



Ohio Legislative Service Commission

Bill Analysis

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S.B. 175

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(As Introduced)

Sens. LaRose, Jones, Seitz, Lehner

BILL SUMMARY

Statewide voter registration database

- Clarifies that the Office of the Secretary of State must administer the statewide voter registration database.
- Allows the Secretary of State to prescribe by rule the format in which the boards of elections must send voter registration records to the Secretary of State.
- Increases the frequency with which the Secretary of State must send each board's voter registration information to the National Change of Address Service to obtain information about electors who may have moved.
- Requires state agencies, including the Department of Health, Bureau of Motor Vehicles, Department of Job and Family Services, and the Department of Rehabilitation and Correction, 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 any information or data provided to the Secretary of State by another agency that is confidential while in the possession of the agency providing the information or data remains confidential while in the possession of the Secretary of State.
- Prohibits information provided by 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.

- Requires the Secretary of State to adopt rules to establish a uniform method for addressing instances in which records contained in the statewide voter registration database do not conform with records maintained by a state agency.
- Requires a board of elections to contact a registered elector pursuant to those rules to verify the accuracy of information in the statewide voter registration database, if information received from another agency identifies a discrepancy between the information maintained in the database and information maintained by the other agency.
- Specifies that an agency is not required to provide information or data to the Secretary of State if doing so is prohibited by federal law or regulation.
- Requires the Secretary of State to enter into agreements to share information or data with other states or groups of states, as the Secretary of State considers necessary, in order to maintain the statewide voter registration database.
- Requires the Secretary of State generally to ensure that any information or data provided to the Secretary of State by another state that is confidential while in the possession of the state providing the information or data 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 or organizations that are engaging in legitimate governmental purposes related to the maintenance of the statewide voter registration database.
- Allows a board of elections to send an acknowledgment notice to any registered elector at any time, in order to facilitate the maintenance and accuracy of the statewide voter registration database.
- Removes a restriction on the information to be made available on the statewide voter registration database web site.
- Requires the statewide voter registration database to include methods to retain canceled voter registration records and to record the reason for their cancelation.

Online voter registration

- Requires the Secretary of State to adopt rules to establish a secure online process for applicants to register to vote or to update their registrations and specifies information that an applicant must provide to register using the online system.
- Requires the Secretary of State to obtain an electronic copy of the applicant's signature that is on file with the Bureau of Motor Vehicles, to be used as the applicant's signature on voter registration records.

- Specifies that an application submitted online through this process need not contain a signature in order to be valid.
- Requires the online voter registration system, during the period beginning 29 days before the day of an election and ending on the day of the election to display a notice indicating that the applicant will not be registered to vote for the purposes of that election.
- Specifies that errors in processing voter registration applications in the online system must not prevent an applicant from becoming registered or from voting.
- Requires the online voter registration process to be in operation and available for use not later than the first day of July occurring not fewer than 120 days after the bill's effective date.

Incomplete voter registration applications

- Requires the Secretary of State to establish, by rule, a uniform process for notifying individuals who have submitted an incomplete voter registration application of the application's incomplete status.

Deceased electors

- Requires the Director of Health to file monthly reports with the Secretary of State concerning electors who have died.
- Requires the Secretary of State and the Director of Health to jointly establish a secure electronic system for the purpose of exchanging that information.
- Allows a deceased elector's spouse, parent, or child, the administrator of the elector's estate, or the executor of the elector's will to file a certified copy of the elector's death certificate with the board of elections.
- Requires the board of elections promptly to cancel the decedent's registration upon receiving such a death notice or certificate.
- Requires the board to send a written notice to the deceased's registration address, informing the recipient of the cancelation and instructing the elector to contact the board if the elector is not deceased.
- Specifies that if an elector's registration is erroneously canceled due to death, the registration must be restored and treated as though it were never canceled.

Online application for absent voter's ballots

- Requires the Secretary of State to adopt rules to establish a secure online process for electors to apply to vote by absent voter's ballots and specifies information that an elector must provide to apply for absent voter's ballots using the online system.
- Requires the Secretary of State to obtain an electronic copy of the elector's signature that is on file with the statewide voter registration database, to be used as the elector's signature on the absent voter's ballot application.
- Requires the online absent voter's ballot application process to inform the applicant that the board of elections must receive the completed application not later than 12 p.m. on the third day before the day of the election.
- Specifies that errors in processing applications for absent voter's ballots in the online system must not prevent an elector from receiving absent voter's ballots.
- Requires the online absent voter's ballot application process to be in operation and available for use not later than the first day of July occurring not fewer than 120 days after the bill's effective date.

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CONTENT AND OPERATION

Statewide voter registration database

Generally

The bill clarifies that the Office of the Secretary of State must administer the statewide voter registration database. Under continuing law, the boards of elections must send their voter registration information to the Secretary of State for the purposes of establishing and maintaining the database. The bill allows the Secretary of State to prescribe by rule the format in which the boards must send that information.¹

National Change of Address Service updates

The bill also increases the frequency with which the Secretary of State must send each board's voter registration records to the U.S. Postal Service's National Change of Address Service. Under the bill, the Secretary of State must send those records in the first quarter of each year, instead of in the first quarter of each odd-numbered year. Further, the bill requires the Secretary of State to request the service to provide a list of any of those voters who have moved within the last 12 months, instead of the last 36 months, as under current law.²

Data-sharing with state agencies

Under the bill, state agencies, including the Department of Health, the Bureau of Motor Vehicles, the Department of Job and Family Services, and the Department of Rehabilitation and Correction, must provide any information and data to the Secretary of State that the Secretary of State considers necessary to maintain the statewide voter registration database, except where prohibited by federal law or regulation. The bill requires the Secretary of State to ensure that any information or data that are confidential while in possession of the entity providing the data remains confidential while in the Secretary of State's possession.

The bill prohibits information provided under this provision of law for maintenance of the statewide voter registration database from being used to update a registered elector's name or address. An elector's name or address must be updated only as a result of the elector's actions in filing a notice of change of name, address, or both.

¹ R.C. 3503.15(A) and 3503.21(D).

² R.C. 3503.21(D).



Further, under the bill, the Secretary of State must adopt rules under the Administrative Procedure Act to establish a uniform method for addressing instances in which records contained in the statewide voter registration database do not conform with records maintained by a state agency. If the information a state agency provides conflicts with that elector's record in the statewide voter registration database, the bill requires a board of elections to contact a registered elector pursuant to those rules to verify the accuracy of the information in the statewide voter registration database.³

Data-sharing with other states

The bill also requires the Secretary of State to enter into agreements to share information or data with other states or groups of states, as the Secretary of State considers necessary, in order to maintain the statewide voter registration database.

The Secretary of State must ensure that any confidential information or data provided to the Secretary of State under this program remains confidential while in the Secretary of State's possession. However, under the bill, the Secretary of State may provide such otherwise confidential information or data to persons or organizations that are engaging in legitimate governmental purposes related to the maintenance of the statewide voter registration database.⁴

Acknowledgment notices

The bill allows a board of elections to send an acknowledgment notice to any registered elector at any time, in order to facilitate the maintenance and accuracy of the statewide voter registration database. The notice must be on a form prescribed by the Secretary of State. Continuing law defines an acknowledgment notice as a notice sent by a board of elections, on a form prescribed by the Secretary of State, informing an applicant to register to vote or to update the applicant's registration of the status of the application and, if the application is complete, of the precinct in which the applicant is to vote.⁵

Statewide voter registration database web site

The bill removes a restriction on the information that may be made available on the statewide voter registration database web site. Under current law, only an elector's name, address, precinct number, and voting history must be made available on the web

³ R.C. 3503.15(A) and (D).

⁴ R.C. 3503.15(A).

⁵ R.C. 3501.01(V) (not in the bill) and 3503.22.



site. By eliminating the word "only," the bill allows for additional information to be included on the web site.⁶

Retention of canceled records

The bill requires the statewide voter registration database to include methods to retain canceled voter registration records and to record the reason for their cancelation.⁷

Online voter registration

Application

The bill requires the Secretary of State to adopt rules under the Administrative Procedure Act to establish a secure online process for voter registration. The system must allow an applicant to register to vote or to update the applicant's name, address, or both, if all of the following are true:

- The application contains all of the required information, including the last four digits of the applicant's Social Security number;
- The applicant is qualified to register to vote; and
- The applicant attests to the truth and accuracy of the information submitted in the application under penalty of election falsification using the applicant's Ohio driver's license or identification card number as proof of the applicant's identity.

The online application must include the following language, along with a box that the applicant must mark in order to submit the application:

By clicking the box below, I affirm all of the following under penalty of election falsification, which is punishable by a maximum sentence of imprisonment for twelve months and a fine of \$2,500:

(1) I am the person whose name and identifying information is provided on this form, and I desire to register to vote, or update my voter registration, in the State of Ohio.

(2) All of the information I have provided on this form is true and correct as of the date I am submitting this form.

⁶ R.C. 3503.15(G).

⁷ R.C. 3503.15(C).



(3) I authorize the Bureau of Motor Vehicles to transmit to the Ohio Secretary of State my signature that is on file with the Bureau of Motor Vehicles, and I understand and agree that the signature transmitted by the Bureau of Motor Vehicles will be used by the Secretary of State to validate this electronic voter registration application as if I had signed this form personally.

Under the bill, when an individual uses the online system to register to vote or to update the individual's registration, the Secretary of State must obtain an electronic copy of the individual's signature that is on file with the Bureau of Motor Vehicles. That electronic signature must be used as the individual's signature on voter registration records, for all election and signature-matching purposes. The bill specifies that an application submitted through the online registration system need not contain a signature in order to be valid. During the period beginning 29 days before the day of an election and ending on the day of the election, the online voter registration system must display a notice indicating that the applicant will not be registered to vote for the purposes of that election. Under continuing law, an individual must be registered to vote not later than 30 days before the day of an election in order to vote in that election.⁸

Administration

The bill requires the Secretary of State to employ whatever security measures the Secretary considers necessary to ensure the integrity and accuracy of voter registration information submitted electronically through the online system. The bill also specifies that errors in processing voter registration applications in the online system must not prevent an applicant from becoming registered or from voting.

The online voter registration process must be in operation and available for use not later than the first day of July occurring not fewer than 120 days after the bill's effective date.⁹

Incomplete voter registration applications

The bill requires the Secretary of State to establish, by rule, a uniform process for notifying individuals who have submitted an incomplete voter registration application of the application's incomplete status. The process must permit such an individual to

⁸ R.C. 3503.01 (not in the bill), 3503.14, and 3503.20(A), (B), (D), and (E).

⁹ R.C. 3503.20(C) and (E).

provide any information required to complete the application. The Secretary of State currently has established such a process by directive.¹⁰

Deceased electors

Reports of deceased electors

Under the bill, the Director of Health must file monthly reports with the Secretary of State. The reports must include the names, Social Security numbers, dates of birth, dates of death, and residences of all persons, over 18 years of age, who have died within Ohio or another state during that month. The Secretary of State and the Director of Health must jointly establish a secure electronic system for the purpose of exchanging that information.

The bill also allows a deceased elector's spouse, parent, or child, the administrator of the elector's estate, or the executor of the elector's will to file a certified copy of the elector's death certificate with the board of elections.¹¹

Canceling a deceased elector's registration

Upon receiving a death certificate or a notice of death from the sources listed above, the bill requires the board of elections promptly to cancel the decedent's registration. (Federal law requires Ohio to cancel the registrations of deceased electors.)

Then, under the bill, the board of elections must send a written notice, on a form prescribed by the Secretary of State, to the address at which the deceased elector was registered. The notice must inform the recipient that the elector's registration has been canceled, of the reason for the cancelation, and that if the cancelation was made in error, the elector may contact the board to correct the error.¹²

Registrations erroneously canceled due to death

Finally, the bill specifies that if an elector's registration is erroneously canceled due to death, the registration must be restored and treated as though it were never canceled.¹³

¹⁰ R.C. 3503.05; Ohio Secretary of State, *Election Official Manual*, Ch. 6., p. 9. Available at sos.state.oh.us/SOS/Upload/elections/EOresources/general/2010EOM_Final.pdf, accessed June 7, 2013.

¹¹ R.C. 3503.18(A) and 3503.21(A).

¹² R.C. 3503.18 and 3503.21; 42 U.S.C. 15483(a)(2).

¹³ R.C. 3503.21(F)(2).



Online application for absent voter's ballots

Application

The bill also requires the Secretary of State to adopt rules under the Administrative Procedure Act to establish a secure online process for applying to vote by absent voter's ballots. The system must allow an elector to be sent absent voter's ballots for an election, if all of the following are true:

- The application contains all of the required information;
- The elector is registered to vote and eligible to vote in the election for which the elector is seeking absent voter's ballots; and
- The elector attests to the truth and accuracy of the information submitted in the application under penalty of election falsification using the last four digits of the elector's Social Security number and either the elector's Ohio driver's license number or the elector's Ohio identification card number as proof of the elector's identity.

The online application for absent voter's ballots must include the following language, along with a box that the elector must mark in order to submit the application:

By clicking the box below, I affirm all of the following under penalty of election falsification, which is punishable by a maximum sentence of imprisonment for twelve months and a fine of \$2,500:

(1) I am the person whose name and identifying information is provided on this form, and I wish to receive an absent voter's ballot for the specified election.

(2) All of the information I have provided on this form is true and correct as of the date I am submitting this form.

(3) I authorize the Ohio Secretary of State to use my signature that is on file with the statewide voter registration database to validate this electronic absent voter's ballot application as if I had signed this form personally.

Under the bill, when an elector applies online for absent voter's ballots, the Secretary of State must obtain an electronic copy of the elector's signature that is on file with the statewide voter registration database. That electronic signature must be used



as the elector's signature on the absent voter's ballot application, for the purpose of matching the signature with the elector's signature on the elector's voter registration record.

Finally, the online absent voter's ballot application process must inform the applicant that the board of elections must receive the completed application not later than 12 p.m. on the third day before the day of the election. Under continuing law, applications for absent voter's ballots, other than applications delivered in person, must be delivered to the board of elections by that deadline.¹⁴

Administration

The bill requires the Secretary of State to employ whatever security measures the Secretary considers necessary to ensure the integrity and accuracy of information submitted electronically through the online absent voter's ballot application system. The bill also specifies that errors in processing applications for absent voter's ballots in the online system must not prevent an elector from receiving absent voter's ballots.

The online absent voter's ballot application process must be in operation and available for use not later than the first day of July occurring not fewer than 120 days after the bill's effective date.¹⁵

HISTORY

ACTION	DATE
Introduced	08-08-13

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¹⁴ R.C. 3509.03 (not in the bill), 3509.031(A), (B), and (D), and 3511.02 (not in the bill).

¹⁵ R.C. 3509.031(C) and (E).

