



# Ohio Legislative Service Commission

## Synopsis of Senate Committee Amendments\*

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### **Sub. H.B. 194**

129th General Assembly  
(Senate Government Oversight and Reform)

Clarifies that an elector is only eligible to vote in the elector's car if the elector is unable to enter the polling place due to the inaccessibility of the polling place.<sup>1</sup>

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.<sup>2</sup>

Specifies that the 10-minute time limit does not apply to a disabled person to the extent required for accommodation under the Americans with Disabilities Act.

Requires the Secretary of State to adopt rules to establish procedures and standards for doing all of the following: determining when a board of elections shall be placed under official oversight, placing a board under official oversight, a board to transition out of being under official oversight, and the Secretary of State to supervise a board that is under official oversight.<sup>3</sup>

Permits a board of elections that opts to use multiple precinct polling locations to appoint a reduced number of precinct election officials to staff the polling location, and specifies the manner in which the voting location manager will be selected for that multiple precinct polling location.<sup>4</sup>

Changes the time during which the Secretary of State may not issue permanent directives from the period beginning 90 days before an election until 40 days after an

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<sup>1</sup> R.C. 3501.29.

<sup>2</sup> R.C. 3505.23.

<sup>3</sup> R.C. 3501.05.

<sup>4</sup> R.C. 3501.22.

\* This synopsis does not address amendments that may have been adopted on the Senate Floor.

election to the period beginning 30 days before an election until 30 days after the election.<sup>5</sup>

Permits the Secretary of State to mandate training, in addition to that required under continuing law, for election officials on a continuing basis in an effort to achieve election uniformity.<sup>6</sup>

Permits a board of elections to hire temporary employees, as well as part-time employees.

Specifies that nonfull-time, part-time, or temporary employees must only be paid for sick or vacation time subject to action adopted by the board.<sup>7</sup>

Eliminates the ability to challenge a voter based on the person's political party affiliation.

Relocates, but otherwise does not change, provisions of current law specifying the process for determining a person's political party affiliation.<sup>8</sup>

Reduces the font size from 10-point to 8-point for printing information on statewide ballot issues in newspapers.<sup>9</sup>

Requires electors who use their Social Security numbers on registrations, absent voter's ballots, and other election documents to provide all nine digits of their Social Security numbers, instead of the last four digits, as required by current law.<sup>10</sup>

Specifies that the Social Security number of any elector or any applicant for voter registration is not a public record, and requires the board of elections to redact any such number from any record that it makes available for public inspection or copying.<sup>11</sup>

Requires a subdivision placing a question, issue, nomination, or election on the ballot at a special election to prepay at least 65% of the estimated cost of preparing for and conducting that election to the county Elections Revenue Fund prior to the election,

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<sup>5</sup> R.C. 3501.053.

<sup>6</sup> R.C. 3501.27.

<sup>7</sup> R.C. 3501.14.

<sup>8</sup> R.C. 3513.05 and 3513.19.

<sup>9</sup> R.C. 7.101.

<sup>10</sup> R.C. 3503.14, 3503.19, 3503.28, 3509.03, 3509.031, 3509.04, 3509.05, 3511.02, and 3511.05.

<sup>11</sup> R.C. 3501.13.



and specifies that additional costs must be paid, and overpayments must be refunded, following the final cost calculation after the election.<sup>12</sup>

Requires an otherwise overvoted ballot to be counted if all of the following apply:

(1) The voter marks the ballot for a candidate and writes in the identical candidate's name;

(2) The ballots are counted at a central location using automatic tabulating equipment; and

(3) At least three members of the board of elections agree that the candidate's name, as it appears on the ballot, and the name of the candidate written in by the voter are identical.<sup>13</sup>

Requires a board of elections to contact a registered elector at the address on file with the board to verify the accuracy of information in the statewide voter registration database, if information received from another agency identifies a discrepancy between the information in the database and information maintained by the other agency;

Specifies that an agency is not required to provide information to the Secretary of State where prohibited by federal law or regulation.<sup>14</sup>

Eliminates the provision, from the House-passed bill, that 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, and requires a board of elections or the Secretary of State to purge from the voter registration database any person whose name appears on such a report.<sup>15</sup>

Permits a registered voter to use the online voter registration process (see below) to update the elector's name, address, or both.<sup>16</sup>

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<sup>12</sup> R.C. 3501.17.

<sup>13</sup> R.C. 3505.28.

<sup>14</sup> R.C. 3503.15.

<sup>15</sup> R.C. 3503.18 and 3503.21(A)(2).

<sup>16</sup> R.C. 3503.20(B).

Requires the Secretary of State, by rule, to establish a secure online process for voter registration, which will allow a voter registration to be submitted online to the Secretary of State, and requires that system to be in operation not later than July 1, 2012.

Requires an online applicant to be registered to vote, if all of the following apply: (1) the application contains all of the required information, including the applicant's Social Security number, (2) the applicant is qualified to register to vote, and (3) the applicant attests to the truth and accuracy of the information in the online application under penalty of election falsification using the applicant's Ohio driver's license number or the number of the applicant's Ohio identification card as proof of identity.

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 for each application submitted online through the Internet.

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 via the Internet.<sup>17</sup>

Includes a statement that an applicant must click to agree, which acknowledges that the individual is providing the individual's correct information and granting permission for the Bureau of Motor Vehicles to share the individual's signature for election purposes.

Specifies that a voter registration application submitted online through the Internet is not required to contain a signature to be considered valid.

Specifies that the applicant's signature obtained from the Bureau of Motor Vehicles must be considered the applicant's signature for all election and signature-matching purposes.<sup>18</sup>

Ensures that various provisions of law governing the submission of voter registration forms consistently describe the manner and location to which those forms may be returned.<sup>19</sup>

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

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<sup>17</sup> R.C. 3503.20.

<sup>18</sup> R.C. 3503.14(E) and 3503.20(B).

<sup>19</sup> R.C. 3503.19.

of the incomplete status of that application, and requires the process to permit such an individual to provide any information required to complete the application.<sup>20</sup>

Permits an election official to direct a voter who is in the wrong precinct to the voter's correct precinct.

Specifies that it is the duty of the individual casting the ballot to ensure that the individual is casting that ballot in the correct precinct.

Specifies that, if an election official attempts to direct an individual to the correct precinct and the individual subsequently casts a ballot in the wrong precinct, (1) that ballot shall not be counted, and (2) the ballot being cast in the wrong precinct shall not be considered to be caused by an error on the part of the election official.<sup>21</sup>

Eliminates the ten-day period after an election during which challenge hearings may be conducted under current law, and instead requires all challenge hearings to be conducted prior to the day of the election.<sup>22</sup>

Specifies that, if a provisional voter executes an affirmation that the provisional voter does not have identification and the election officials determine, while verifying that individual's eligibility to vote, that the elector does have identification and failed to provide it, that the elector will be deemed to have committed election falsification by filing that affirmation and the elector's provisional ballot must not be counted.<sup>23</sup>

Eliminates a provision of existing law permitting individuals without identification to execute an affirmation and have that individual's provisional ballot counted.

Requires an individual who does not have or cannot provide identification to the election officials to vote a provisional ballot and permits such an individual to provide identification to the board of elections not later than the close of the polls or to provide the individual's Social Security Number on the provisional ballot envelope, and allows such a person's ballot to be counted if the identification is so provided or the Social Security Number is verified with the Bureau of Motor vehicles.<sup>24</sup>

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<sup>20</sup> R.C. 3503.05.

<sup>21</sup> R.C. 3505.181(C).

<sup>22</sup> R.C. 3503.24, 3505.181, and 3505.183.

<sup>23</sup> R.C. 3505.18 and 3505.183.

<sup>24</sup> R.C. 3505.18, 3505.181, and 3505.183.

Specifies that in-person ballots must be printed and ready for use beginning on the 17th day before the election, and Saturday voting must be conducted from 8 a.m. to 12 p.m.<sup>25</sup>

Specifies that all of the following apply to the casting of absent voter's ballots in person:<sup>26</sup>

--The absent voter must provide identification in the same manner as a voter who casts a ballot in person on the day of an election.

--The absent voter is not required to complete an absent voter's ballot identification envelope.

--The board of elections must provide a signature book to be signed by absent voters who are casting their ballots in person.

--If a board of elections employs more than one location for casting absent voter's ballots in person before an election, an electronic pollbook that provides real time access to voting records must be used at each such location.

--No person other than a precinct election official is to be permitted to challenge the right to vote of an absent voter who is casting a ballot in person. The precinct election officials may challenge such a voter's right to vote in the same manner as a challenge may be made on the day of an election.

--No absent voter may receive a replacement ballot after the voter's absent voter's ballot has been scanned or entered into automatic tabulating equipment.

Specifies that persons who receive their ballots in person from two election officials in a nursing home, hospital, or other facility, or persons in those facilities who vote with assistance, are considered to have voted an absent voter's ballot by mail, for the purpose of the law governing voter identification.<sup>27</sup>

Requires the Statement of Voter on a completed absent voter's ballot identification envelope to contain the voter's date of birth.<sup>28</sup>

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<sup>25</sup> R.C. 3509.01.

<sup>26</sup> R.C. 3509.051.

<sup>27</sup> R.C. 3509.08.

<sup>28</sup> R.C. 3509.07.

Specifies that none of the bill's changes prohibit a labor organization from making a contribution to a candidate's campaign committee or to another political entity or from making an independent expenditure.<sup>29</sup>

Specifies that the provisions of current law regarding the registration of federal political committees do not apply to the federal political committee of a member of, or a candidate to become a member of, Ohio's Congressional delegation.<sup>30</sup>

Prohibits a local elected official, during the 90 days before that elected official's name appears on the ballot at an election, from producing or disseminating any mass mailing or any form of advertising from the official's office that includes the name or photograph of the elected official.

Permits a document or form of advertising produced or disseminated during the 90-day period to include the name of the office the official holds, but not the name or photograph of the official.

Specifies that no violation of this prohibition occurs, and that no fine is to be imposed, if an elected official sends out office correspondence in the ordinary course of business that is issued on a regular schedule throughout the year and directly necessary for the conduct of business by the office, such as tax bills, and that normal correspondence is sent during the 90 days before the date of any election at which the elected official's name will appear on the ballot.<sup>31</sup>

Specifies that whoever violates this prohibition must be fined at least three times the cost of producing or disseminating the document or paid form of advertising, which amount must be paid to the political subdivision that produced or disseminated the document or paid for the advertising, and also specifies that the person shall be subject to any applicable penalties for any other violations of the Campaign Finance Law that the person may have committed.<sup>32</sup>

Eliminates the current law prohibition against loitering, congregating, or campaigning within the area marked by the small flags outside a polling place and instead prohibits persons from loitering, congregating, or campaigning within 50 feet of the entrance of a polling place.

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<sup>29</sup> R.C. 3599.03.

<sup>30</sup> R.C. 3517.107.

<sup>31</sup> R.C. 3517.211.

<sup>32</sup> R.C. 3517.992(F).

Specifies that a person who violates this prohibition is guilty of a minor misdemeanor, except that, if the person refuses to comply with the election officials or law enforcement officers who are enforcing it, or if the person repeats the violation, the person is guilty of a misdemeanor of the first degree.<sup>33</sup>

Prohibits the line of waiting voters and persons loitering, congregating, or campaigning near that line from impeding the normal flow of traffic or access to the entrance or exit of any business or organization in the vicinity.<sup>34</sup>

Specifies that, in any action brought challenging the constitutionality, legality, or enforcement of any provision of the the Ohio Constitution governing elections or Election Law, the action shall be deemed to have been brought against the state, and all of the following apply:

- The General Assembly must be notified of the filing of the action;
- The General Assembly has the right to intervene in the action;
- The General Assembly must be notified of any proposed consent decree before the consent decree is agreed to by the court; and
- The General Assembly has the right to intervene in the action to object to any proposed consent decree.<sup>35</sup>

Specifies that the voting location manager must be a member of the political party whose candidate received the highest number of votes for Governor in the precincts whose polling places are located at the applicable voting location, when tallying the combined vote for Governor for all such precincts.<sup>36</sup>

Changes a provision of existing law that requires the facsimile signatures of members of boards of elections to appear on the back of the ballot to instead require those signatures to appear at the end of the ballot.<sup>37</sup>

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<sup>33</sup> R.C. 3501.35(A).

<sup>34</sup> R.C. 3501.35(D).

<sup>35</sup> R.C. 3501.50.

<sup>36</sup> R.C. 3501.22.

<sup>37</sup> R.C. 3505.08 and 3509.05.