



# Ohio Legislative Service Commission

## Bill Analysis

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### Am. S.B. 10

130th General Assembly

(As Reported by H. Policy and Legislative Oversight)

**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

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## BILL 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 supersedes any contrary provision of law.

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## **CONTENT AND OPERATION**

### **Journalist access to polling places**

The bill 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.<sup>1</sup>

This prohibition currently is not enforced against journalists who are conducting exit polling because a federal court has ruled that it violates their First Amendment right to free speech.<sup>2</sup>

### **In-person absent voters waiting in line**

Under the bill, 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.<sup>3</sup>

### **Polling place accessibility**

The bill 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. The existing provision of law currently is not enforced

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<sup>1</sup> R.C. 2923.129 and 3501.30 (not in the bill) and 3501.35.

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

<sup>3</sup> R.C. 3509.01.



because under that act, the U.S. Department of Justice has set different wheelchair ramp requirements that supersede the requirements in the Revised Code.<sup>4</sup>

### **Time for use of voting machines**

The bill 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 bill 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.<sup>5</sup>

### **Assistance for disabled and illiterate electors**

The bill 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 bill 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 bill 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 supersedes any contrary provision of law.<sup>6</sup>

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
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

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<sup>4</sup> 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](http://ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm#pgfId-1006877), accessed February 14, 2013.

<sup>5</sup> R.C. 3505.23.

<sup>6</sup> R.C. 3505.181(F) and 3505.24.

