

## Elections

### H.B. 93

**Primary Sponsors:** Reps. Abrams and LaRe

**Effective date:** Emergency: Sections 3 and 4, pertaining to the 2022 primary election, effective January 28, 2022; remainder of the act effective April 29, 2022

#### **2022 primary election**

- Delays certain election deadlines for the May 3, 2022, primary election to account for delays in Ohio's redistricting processes.
- Modifies certain petition requirements for candidates for the U.S. House, the General Assembly, and party central committees in order to allow filings to be considered valid if the petitions were circulated or even filed before the new district plans were known.
- Relaxes requirements regarding the district number and the candidate's residence address indicated on the filing; the board of elections with which the documents are filed; the date of the petition signatures; and where the signers reside.

#### **Address Confidentiality Program changes**

- Requires the Secretary of State to process applications to participate in the Address Confidentiality Program (also known as the Safe at Home Program) within ten business days.
- Requires a program participant who requests a government entity to use the participant's substitute address to provide the person's program authorization card as proof of the person's status.
- Eliminates a requirement that an applicant for the program be changing residence in order to be eligible.
- Allows a program participant who purchases real property after becoming a program participant, and after April 29, 2022, to file a real property confidentiality notice with the county recorder to prevent local officials from disclosing the participant's property records to the public.
- Limits disclosure of the participant's property records to certain circumstances, such as to carry out governmental duties or to allow a title examination.
- Limits the liability of certain real estate professionals and county officials for damages resulting from their failure to discover, index, or record certain information as a result of an individual's participation in the program, unless the person acted negligently.
- Permits a program participant to authorize the Secretary to disclose the participant's confidential information to certain persons.

- Gives a program participant who is a party to a child custody or child support proceeding the right to notice and a hearing before the court may disclose the participant's confidential information to another party.
- Requires the Secretary to forward to a program participant any periodicals to which the participant subscribes.
- Requires the Secretary to notify new program participants about their ability to file a real property confidentiality notice and to authorize the Secretary to disclose their confidential information, as permitted under the act.
- Prescribes the penalties that apply to a person who obtains a program participant's confidential information from a government office and rediscloses the information without authorization.

### **County recorder fees**

- Allows a county recorder to charge fees for certifying electronic records or other copies of documents, in addition to photocopies of records.
- Permits a county recorder to charge a fee for entering or indexing any reference by a separate recorded instrument.
- Allows a county recorder to accept electronic payment of fees for electronic recording.
- Limits a recording fee exemption for a wholly owned subsidiary of a land bank or for a county that has a land bank to instances where the documents being recorded pertain to the land bank's operations.

### **Technical corrections**

- Corrects incorrect cross-references to law related to the Address Confidentiality Program and to county recorders.

## **H.B. 458\***

**Primary Sponsor:** Rep. Hall

**Effective date:** April 7, 2023

### **Voter identification**

- Defines photo ID as an unexpired Ohio driver's license or state ID card (Ohio DL/ID), U.S. passport or passport card, or military ID card that includes the individual's name and photograph.
- Generally requires an elector to have photo ID to vote in person, unless the elector has a religious objection to being photographed.

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\* Several components of H.B. 458 were amended by H.B. 45.

- Requires a person who registers to vote or updates the person's voter registration using a paper form to provide the person's Ohio DL/ID number or the last four digits of the person's Social Security number (SSN).
- Requires an elector to show photo ID in order to cast a regular ballot on Election Day.
- Clarifies that an Election Day voter must sign the voter's name in the pollbook, as opposed to writing the voter's name and address in the pollbook.
- Requires a person who casts absent voter's ballots in person at the board of elections to provide photo ID in the same manner as an elector voting on Election Day.
- Clarifies that an in-person absent voter is not required to complete a written application for absent voter's ballots.
- Requires an elector who is applying to vote absentee by mail, or who is returning absent voter's ballots, to provide an Ohio DL/ID number, the last four digits of the elector's SSN, or a copy of the elector's photo ID.
- Allows an elector who appears to vote in person, either on Election Day or during in-person absent voting, and who does not have or cannot provide photo ID, to cast a provisional ballot and show photo ID to the board after Election Day.
- Allows an elector who does not have photo ID because the elector has a religious objection to being photographed to sign an affidavit to that effect and to cast a provisional ballot using the last four digits of the elector's SSN.
- Shortens the cure period to correct a provisional ballot to four days after Election Day instead of seven.
- Authorizes any person 17 and over who applies for a state ID card or a replacement state ID card from the Bureau of Motor Vehicles to receive it for free.
- Establishes a process for the Registrar of Motor Vehicles to reimburse a deputy registrar for the fees that a deputy registrar would have charged for the free state ID card.
- Requires any Ohio DL/ID that is issued to a person who is not a U.S. citizen to include a notation that the person is a noncitizen.
- Authorizes a noncitizen who becomes a U.S. citizen in-between renewals of the person's Ohio DL/ID to obtain a free replacement that removes the notation of noncitizenship.

### **Absent voting by mail**

- Shortens the deadline to apply to cast absent voter's ballots by mail from noon on the third day before Election Day to the close of business on the seventh day before Election Day.
- Allows the Secretary of State to continue to mail unsolicited applications for absent voter's ballots, so long as the Secretary submits a report to the Controlling Board with certain information about the most recent mailing.

- Requires a person who applies to cast absent voter's ballots by mail to do so on a form prescribed by the Secretary of State or on an appropriate federal form for uniformed services and overseas absent voters.
- Requires all absent voter's ballots that are returned by mail to arrive at the board of elections by the fourth day after Election Day, instead of the tenth day after Election Day.
- Shortens the cure period to correct an absent voter's ballot to four days after Election Day instead of seven.
- Requires the boards of elections to begin counting late-arriving and cured absent voter's ballots on the fifth day after Election Day, and cured provisional ballots on the eighth day after Election Day, instead of the eleventh day after Election Day.
- Specifies that absent voter's ballots that are not returned to the board by mail must be returned to the office of the board, and not to any other location, such as to a drop box elsewhere in the county.
- Permits the board, if it maintains multiple offices in the county, to designate any of its offices for the return of absent voter's ballots, but allows the board to designate only one office for that purpose.
- Allows the board, during the absent voting period, to provide not more than one secure outdoor drop box on the premises of the office of the board.
- Specifies administrative requirements concerning those drop boxes.
- Emphasizes the continuing-law principle that absent voter's ballots that are personally returned to the board must be delivered by the elector or a listed relative, and not by any other person.
- Adds language to a related criminal prohibition to specifically prohibit any person from returning the absent voter's ballot of another, unless the person is a listed relative or is, and is acting as, an employee or contractor of the U.S. Postal Service or a private carrier.
- Requires, instead of allows, the boards of elections to process absent voter's ballots before the close of the polls on Election Day.
- Eliminates law that required the board of elections, upon receiving uniformed services or overseas absent voter's ballots, to check for ballots that were enclosed in the return envelope but not inside the identification envelope, and to put them inside the identification envelope without looking at the markings on the ballots.
- Leaves the Revised Code silent on whether absent voter's ballots can be counted if they are returned to the board inside the return envelope but not inside the identification envelope.
- Prohibits any public office, and any public official or employee who is acting in an official capacity, from prepaying the return postage on an application for absent voter's ballots or on an absent voter's ballot return envelope.

- Changes numerous references in the law governing absent voting to refer to a board of elections receiving, sending, and processing applications and ballots, rather than the *director* of the board performing those functions.

### **In-person absent voting – days available**

- Requires in-person absent voting to be permitted for all voters beginning on the day after the close of voter registration before an election and ending on the Sunday before the election.
- Expresses the General Assembly’s intention to enact legislation that specifies the days and hours for in-person absent voting.
- Requires the Secretary of State to prescribe a new, uniform schedule that reallocates the six hours of in-person absent voting previously available on the Monday before Election Day by adding hours on Monday through Friday of the preceding week.

### **August special elections**

- Eliminates local special elections held in August, with one exception.
- Allows a political subdivision or school district that is in a state of fiscal emergency to hold an August special election.

### **Election administration**

- Specifies that a board of elections must permit an elector with a disability who is physically unable to enter a polling place to vote curbside.
- Prohibits an elector from being permitted to vote curbside under any other circumstance.
- Codifies a requirement currently found in Secretary of State directives that each board of elections prepare an Election Administration Plan (EAP) before each presidential primary election and each general election held in an even-numbered year.
- Removes the requirement that a 17-year-old high school student be a senior in order to serve as a precinct election official through the Youth at the Booth program.
- Prohibits a voter registration system or piece of voting equipment from being used in Ohio if an elected official or the official’s spouse is a partner, owner, or member of the manufacturer or distributor.
- Updates the law requiring pre-election testing of voting equipment to more closely match existing Secretary of State directives.
- Prohibits any voting machine, marking device, or piece of automatic tabulating equipment from being used in an election without undergoing successful testing.
- Eliminates the fee that a newly elected state or county officer or judge must pay to the Secretary of State in order to receive a commission from the Governor.

## Technical changes

- Updates a few references in Ohio law to federal election laws.

### **H.B. 487**

**Primary Sponsor:** Rep. T. Young

**Effective date:** April 3, 2023

- Changes the process by which a board of elections must award a ballot printing contract worth more than \$25,000.
- Allows the board to award the contract to an out-of-state vendor.
- Requires the board to allow a request for proposals period of at least 15 days, and allows the board to post electronic notices in addition to newspaper and mailed notices.
- Reduces the amount of the bond that must be included with each proposal, and makes other changes to the bidding process.
- Requires the Secretary of State to adopt rules establishing printing, mailing, and security standards for ballot printing vendors.

### **S.B. 11**

**Primary Sponsor:** Sen. Brenner

**Effective date:** June 10, 2022; certain provisions effective March 11, 2022

## **2022 primary election**

- Changes certain procedures for uniformed services and overseas absent voting, only for the 2022 primary election and any special election held on the day of the primary.
- Requires uniformed services and overseas absent voter's ballots to be printed and ready for use not later than the day after the close of voter registration before the election.
- Extends the deadline, from ten days to 20 days after Election Day, for voted uniformed services and overseas absent voter's ballots to arrive by mail at the board of elections, but retains the continuing law deadline of the close of the polls on Election Day to mark the ballots.
- Allows the Secretary of State to adjust the statutory deadlines for the boards of elections to conduct the canvass of the election returns as necessary to accommodate the later ballot return deadline for those ballots.
- Requires the Secretary to take the steps the Secretary determines necessary to expedite the delivery of uniformed services and overseas absent voter's ballots to voters and the return of those ballots to the boards of elections.

- Appropriates \$200,000 to the Boards of Elections Reimbursement and Education Fund, which the Secretary must use to implement the provisions described above.

### **Congenital Heart Defect Awareness Week**

- Designates the week of February 7 to 14 as “Congenital Heart Defect Awareness Week.”

### **Juneteenth – school districts**

- Requires school districts to grant paid leave for Juneteenth Day to all regular nonteaching school employees who are employed on an eleven- or twelve-month basis, instead of those employed on a nine- or ten-month basis as required under prior law.

### **Frontline Health Care Worker Pilot Program**

- Limits to FY 2022 the operation of the Frontline Health Care Worker Education, Training, and Certification Pilot Program, and allocates the FY 2023 funding to NewBridge Cleveland Center for Arts and Technology, for the same purposes as the pilot program.