



Ohio Legislative Service Commission

Final Analysis

Emily E. Wendel

Am. S.B. 10

130th General Assembly
(As Passed by the General Assembly)

Sens. Coley and Smith, Obhof, Faber, Widener, Patton, Hite, Lehner, Oelslager, Eklund, LaRose, Burke, Jones, Bacon, Beagle, Manning, Gardner, Brown, Cafaro, Hughes, Peterson, Sawyer, Schaffer, Schiavoni, Tavares, Turner, Uecker

Reps. Dovilla, Gerberry, J. Adams, Cera, Curtin, Fedor, Anielski, Brenner, Brown, Buchy, Burkley, Grossman, Hackett, Hall, Huffman, Maag, McClain, Milkovich, Perales, Pillich, Retherford, Sears, Stebelton, Stinziano, Terhar, Wachtmann, Batchelder

Effective date: June 26, 2013

ACT SUMMARY

- Specifies that a journalist must be allowed reasonable access to a polling place during an election.
- 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.
- 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.
- Increases from five minutes to ten minutes the maximum time a voter may occupy a voting compartment or use a voting machine when all the compartments or machines are in use and voters are waiting to occupy them.
- Specifies that this time limit does not apply to a person who requires the use of a disabled-accessible voting machine as required under the Help America Vote Act of 2002.
- Specifies that nothing in the Provisional Ballot Law is in derogation of the provisions of continuing 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.
- 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 supersede any contrary provision of law.

CONTENT AND OPERATION

Journalist access to polling places

The act creates an exception to the continuing law that prohibits loitering or congregating within 100 feet of a polling place to specify that a journalist must be allowed reasonable access to a polling place during an election. "Journalist" is defined as a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.¹

This prohibition was not enforced against journalists who were conducting exit polling because a federal court ruled that it violated their First Amendment right to free speech.²

In-person absent voters waiting in line

Under the act, electors who are waiting in line at the time for the close of in-person absent voting on a particular day must be permitted to cast their ballots before the in-person absent voting location may close.³

Polling place accessibility

The act eliminates the requirement that entrance ramps into polling places have a grade of not more than 8% and instead requires ramps to comply with the Americans with Disabilities Act of 1990 (ADA). The prior provision of law was not enforced

¹ R.C. 2923.129 and 3501.30 (not in the act) and 3501.35.

² *ABC v. Blackwell*, 479 F. Supp. 2d 719 (S.D. Ohio 2006).

³ R.C. 3509.01.



because under the ADA, the U.S. Department of Justice has set different wheelchair ramp requirements that superseded the requirements in the Revised Code.⁴

Time for use of voting machines

The act increases from five minutes to ten minutes the maximum time a voter may occupy a voting compartment or use a voting machine when all the compartments or machines are in use and voters are waiting to occupy them.

However, the act specifies that this time limit does not apply to a person who requires the use of a disabled-accessible voting machine as required under the Help America Vote Act of 2002.⁵

Assistance for disabled and illiterate electors

The act specifies that nothing in the Provisional Ballot Law is in derogation of the provisions of continuing 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. Further, the act 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.

The act also 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 supersede any contrary provision of law.⁶

HISTORY

ACTION	DATE
Introduced	02-12-13
Reported, S. State Government Oversight & Reform	02-27-13
Passed Senate (32-0)	02-27-13
Reported, H. Policy & Legislative Oversight	03-13-13
Passed House (92-2)	03-20-13

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⁴ R.C. 3501.29. See also 42 U.S.C. 12134 and *U.S. Department of Justice 2010 ADA Standards for Accessible Design*, 2010 Standards for Titles II and III Facilities, Section 405. Available at ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm#pgfId-1006877, accessed April 8, 2013.

⁵ R.C. 3505.23.

⁶ R.C. 3505.181(F) and 3505.24.

