the signatures that were originally filed.¹⁷

Primary elections

Changing presidential primary election from March to May

- Changes the date of the presidential primary election in each presidential election year from the first Tuesday after the first Monday in March to the first Tuesday after the first Monday in May.
- Eliminates the current law provision that permits a special election to be conducted on the first Tuesday after the first Monday in March in the year in which a presidential primary election is held.¹⁸

Determination of whether to conduct primary election

- Changes the basis for calculating whether a primary election should be conducted from the number of declarations of candidacy filed to the number of candidates certified to appear on the ballot.¹⁹

Candidates

Notifying candidates of identical names

- Changes the process for notifying candidates that they have identical surnames from special delivery or telegram to certified mail.²⁰

Withdrawal of a candidate

- Specifies the process for removing a person's name from the ballot when the candidate withdraws before any election, not just a primary election.²¹

¹⁷ R.C. 3519.16.

¹⁸ R.C. 511.27, 1545.21, 3501.01, 3513.12, and 3513.262.

¹⁹ R.C. 3513.02.

²⁰ R.C. 3513.131,

²¹ R.C. 3513.30.

Ballots

Ballots with more marks than legal selections (overvotes)

- Retains a provision of current law that generally prohibits ballots from being counted that are marked contrary to law, except in the case of technical error.
- Specifies that a ballot is marked contrary to law and does not contain a technical error if the voter marks more selections for a particular office, question, or issue than the number of selections that the voter is allowed by law to make for that office, question, or issue.
- Specifies that a voter marks more selections for a particular office than the voter is allowed by law to make for that office if the voter marks the ballot for a candidate and also writes in the name of the candidate as a write-in vote.
- Requires the voter's ballot to be invalidated for the overvoted office, question, or issue, but specifies that the ballot shall not be invalidated for any other office, question, or issue for which the voter has not marked an excess number of selections.²²

Elimination of references to punch card ballots

- Eliminates all references to punch card ballots, including counting standards for circumstances in which chads are not completely detached from the ballots.²³

Removal of local issues from the ballot

- Permits a political subdivision, taxing authority, or other entity that placed an issue on the ballot to remove that issue from the ballot at any time prior to the 70th day before the election using the same process that the entity used to originally certify the issue for the ballot.
- Requires a board of elections to remove the issue from the ballot, upon receipt of a notification that the issue has been withdrawn.²⁴

Number of ballots required to be prepared for ballots on demand

- Specifies a process for determining the minimum number of ballots to be prepared in a county that uses ballots on demand for a primary election, if no primary election

²² R.C. 3505.28.

²³ R.C. 3506.12, 3506.15, 3509.01, 3515.04, and repeal of 3506.16.

²⁴ R.C. 3505.05.

was held four years previously (the election typically used to determine the comparable number of ballots to be produced).²⁵

Voter registration

Administration of the statewide voter registration database

- Requires the Secretary of State to administer the statewide voter registration database and make it continuously available to each board of elections.²⁶
- Requires the Secretary of State to adopt rules establishing a uniform method for addressing instances in which records contained in the statewide voter registration database do not conform with records maintained by the Bureau of Motor Vehicles.

Data-sharing with state agencies and other states

- Requires state agencies, including the Department of Health, Bureau of Motor Vehicles, Department of Job and Family Services, and the Department of Rehabilitation and Corrections, to provide any information and data to the Secretary of State that the Secretary of State considers necessary to maintain the statewide voter registration database.
- Requires the Secretary of State to ensure that information or data provided to the Secretary of State by another agency that is confidential in that agency's possession remains confidential while in the possession of the Secretary of State.
- Prohibits information provided from another agency from being used to update the name and address of a registered elector, and specifies that an elector's name and address may only be updated as a result of the elector's actions in filing a notice of change of name, change of address, or both.
- Permits the Secretary of State to enter into agreements to share information or data with other states or groups of states, as the Secretary considers necessary, in order to maintain the statewide voter registration database.
- Generally requires the Secretary of State to ensure that information or data provided to the Secretary of State by another state that is confidential in that state's possession remains confidential while in the possession of the Secretary of State, but permits the Secretary of State to provide otherwise confidential information or data to persons

²⁵ R.C. 3505.11.

²⁶ R.C. 3503.15 and 3501.05.

or organizations that are engaging in legitimate governmental purposes related to the maintenance of the database.²⁷

Persons eligible to purge voters from the statewide voter registration database

- Eliminates current law language requiring boards of elections to purge a voter's name and voter registration upon cancellation of the voter's registration, and requires, as under existing law, the Secretary of State to specify, by rule, the persons authorized to add, delete, modify, or print records in the database.²⁸
- Requires the Secretary of State to notify the applicable board of elections of each elector that the Secretary of State removes or purges from the statewide voter registration database.²⁹

Cancellation of voter registrations due to death

- Requires the chief health officer of each political subdivision and the Director of Health to file with the Secretary of State and each board of elections, at least monthly, specified information regarding all persons over age 18, who have died within the month.
- Requires the Secretary of State and the Director of Health to jointly establish a secure electronic system through which they will exchange the required information regarding the death of a registered elector.
- Requires the Secretary of State, at least once each month, to query the Social Security Administration Death Master File for a report of all persons of the age of 18 years or older, whose last state of residence was Ohio, and who have died within another state.
- Requires a board of elections or the Secretary of State to promptly cancel the registration of each elector who is named in a death report filed under these provisions.³⁰
- Requires the registration of a registered elector to be cancelled upon the filing with the board of elections of a certified copy of the death certificate of the registered

²⁷ R.C. 3503.15.

²⁸ R.C. 3501.05 and 3503.15.

²⁹ R.C. 3501.05 and 3503.15.

³⁰ R.C. 3503.18 and 3503.21(A)(2).

elector by the deceased elector's spouse, parent, or child, by the administrator of the deceased elector's estate, or by the executor of the deceased elector's will.³¹

Online updating of voter registration information

- Requires the Secretary of State to establish, by rule, a secure online process to allow registered voters who have changed their place of residence to update their voter registration information through the Internet.
- Requires the voter's residential address information to be updated in the statewide voter registration database if all of the following apply: (1) the online change of residence form contains the required information, (2) the elector is currently registered to vote, and (3) the elector's name, new residence address, birthdate, and other information matches the same information in the Bureau of Motor Vehicles' records.³²

Sending of acknowledgment notice

- Permits a board of elections to send an acknowledgment notice to any registered elector at any time to facilitate the maintenance and accuracy of the statewide voter registration database.³³

Address verification with national change of address database

- Requires boards of elections, instead of the Secretary of State, to verify the address information of each registered voter in the county with the national change of address database.
- Increases the frequency at which such verification shall be conducted, from once in every odd-numbered year to at least once in each year.³⁴

Database information available online

- Eliminates a provision of current law that limits the information in the statewide voter registration database that may be made available on the Secretary of State's web site.³⁵

³¹ R.C. 3503.21(A)(3).

³² R.C. 3503.161.

³³ R.C. 3503.22.

³⁴ R.C. 3503.21.

³⁵ R.C. 3503.15(G)(1).

Persons who are compensated for registering voters

- Eliminates provisions of existing law requiring persons who are compensated for registering voters to register with the Secretary of State and complete a training program regarding voter registration.
- Eliminates the requirement that the Secretary of State establish a training program for persons who are compensated for registering voters.³⁶

Voter registration informational brochure

- Eliminates the requirement that a board of elections or a designated agency distribute an informational brochure regarding voter registration to each person who requests more than two voter registration forms at one time.³⁷

Provisional ballots

Changes in categories of provisional voters

- Consolidates several categories of voters who are required to cast a provisional ballot because of lack of identification into a single category, thereby reducing the number of reasons that a voter may be required to cast a provisional ballot.
- Eliminates the requirement that an elector who changes the elector's name and remains within a precinct cast a provisional ballot, and instead permits an elector who changes the elector's name but stays in the same precinct to vote a regular ballot.
- Requires an elector who moves from one county to another and changes the elector's name to vote a provisional ballot in the same manner as any other elector who moves from one county to another without updating the elector's registration information must vote a provisional ballot.
- Requires an individual who is casting a ballot after the time for the closing of the polls pursuant to a court order extending the time for the closing of the polls to cast a provisional ballot.³⁸

³⁶ R.C. 3503.28 and repeal of section 3503.29.

³⁷ R.C. 3503.28.

³⁸ R.C. 3503.16 and 3505.181.

Provisional ballot affirmation form

- Eliminates the provisional ballot affirmation form established in current law, and instead requires the Secretary of State to prescribe the form of the written affirmation by rule, which affirmation must be printed on the face of the provisional ballot envelope.³⁹
- Eliminates a provision of existing law that requires election officials to record on the provisional ballot envelope the type of identification provided by a provisional voter.⁴⁰

Provisional voters who decline to execute the required affirmation

- Prohibits the election official from recording any of the information required to be provided by the provisional voter on the provisional ballot affirmation.
- Requires the election official to explain to an individual who declines to execute the affirmation that the individual's provisional ballot will not be counted.
- Eliminates a provision of current law that requires the election officials to record the name of an individual who declines to execute the affirmation and transmit that information with the provisional ballot for the purpose of ballot verification.
- Eliminates a provision of current law that permits such an individual's provisional ballot to be counted if the election officials determine that the individual is eligible to vote.⁴¹

Elimination of ten-day period to provide additional information

- Eliminates the option for an elector who does not provide identification or who does not provide documentation to resolve a polling place challenge to provide that information to the board of elections within ten days after the election.
- Eliminates the current law requirement that election officials note on the provisional ballot affirmation whether a provisional voter is required to appear at the board of elections within ten days to provide additional information.
- Eliminates a provision of current law that prohibits election officials from determining the validity of a provisional ballot until they receive the required information from the provisional voter or ten days passes, whichever occurs first.

³⁹ R.C. 3505.182.

⁴⁰ R.C. 3505.181.

⁴¹ R.C. 3505.181(B) and 3505.183(B)(1).

- Eliminates a provision of current law that requires election officials, when considering the validity of a provisional ballot, to review additional information provided by the provisional voter within ten days after the day of the election.
- Retains a provision of existing law permitting a voter registration application hearing or a challenge hearing that has been postponed until after the election to be conducted during the ten days following the election, and permits an elector who is the subject of such a hearing to provide information to verify the individual's eligibility to vote.⁴²

Determining validity of provisional ballots

- Specifies that, when determining whether a provisional ballot is valid and entitled to be counted, the board of elections must examine the affirmation executed by the provisional voter, the Statewide Voter Registration Database, and other records maintained by the board of elections.
- Requires the provisional voter to provide all of the following information on the affirmation for the provisional ballot to be eligible to be counted:
 - (1) The elector's printed name;
 - (2) The elector's signature;
 - (3) The elector's date of birth;
 - (4) The elector's Social Security Number, Ohio driver's license number, or state identification card number, or an affirmative notation that the elector provided the required identification to the election officials;
 - (5) The elector's residence address;
 - (6) A statement that the individual is a registered voter in the jurisdiction in which the provisional ballot is being voted; and
 - (7) A statement that the individual is eligible to vote in the election in which the provisional ballot is being voted.⁴³

⁴² R.C. 3505.181 and 3505.183.

⁴³ R.C. 3505.183(B)(1).

Elimination of requirement to direct voters to the correct precinct

- Eliminates the current law requirement that an election official direct a voter who is in the wrong precinct to the voter's correct precinct.⁴⁴

Use of provisional ballot affirmation as notice of change of address or name

- Requires the provisional ballot affirmation of elector who votes a provisional ballot due to a change of residence, change of name, or both, to serve as the change of residence or change of name form, instead of requiring the elector to complete and sign a separate form.⁴⁵

Assistance for disabled and illiterate electors

- Specifies that nothing in the Provisional Ballot Law is in derogation of the provisions of the current law that permit a blind, disabled, or illiterate elector to receive assistance in the marking of the elector's ballot by two precinct election officials of different political parties.
- Permits a blind, disabled, or illiterate elector to receive assistance in marking that elector's provisional ballot and in completing the required affirmation in the same manner as an elector may receive assistance on the day of an election.⁴⁶
- Clarifies that the provisions of law that permit a blind, disabled, or illiterate elector to receive assistance in the marking of the elector's ballot by two precinct election officials of different political parties supersedes any contrary provision of law.⁴⁷

Absent voting

Time for in-person and mail-in absent voting

- Requires absent voter's ballots that will not be cast in person to be printed and ready for use on the 21st day before an election, except for military and overseas voters, whose ballots must be available 45 days before an election.
- Requires absent voter's ballots to be printed and ready for use for in-person voting beginning on the 10th day before the election through 6 p.m. on the last Friday before the election, except that in-person ballots must not be available for use on Sundays.

⁴⁴ R.C. 3505.181(D) and (G).

⁴⁵ R.C. 3503.16.

⁴⁶ R.C. 3505.181(F).

⁴⁷ R.C. 3505.24.

- Specifies that, on days absent voter's ballots may be cast in person, those ballots must be available Monday through Friday from 8 a.m. through 6 p.m. and Saturday from 8 a.m. to 6 p.m.⁴⁸
- Requires electors who are waiting in line at the time for the close of in-person absent voting on a particular day to be permitted to cast their ballots before the in-person absent voting location may close.⁴⁹
- Changes the time during which a registered elector who has moved or changed the elector's name may appear in person at the office of the board to fill out a change of residence or change of name form and vote in person to match the time during which any other elector may appear at the office of the board and cast an absent voter's ballot in person.
- Changes the time during which a disabled elector who has moved or changed the elector's name may request an absent voter's ballot and simultaneously update the elector's address or name to match the time during which any other elector may request an absent voter's ballot (21 days before an election).⁵⁰

Location for in-person absent voting

- Generally requires voters who cast in-person absent ballots or who otherwise must cast ballots at the board to vote at the main office of the board of elections.⁵¹
- Permits a board of elections to allow electors to cast absent voter's ballots in person at a branch office of the board if (1) at least three members of the board vote to establish a branch office at a specified location for the election and (2) at least three members of the board determine, as part of that vote, that the board of elections lacks the physical capacity at the office of the board to conduct in-person absent voting at that location for the applicable election.
- Requires the determination of whether to establish a branch office at which electors may cast absent voter's ballots in person before an election to be made separately for each election based on the projected physical capacity requirements for in-person absent voting at that election.⁵²

⁴⁸ R.C. 3509.01, 3503.16, and 3511.10.

⁴⁹ R.C. 3509.01.

⁵⁰ R.C. 3503.16.

⁵¹ R.C. 3501.10, 3503.16, 3509.02, 3509.03, 3509.031, 3509.04, 3509.05, 3511.02, 3511.05, and 3511.09.

⁵² R.C. 3501.10(C), 3503.16, and 3509.02.

Unsolicited applications for absent voter's ballots

- Prohibits a board of elections from mailing any unsolicited applications for absent voter's ballots.
- Permits a board of elections to mail an absent voter's ballot application only to an elector who has requested such an application.⁵³

Prepayment of return postage costs

- Prohibits a board of elections from prepaying the return postage on absent voter's ballot applications.⁵⁴
- Requires absent voters to send their marked ballots to a board of elections with the postage prepaid.⁵⁵

Entity responsible for sending and receiving absent voter's ballots

- Requires the board of elections, rather than the director, to deliver absent voter's ballots to voters who request them, and requires those ballots to be returned to the board, rather than the director.⁵⁶

Sealing of unsealed envelopes; inserting ballots

- Requires the board of elections to place voted ballots in the identification envelope and seal it, if the board opens the return envelope and discovers that the ballots are not properly enclosed and sealed in the identification envelope, in the same manner as the board inserts ballots and seals envelopes for uniformed services and overseas voters under existing law.⁵⁷

Vote totals for absent voter's ballots

- Requires a board of elections, when tallying the results of absent voter's ballots, to add those votes to the vote totals for the precincts in which the applicable absent voters reside.⁵⁸

⁵³ R.C. 3509.03 and 3509.031.

⁵⁴ R.C. 3509.03 and 3509.031.

⁵⁵ R.C. 3509.05 (current law) and 3511.09.

⁵⁶ R.C. 3509.03, 3509.031, 3509.04, 3509.05, 3509.06, 3509.08, 3509.09, 3511.02, 3511.04, 3511.05, 3511.06, 3511.07, 3511.08, 3511.09, 3511.10, 3511.11, and 3511.13.

⁵⁷ R.C. 3509.05(C).

⁵⁸ R.C. 3509.06.

Challenging absent voters based on incomplete envelopes

- Permits the precinct election officials to challenge the right to vote of an absent voter if the identification envelope statement of voter has not been completed.⁵⁹

Stub A requirements

- Prohibits an absent voter's ballot from being accepted or counted if Stub A is not included in the envelope with the ballot, instead of prohibiting the ballot from being counted if Stub A is detached, as under current law.⁶⁰

Use of federal write-in absentee ballot for state and local elections

- Requires a board of elections to accept and process federal write-in absentee ballots for all federal, state, and local elections conducted in any year.⁶¹

Election observers

Observing during the casting of in-person absent voter's ballots

- Permits election observers to be appointed to serve at the board of elections during the time absent voter's ballots may be cast in person.
- Requires the political party or group of candidates appointing observers to notify the board of elections of observers appointed to serve during the time absent voter's ballots may be cast in person not less than 11 days before those ballots are required to be printed and available for use, and requires the notification to be made on forms prescribed by the Secretary of State.⁶²

Activities of election observers who serve during the casting of the ballots

- Permits election observers only to watch and listen to election officials engaging in their duties and to interactions between voters and election officials and to take notes on their observations, other than by means of a photographic, video, or audio recording.
- Prohibits an observer who serves during the casting of the ballots from interacting with any precinct election official or with any voter while the observer is inside the polling place, within the area between the polling place and the small United States

⁵⁹ R.C. 3509.06.

⁶⁰ R.C. 3509.07.

⁶¹ R.C. 3511.14.

⁶² R.C. 3505.21.

flags placed on the thoroughfares and walkways leading to the polling place, or within ten feet of any elector in line waiting to vote, if the line of electors waiting to vote extends beyond those small flags.

- Specifies that an observer who violates this prohibition is subject to the default penalty applicable to a violation of the Election Law, a misdemeanor of the first degree.
- Specifies that no violation of the prohibition occurs as a result of an incidental interaction between an observer and a voter or a precinct election official, such as an exchange of greetings.⁶³

Electronic pollbooks

Certification by the Board of Voting Machine Examiners

- Authorizes the Board of Voting Machine Examiners to test, and the Secretary of State to certify, electronic pollbooks for use in Ohio in the same manner as voting equipment is tested and certified.
- Specifies that, if an electronic pollbook is certified by the Secretary of State, equipment of the same model and make may be adopted for use at elections, as long as it operates in an identical manner.⁶⁴

Adoption for use by a board of elections

- Permits a board of elections to adopt the use of any electronic pollbook that has been certified for use in Ohio, instead of using pollbooks or signature poll lists.
- Requires the Secretary of State to provide rules, instructions, directives, and advisories regarding the examination, testing, and use of electronic pollbooks to boards of elections that have adopted them.⁶⁵

Campaign finance changes

- Eliminates provisions of current law that have been permanently enjoined due to their unconstitutionality, which governed the expenditure of personal funds by

⁶³ R.C. 3505.21.

⁶⁴ R.C. 3506.05.

⁶⁵ R.C. 3506.021.

candidates and permitted the opponents of personal funds candidates to accept contributions in excess of the contribution limits.⁶⁶

- Eliminates provisions of current law that have been permanently enjoined due to their unconstitutionality, which prohibited corporations and labor organizations from using their money and property for political purposes.⁶⁷
- Specifies that the definition of "political contributing entity" includes a corporation or labor organization, subject to the continuing prohibition against corporations and labor organizations making contributions directly to candidates.⁶⁸
- Specifies that the changes to the definition of political contributing entity supersede the provisions of rule 111-3-05 of the Administrative Code, which governs the reporting of independent expenditures by corporations, and that, on and after the effective date of the new definition, rule 111-3-05 is void and shall have no further effect.⁶⁹

New political parties

- Reduces from 120 days to 90 days before a primary election the deadline for a petition to be filed to establish a new political party.⁷⁰
- Specifies that Directives 2011-01 and 2009-21 issued by the Secretary of State, which address the petition requirements for new political parties, are void and shall not be enforced or have effect on or after the effective date of these changes.⁷¹

Presidential ballots for former electors

- Clarifies the circumstances under which a former Ohio elector is eligible to vote in a presidential general election in Ohio.
- Requires a former Ohio elector seeking to vote in a presidential general election to also submit a form to cancel the person's Ohio voter registration.

⁶⁶ R.C. 3517.10, 3517.102, 3517.103, 3517.153, 3517.154, 3517.155, and 3517.992(X) and (Y), and repeal of R.C. 3517.1010.

⁶⁷ R.C. 3517.1011, 3517.992, and 3599.03.

⁶⁸ R.C. 3517.01.

⁶⁹ Section 7 of the bill.

⁷⁰ R.C. 3517.01 and 3517.012.

⁷¹ Section 5 of the bill.

- Requires boards of elections to transmit electronically to the Secretary of State any certificates of intent to vote a presidential general election ballot that they receive.⁷²

Voter history

- Requires a board of elections to maintain a list of registered voters in the county who cast a ballot at each election, which list must be provided to the Secretary of State after each election.⁷³
- Requires the Secretary of State to compile the voting history of each registered elector who casts a ballot in an election, for inclusion in the statewide voter registration database.
- Requires the Secretary of State to determine, by rule, the length of an elector's voting history that is to be included in the database.⁷⁴

Miscellaneous

Transporting students to vote during regular school hours

- Prohibits a public school, a community school, a STEM school, or a chartered nonpublic school from transporting students to a polling place during regular school hours for the purpose of casting a ballot.⁷⁵

Method for boards of elections to send required documents to the Secretary of State

- Requires a board of elections to send copies of campaign finance statements filed with the board and the board's certification that each polling place in the county meets the requirements for accessibility for the disabled to the Secretary of State by mail or electronically, rather than requiring those documents to be sent by certified mail, as required under existing law.⁷⁶

⁷² R.C. 3504.01, 3504.02, 3504.04, and 3504.05.

⁷³ R.C. 3501.11.

⁷⁴ R.C. 3501.05.

⁷⁵ R.C. 3599.30.

⁷⁶ R.C. 3501.29, 3517.106, and 3517.11.

Eliminate reference to multiple "ballot boxes"

- Eliminates provisions of existing law that refer to ballots for separate offices or issues being placed in separate ballot boxes within a precinct polling location.⁷⁷

Changes required for consistency with the Ohio Constitution

- Changes provisions of existing law that specify the process for filling vacancies in office to require an election to be held to fill a vacancy that occurs more than 40 days before an election, as required by Article XVII, Section 2 of the Ohio Constitution, instead of 56 days, as specified in current law.⁷⁸
- Specifies that, if an election is required to be held to fill a vacancy that occurs after absent voter's ballots have been printed and distributed for an election, the board of elections must print and distribute a supplemental ballot for that election to each absent voter who has requested a ballot for that election as many days before the election as reasonably possible.⁷⁹
- Changes a provision of existing law that states that an initiative or referendum will appear on the ballot at the first general election that occurs 90 or 60 days, respectively, after the petition is filed to conform to recent changes made to the Ohio Constitution, which place those issues on the ballot at the next general election occurring at least 125 days after the petition is filed.⁸⁰
- Eliminates statutory language governing protests against statewide initiative petitions and the verification of those petitions, which the Ohio Supreme Court now has exclusive jurisdiction over.⁸¹

Elimination of obsolete cross-reference in Voter Identification Law

- Removes from various provisions of the Election Law the prohibition against using a notice of election for voter identification purposes, since the law requiring the notice of election to be sent was previously repealed and the document no longer exists.⁸²

⁷⁷ R.C. 2101.44, 3501.30, 3505.07, 3505.08, 3505.16, 3505.23, and 3513.18.

⁷⁸ R.C. 3.02, 302.09, 305.02, 503.24, 733.31, 1901.10, 2301.02, and 3513.31 (Sections 3 and 4 of the bill).

⁷⁹ R.C. 3509.01(D)(2).

⁸⁰ R.C. 3501.02 (Sections 3 and 4 of the bill).

⁸¹ R.C. 3519.16 and Article II, Section 1g, Ohio Constitution.

⁸² R.C. 3503.14, 3509.03, 3509.031, 3509.04, 3509.05, 3511.02, 3511.05, and 3511.09.

Renaming "judges of election" to "precinct election officials"

- Changes all references to "judges of election" to refer to "precinct election officials," and changes references to the "presiding judge" to the "voting location manager."⁸³

Correction of cross-reference

- Corrects an incorrect cross-reference in existing law to refer to the correct section of the Revised Code.⁸⁴

Insertion of missing word

- Inserts the word "one" to clarify that the Ohio Ballot Board may divide initiative petitions into individual petitions containing only *one* proposed law or constitutional amendment.⁸⁵

HISTORY

ACTION	DATE
Introduced	04-12-11
Reported, H. State Gov't & Elections	---

h0194-rh-129.docx/ks

⁸³ R.C. 3501.051, 3501.13, 3501.17, 3501.22, 3501.26, 3501.27, 3501.28, 3501.29, 3501.30, 3501.301, 3501.32, 3501.33, 3501.35, 3501.37, 3503.02, 3503.26, 3505.17, 3505.20, 3505.21, 3505.23, 3505.26, 3505.29, 3505.31, 3509.06, 3513.19, 3513.21, 3599.07, 3599.17, 3599.19, and 3599.31.

⁸⁴ R.C. 3501.38(A).

⁸⁵ R.C. 3519.01.

