



Ohio Legislative Service Commission

Bill Analysis

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(As Introduced)

Reps. Stewart and Heard, Book, Domenick, Dyer, Foley, Garland, Letson, Okey, Skindell, Weddington, B. Williams, Yuko

BILL SUMMARY

Election administration

- Requires a board of elections, when establishing precincts, changing the number of precincts, or changing precinct boundaries, to do so in accordance with the Secretary of State's directives.
- Requires a board of elections to notify the Secretary of State within five days after it approves changes to the boundaries of any precinct or the relocation of any polling place.
- Requires a board of elections to determine the allocation and distribution of voting machines by calculating the minimum number of devices required for all precincts and then allocating additional devices based on historic voter turnout, changes in the number of registered voters, historic wait periods for machines, number of absent voter's ballot requests, ballot length, and other factors.
- Expands the election costs that local subdivisions are required to pay when conducting an election to include the costs of compensation for overtime worked by boards of elections and their employees when preparing and conducting the election.
- Requires small United States flags to be placed 100 feet from the polling place, regardless of whether the placement is physically or reasonably possible.
- Revises the information that must be printed on instruction cards that are prepared for the guidance of electors in marking their ballots.

Qualifications for specified activities under the Election Law

- Revises the qualifications for an elector by stating that a person is a qualified elector if the person *will have been* a resident and *will have been* registered to vote for 30 days by the day of the election.
- Eliminates the requirement that a person reside in the precinct in which the person offers to vote.
- Eliminates the requirement that a person reside in the precinct in which the person is registered to vote in order to sign an election petition, and instead requires the person to reside in the county in which the person is registered to vote.
- Eliminates residency requirements for circulators of an election petition, and instead requires the circulator of an election petition to be at least 18 years of age.

Voter registration

- Specifies that the Secretary of State is the chief elections official who coordinates Ohio's responsibilities under the National Voter Registration Act of 1993 (NVRA).
- Requires each "designated agency" that is required to provide voter registration services to enter into a memorandum of understanding with the Secretary of State, and specifies the duties that a designated agency must agree to perform under the memorandum.
- Revises the language that must appear on voter registration forms distributed by designated agencies.
- Requires voter registration forms completed at or returned to a designated agency to be transmitted to the appropriate board of elections within five business days after receipt, instead of within five days, as under current law.
- Authorizes the Secretary of State, an individual, or the head of a state agency with supervisory authority over a designated agency to effect compliance with the Voter Registration Law by bringing a mandamus action in the Ohio Supreme Court.
- Eliminates a restriction on the voter registration activities conducted by the Department of Job and Family Services.
- Restricts to the board of elections or the office of the Secretary of State the locations to which a voter registration application may be returned by mail.

- Requires the Secretary of State to adopt rules that require any change of address submitted to change a person's driver's license or state identification card to also serve as a notification of change of address for voter registration purposes.
- Specifies that an inmate of a public or private institution who is a United States citizen, who has resided in Ohio for 30 days, and who is 18 years of age or older must be permitted to register to vote at the address of the institution.
- Revises the process for voting after an elector moves or changes the elector's name.
- Permits electors who have moved within a county or who have changed their names and moved within a county to vote a regular ballot, rather than a provisional ballot.
- Permits any elector who moves, changes the elector's name, or both, to simultaneously update the voter's registration and vote by absent voter's ballot, instead of restricting simultaneous updating and voting to electors who are too ill, disabled, or infirm to appear at the board of elections.
- Requires a board of elections that does not accept a person's voter registration application to notify the applicant, by whatever means of contact the applicant has provided, of the reasons for rejecting the application and permit the applicant to provide whatever information is necessary to complete the application.
- Requires a board of elections that receives a voter registration application by mail to determine whether the applicant is a first-time mail-in registrant and, under federal law, required to provide additional identification when the applicant appears to vote.
- Requires the Secretary of State to coordinate with the boards of elections to identify, collect, and distribute best practices for processing voter registrations, which the Secretary of State must issue to the boards at least once every two years.
- Requires the Secretary of State and the Registrar of Motor Vehicles to enter into an agreement to match information in the statewide voter registration database with motor vehicle records, as required under federal law.
- Requires the Secretary of State to establish, by rule, a process for notifying boards of elections of any relevant nonmatch that the Secretary of State receives through the record-matching agreement, and specifies what constitutes a "nonmatch."
- Prohibits a nonmatch from being the sole reason for failing to add a voter to the statewide voter registration database, for challenging or upholding a challenge to a person's voter registration or right to vote, for canceling a person's voter registration,

for requiring a person to vote a provisional ballot, or for failing to provide a regular ballot or absent voter's ballot to an otherwise eligible voter.

Ballot language

- Revises and reduces the amount of instructions required to be printed on each ballot.
- Requires the title of each office and the name of each candidate appearing on the ballot to be flush left and not centered on the ballot or on any column appearing on the ballot, and requires the name of each candidate to be printed using standard capitalization in accordance with instructions provided by the Secretary of State.
- Generally prohibits the names of candidates for nomination or election to the same office from appearing on different pages of the ballot.
- Prohibits the ballot language for any state or local question, issue, or amendment from exceeding 300 words unless the Revised Code or a municipal or county charter specifies the ballot language, and that language exceeds 300 words.
- Removes the limit on the number of sample ballots that a board of elections may print.

Voting process

- Changes the documents that may be accepted as identification for election purposes and revises the standards for what constitutes photo identification.
- Permits a voter to provide a current and valid photo identification or to provide any two items that list the elector's name in a manner that substantially conforms to the elector's name in the statewide voter registration database, that are issued by a nonprofit organization, institution, business, or government entity, and that are current and valid.
- Eliminates a requirement that a voter's identification show the voter's address.
- Requires first-time mail-in registrants to provide identification in accordance with federal law.
- Eliminates the five-minute time limit for voters to occupy a voting machine when all machines are in use and voters are waiting to occupy them.

Provisional ballots

- Reduces from 13 to four the categories of persons required to vote by provisional ballot and states that no person who is deemed ineligible to cast a regular ballot may be denied, for any reason, the opportunity to cast a provisional ballot at any polling location.
- Revises the process for casting a provisional ballot and eliminates the detailed information that election officials currently are required to record on a provisional ballot envelope.
- Defines the "jurisdiction" within which a person may validly cast a provisional ballot as the county in which the person is registered to vote.
- Requires the Secretary of State to prescribe the form and content of provisional ballot envelopes, and specifies the form of the "Provisional Voter's Affirmation" that must appear on the envelope.
- Permits a person to register to vote or to update the person's registration by providing information on the provisional ballot envelope.
- Requires a provisional ballot to be counted if the individual's signature appears on the affirmation, the individual is properly registered to vote, and the individual is eligible to cast a ballot for the election in which the individual cast the provisional ballot.
- Requires the board of elections to remake a voter's provisional ballot for all offices, questions, and issues for which the voter was eligible to cast a ballot, if the provisional voter is a qualified elector but the individual is registered to vote in a different precinct than the one in which the individual cast the provisional ballot.

Absent voter's ballots

- Revises the time at which absent voter's ballots must be printed and ready for use, depending on the type of voter seeking the absent voter's ballot and the location at which the ballot will be voted, as follows: 35 days before the election for overseas and absent uniformed services voters, 35 days before the election for absent voters applying to vote other than in person, 21 days before the election for in-person absent voters, and 25 days before the day of a presidential primary election for all voters other than in-person voters.
- Increases from one to four the number of locations at which a board of elections may permit absent voter's ballots to be cast in person before the day of an election.



- Requires an affirmative vote of three members of a board of elections to establish more than one location for in-person absent voting, and requires any tie or disagreement of the board on this issue to be submitted to the Secretary of State for resolution.
- Requires a board of elections that establishes more than one location for in-person absent voting to submit a plan for those voting locations to the Secretary of State, and requires the plan to address the county's unique geography, population distribution, minority voter access, and ease of access to voting locations and to ensure, to the extent practical, that the plans will not result in locations that will unduly favor any political party.
- Requires the Secretary of State to prescribe uniform standards for absent voter's ballot materials, forms, and content, to which the boards of elections are required to adhere.
- Revises the language that is required to appear on absent voter's ballot identification envelopes and eliminates instructions on preparing a gummed envelope and instructions for dealing with a stuck flap on an envelope.
- Permits applications for absent voter's ballots to be submitted by electronic mail or by other means via the Internet, and requires a voter who submits an application electronically to include an image of the voter's signature, instead of the voter's actual signature.
- Permits an elector to make a single request for absent voter's ballots for all elections at which the voter is eligible to vote during a calendar year.
- Requires a board of elections to send an application for annual absent voter's ballots not later than December 15 of each year, to each person who requested annual absent voter's ballots for the current year.
- Requires the director of a board of elections who receives an incomplete application for absent voter's ballots to notify the elector of the missing information and provide the elector with the opportunity to provide the required information.
- Permits a board of elections to deliver absent voter's ballots to an applicant using a method other than United States mail, if the address to which the ballots are to be sent is located outside of the United States.
- Permits a voter who is returning absent voter's ballots from outside of the United States to return those ballots by commercial delivery service.

- Repeals the current process for casting and returning armed service absent voter's ballots and instead duplicates the language for casting regular absent voter's ballots.
- Eliminates the option of counting absent voter's ballots in each precinct.
- Requires a board of elections to appoint special election judges for the purpose of processing and counting absent voter's ballots.
- Specifies the steps for processing and counting absent voter's ballots and specifies which of those steps may be completed prior to the day of the election.
- Requires a board of elections that receives an envelope purporting to contain voted absent voter's ballots that does not include all required information to contact the absent voter and give the absent voter an opportunity to provide the missing information.
- Requires the Secretary of State to prescribe uniform standards for processing missing information that is to be included on an absent voter's ballot application or on an absent voter's ballot identification envelope.

Election observers

- Expands the times and locations for which election observers may be appointed by permitting a political party or a group of five or more candidates to appoint an observer for any time in which a board of elections permits an elector to receive, complete, and return an absent voter's ballot in person.
- Specifies the manner in which the board of elections must be notified of observers appointed to serve at in-person absent voting locations.
- Eliminates the current law provision that permits an observer who is appointed to serve at the board of elections to also observe at any precinct in the county.
- Reduces from six to four the number of observers who may be appointed regarding ballot issues in any one precinct.
- Specifies that observers who serve during the casting of the ballots are only permitted to: (1) watch and listen to the activities conducted by the precinct election officials and the interactions between precinct election officials and voters and (2) document the observer's observations.
- Prohibits an observer who serves during the casting of the ballots from interacting with any precinct election official or with any voter while the observer is inside the polling place, within the area between the polling place and the small flags posted

100 feet from the polling places, or within ten feet of any elector waiting in line to vote, if the line extends beyond those small flags.

- Specifies that no violation of this prohibition occurs as a result of an incidental interaction between an observer and a voter or a precinct election official, such as an exchange of greetings or directing a voter to an election official.
- Repeals a provision of current law that specifically authorizes observers to be appointed in precincts where marking devices, automatic tabulating equipment, voting machines, or any combination of those are used.

Elections by mail

- Permits a board of elections to conduct the following elections held within the county as an election by mail: (1) a special election held on a day other than the day of a primary or general election as authorized by a municipal or county charter, and (2) an election to fill a vacancy in a nomination for Congressional representative or a vacancy in the office of Congressional representative.
- Permits a board of elections holding an election to fill a vacancy for an elective office with a district larger than a county to conduct the election by mail only if the board of elections of each other county in the district is also conducting that election by mail.
- Requires a board of elections that is conducting an election by mail to mail an absent voter's ballot to each qualified elector in the county who is entitled to vote on the office, question, or issue and to open its offices on the day of the election to allow qualified voters to vote in person and to receive absent voter's ballots.
- Requires the board of elections that is conducting an election by mail to place a notice at all polling places used in the county at the last regular state election that states the location of the board of elections, that absent voter's ballots may be delivered to the board of elections, and that absent voter's ballots may be cast in person at the board of elections from 6:30 a.m. until 7:30 p.m.

Voter challenges

- Limits the grounds on which an elector's voter registration or right to vote may be challenged, so that electors may only be challenged on the following grounds: (1) that the person is not a resident of the precinct in which the person is registered to vote, (2) that the person is not a citizen of the United States, (3) that the person is not 18 years of age or older, or (4) that the person is not a qualified elector for that election.

- Permits a person to be challenged at a primary election on the ground that the person is not affiliated with or is not a member of the political party whose ballot the person has requested, and revises the process for determining the party affiliation of such a challenged voter.
- Permits a challenge to be made only if the challenger knows or reasonably believes that the challenged elector is not qualified and entitled to vote.
- Permits the board of elections to decide applications to correct a precinct registration list based on the records of the board, and requires the board to conduct a hearing to resolve each challenge to a voter's registration.
- Requires a notice of a voter registration challenge hearing to be sent at least seven days before the hearing, instead of three days, as under current law, and specifies the information that must appear in the notice.
- Specifies that a public vote of three members of a board of elections is required to uphold a challenge to a person's right to vote or to correct a precinct registration list, and requires all tie votes or disagreements of the board to be submitted to the Secretary of State for resolution.
- Eliminates a current law provision that permits a challenge hearing to be postponed until after the day of the election and that requires a challenged elector whose hearing has been postponed to vote a provisional ballot.
- Specifies the exact questions that election judges must ask of a person challenged at a polling place, and eliminates the authority of election judges to ask additional questions to determine the person's qualifications to vote.
- Eliminates a provision of current law that has been held unconstitutional that permitted the judges of elections to require a person challenged on the basis of citizenship to provide a naturalization certificate.
- Permits an absent voter's ballot application to be challenged on the same grounds as a person's right to vote may be challenged.
- Prohibits an election official or other person from challenging the validity of an absent voter's ballot that has been completed and returned by using the challenge procedure, and instead requires the validity of that ballot to be determined through the processing and counting process.

- Eliminates a provision of current law that permits a precinct officer to challenge a person's right to vote if the precinct officer has reason to believe that the person is impersonating an elector.
- Prohibits a judge of elections and any other person from challenging an elector's right to vote unless the judge or other person knows or reasonably believes that the challenged elector is not qualified and entitled to vote or challenging an elector's right to vote for any reason other than those specified in the bill, and specifies that anyone who violates this prohibition is guilty of a first degree misdemeanor.

Counting ballots

- Eliminates current law's prohibition against counting ballots that are marked contrary to law.
- Requires a board of elections to remake and count as a valid vote for the candidate any ballot in which a candidate's name is properly marked and the same candidate's name is also written in as a write-in candidate.
- Eliminates special elections in February and August, and permits special elections to occur only on the day of a primary or general election or on the day specified in a municipal or county charter.

Political parties

- Eliminates intermediate political parties and revises the methods and standards for determining if a party is a major political party, a minor political party, or if the organization no longer qualifies as a political party.
- Lowers the percentage of votes required for a party to retain its party status and reduces the number of signatures required on a petition for a party's formation.
- Permits any political party, not just a major political party, to appoint a candidate for nomination when an opposing party's candidate dies before the primary election.

Pilot project: use of county vote centers in lieu of precinct polling places

- Permits the Secretary of State to implement a pilot project to evaluate the use of county vote centers for general elections for state and county office in 2010 as an alternative to operating precinct polling places.
- Requires a board of elections that desires to participate in the pilot project to hold a public hearing and submit records of that hearing to the Secretary of State.

- Specifies standards that counties must meet to be included in the pilot project, and requires the Secretary of State to attempt to include counties of diverse geography, population, race, and location, to the extent practicable.
- Requires the Secretary of State to file a report regarding the pilot project with the Speaker of the House of Representatives and the President of the Senate not later than January 1, 2011.

Pilot project: electronic transmission of unvoted absent voter's ballots

- Permits the Secretary of State to implement a pilot project to evaluate the effectiveness and reliability of transmitting unvoted absent voter's ballots and armed service absent voter's ballots by secure electronic transmission to overseas and armed service voters.
- Requires the Secretary of State, in selecting counties for participation in the pilot project, to select counties that have the necessary technological means to transmit ballots securely and to attempt to include counties of diverse geography, population, race, and location, to the extent practicable.
- Requires the Secretary of State to file a report regarding the pilot project with the Speaker of the House of Representatives and the President of the Senate not later than January 1, 2011.

Miscellaneous

- Requires the Department of Administrative Services (DAS) to establish a purchasing program for ballots and other election and registration supplies, and permits boards of elections to provide for the acquisition of those supplies through the DAS program.
- Increases from \$10,000 to \$25,000 the cost of a ballot printing contract that a board of elections may enter into without publishing notice and without requiring a bond.
- Revises the appointment process for members of boards of elections if the Secretary of State believes a recommended elector would not be a competent member of the board.
- Includes in the definition of "party candidate" a candidate who receives a certificate of nomination without a primary election, because no primary election was needed.
- Eliminates the requirement that the Secretary of State provide indexed copies of the election laws to the boards of elections and instead requires the Secretary of State to provide the boards of elections with an electronic link to all election laws in force.

- Eliminates the requirement that election results be sent to the Secretary of State by certified mail.
- Permits any person filing a declaration of candidacy to withdraw at any time prior to a presidential primary election, instead of requiring the person to withdraw prior to the 50th day before that election.
- Prohibits an Ohio driver's license or Ohio identification card from displaying on its face any administrative number other than the distinguishing number assigned to the licensee or cardholder.
- Eliminates unnecessary descriptions of the types of petitions that may be filed under the election law in the section describing the circulator statement.
- Eliminates a requirement that a county using punch card ballots to establish one or more counting stations, located at the board of elections, to count all punch card ballots.
- Corrects date information for initiative and referenda elections to accurately reflect recent amendments to the Ohio Constitution.

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CONTENT AND OPERATION

Election administration

Establishment of election precincts

(R.C. 3501.11, 3501.18, and 3501.21)

A board of elections may divide a political subdivision within its jurisdiction into precincts, establish, define, divide, rearrange, and combine the precincts within its jurisdiction, and change the location of the polling place for each precinct when it is necessary to maintain the requirements as to the number of voters in a precinct and to provide for the convenience of voters and the proper conduct of elections.

The bill requires a board of elections, when establishing, defining, providing, rearranging, or combining election precincts to do so in accordance with any directive the Secretary of State may provide. Similarly, any change in the number of precincts or in precinct boundaries must be made in accordance with any directive the Secretary of State may provide. Within five days after the board approves changes to the boundaries of any precinct, the board must notify the Secretary of State of the change, instead of notifying the Secretary of State within 45 days, as under current law. The bill also requires the board to notify the Secretary of State within five days after approving the relocation of a polling place.

Allocation of voting machines

(R.C. 3501.11(I) and 3506.12)

Boards of elections are required to cause the polling places to be suitably provided with voting machines, marking devices, automatic tabulating equipment, stalls, and other required supplies. In fulfilling this duty, current law requires the board of a county that uses such machines or equipment to conduct a full vote of the board during a public session of the board on the allocation and distribution of voting machines, marking devices, and automatic tabulating equipment.

The bill relocates the requirement that the board conduct a full vote of the board on the allocation and distribution of voting equipment and provides a more detailed

process for determining the allocation and distribution of such machines and equipment. Instead of determining the allocation and distribution based on the number of votes cast in a precinct at the most recent election for the office of Governor, taking into consideration the size and location of polling places, parking, accessibility, and the number of candidates and issues to be voted upon, the board must determine the allocation and distribution by calculating the minimum number of devices required for all precincts and then allocate additional devices based on the following criteria:

- The historic voter turnout in a precinct;
- Any increase or decrease in the number of registered voters in the precinct since the last previous election;
- Whether voters in the precinct have historically had longer-than-average wait times to use voting equipment;
- The historic level of requests for absent voter's ballots in the precinct;
- The length of the ballot in a particular precinct for the applicable election; and
- Any other factors prescribed by the Secretary of State.

The board is required to post the draft voting equipment distribution plan for public comment at the office of the board of elections and, if the board of elections maintains a web site, on that web site, not later than 15 days before the date of the election for not less than five business days. After the conclusion of the public comment period, the board of elections is required to conduct the full vote of the board allocating voting machines, marking devices, and automatic tabulating equipment for each precinct in the county.

Apportionment of election costs

(R.C. 3501.17)

The expenses of a board of elections are paid from the county treasury in the same manner as other county expenses are paid. The county generally pays the cost of all elections held in and for the state and county. However, the costs of conducting elections in odd-numbered years, such as the cost of renting polling places and the cost of placing and removing ballot boxes, are charged to the subdivisions holding the elections.

The bill expands the costs that local subdivisions are required to pay under this process. In addition to paying for the conduct of the election, subdivisions will be

required to pay costs incurred for the preparation for the election. Included in the preparation and conduct costs will be the costs of compensation for overtime worked by members of boards of elections and by the director, deputy director, and regular employees in the office of the board of elections to prepare for and conduct the primary or election. To the extent money is appropriated for that purpose, the state will also be required to pay for the preparation, including overtime costs, for special elections held on the day of a primary election to submit to the voters a constitutional amendment proposed by the General Assembly.

Location of polling place flags

(R.C. 3501.30)

Continuing law requires various supplies to be provided to each polling place. Included among those supplies are two or more small United States flags, approximately 15 inches along the top, which must be placed 100 feet from the polling place on the thoroughfares or walkways leading to the polling place, to mark the distance within which individuals must not loiter, congregate, or engage in election campaigning.

Where the small flags cannot reasonably be placed 100 feet from the polling place, current law requires the presiding judge of the precinct to place the flags as near to 100 feet from the polling place entrance as is physically possible. The bill eliminates this exception. Thus, under the bill, the flags must be placed 100 feet from the polling place, even if such placement is not physically or reasonably possible.

Ballot marking instruction cards

(R.C. 3505.12)

Boards of elections are required to have printed instruction cards for the guidance of electors in marking their ballots. The instruction cards must be posted immediately in front of or on the polling place and in each voting shelf. Under current law, the instruction cards must inform the voters how to prepare their ballots for voting, how to obtain a new ballot in case of accidentally spoiling one, and, in a smaller type, a summary of the important sections of the criminal law relating to crimes against the election process.

The bill revises the information that must be printed on the instruction cards. Under the bill, the cards must provide substantially the following information, "To vote, mark your choice next to the candidate's name or answer of your choice. If you make a mistake or want to change your vote, ask an election official for a new ballot. You may ask for a new ballot up to two times."

Qualifications for specified activities under the Election Law

Qualifications of an elector

(R.C. 3503.01)

Under current law, a person has the qualifications of an elector and may vote at all elections in the precinct in which the citizen resides if the person:

- Is a citizen of the United States;
- Is 18 years of age or over;
- Has been a resident of the state for 30 days immediately preceding the election at which the person offers to vote;
- Is a resident of the county and precinct in which the person offers to vote; and
- Has been registered to vote for 30 days.

The bill revises these requirements by stating that a person is a qualified elector if the person *will have been a resident* for 30 days by the day of the election and the person *will have been registered to vote* for 30 days by the day of the election. The bill also eliminates the requirement that the person reside in the precinct in which the person offers to vote.

Qualifications to vote or to sign an election petition

(R.C. 3503.06)

Current law requires a person who votes or who signs an election petition to be registered as an elector and to have resided in the county and precinct where the person is registered to vote for at least 30 days before the next election. The bill eliminates the requirement that the person reside in the precinct in which the person is registered. Thus, a person who votes or who signs an election petition must have resided in the county where the person is registered, but not necessarily in the precinct in which the person is registered, for at least 30 days before the next election.

Qualifications to circulate an election petition

(R.C. 3503.06)

Current law requires a person who circulates a declaration of candidacy or any nominating or recall petition to be registered as an elector and to have resided in the

county and precinct where the person is registered to vote for at least 30 days before the next election. The circulator of an initiative or referendum petition must be a resident of Ohio. The bill eliminates these requirements. Under the bill, a person is prohibited from circulating an election petition unless the person is at least 18 years of age.

Voter registration

Voter registration at designated agencies

(R.C. 3501.05, 3503.10, and 3503.19)

The National Voter Registration Act of 1993 (NVRA),¹ among other provisions, requires each state to designate agencies for the registration of voters for federal office. Designated voter registration agencies must include (1) all offices in the state that provide public assistance, and (2) all offices in the state that provide state-funded programs primarily engaged in providing services to persons with disabilities. In addition to these specified voter registration agencies, the act requires each state to designate other offices within the state as voter registration agencies; those agencies may include (1) state or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, unemployment compensation offices, and offices that provide services to persons with disabilities, and (2) federal and nongovernmental offices, with the agreement of those offices. The act also requires each state to designate a state officer or employee as the chief state election official to be responsible for coordination of state voter registration responsibilities.

Current Ohio law specifies a process by which voter registration applications are distributed at designated agencies and how those completed applications may be returned. The bill generally retains this process and establishes additional duties that each designated agency must promise to perform in a memorandum of understanding that each agency must enter into with the Secretary of State.

The bill declares that the Secretary of State is the chief elections official who coordinates Ohio's responsibilities under section 7 of the NVRA. To fulfill that responsibility, not later than 120 days after the provision takes effect or not later than 120 days after an agency is determined to be a designated agency, the Secretary of State is required to enter into a memorandum of understanding with the head of the state agency with supervisory authority over each designated agency for the purpose of prescribing a general program for registering voters or updating voter registration information, such as name and residence changes, consistent with the NVRA. The

¹ Pub. L. No. 103-31, 107 Stat. 77, 42 U.S.C. 1973gg, *et seq.*, as amended.

Secretary of State and the head of each applicable state agency must enter into a new memorandum of understanding every four years thereafter beginning on December 1, 2011. The designated agency must agree to do all of the following, at a minimum, in the memorandum of understanding:

- Affirm its agreement to comply with the NVRA's requirements;
- Create and submit, within 90 days after the agency and the Secretary of State enter into the memorandum of understanding, an agency plan for implementing the general program for registering voters or updating voter registration information prescribed by the Secretary of State; transmit that plan and any subsequent amendments to the Secretary of State within five business days after the plan is approved by the head of the agency; post the plan on the agency's web site, if available, and at the agency's office; and update the plan within 90 days after entering into any future memorandum of understanding or whenever the agency deems such an update to be necessary;
- Implement the general program for registering voters or updating voter registration information prescribed by the Secretary of State and agree that the Secretary of State may administer oaths, issue subpoenas, summon witnesses, compel the production of books, papers, records, and other evidence, and fix the time and place for hearing any matters relating to the administration and enforcement of this Voter Registration Law and the memorandum of understanding;
- Designate one person within that designated agency to serve as coordinator for the voter registration program within the agency and its departments, divisions, and programs. The designated person must be trained under a program designed by the Secretary of State and will be responsible for administering all aspects of the voter registration program for that agency as prescribed by the Secretary of State. The designated person must receive no additional compensation for performing such duties.
- Prominently place signs, prescribed by the Secretary of State, in all designated agency offices alerting clients that they must be offered the opportunity to register to vote or to update their voter registration;
- Report quarterly to the Secretary of State the combined number of new and updated registrations received by the agency during the previous quarter, the number of new registrations received by the agency during

the previous quarter, the number of updated registrations received by the agency during the previous quarter, the number of people who were offered the opportunity to register or update their registrations but declined to do so at the agency during the previous quarter, and the total number of clients served by the agency during the previous quarter;

- Allow an individual to register a complaint to either the designated agency or, if available, to a central complaint hotline about an agency's failure to offer to clients the opportunity to register to vote or update their voter registrations;
- Agree that any individual or the Secretary of State has the authority to initiate a mandamus action before the Ohio Supreme Court if the agency does not correct any deficiency in compliance with the Voter Registration Law or the memorandum of understanding within 45 days after receiving written notice of the deficiency from the individual or from the Secretary of State; and
- Provide electronic registration updates to the Secretary of State, if applicable, upon request.

Not later than 60 days after the provision takes effect, the Secretary of State must provide to each designated agency such information as may be necessary for the agency to comply with the provisions required to be included in the memorandum of understanding, including, but not limited to, prescribed forms and signs, guidance for submitting required reports, and guidance for processing complaints.

The bill also revises the language that must appear on the voter registration forms distributed by designated agencies. Instead of asking "Do you want to register to vote or update your current voter registration?" the bill requires the forms to include the question "If you are not registered to vote where you live now, would you like to apply to register to vote here today?"

Once a voter registration application has been completed, the bill requires the application to be transmitted to the appropriate board of elections within five business days after being accepted by the designated agency, instead of within five days after being accepted, as under current law.

The bill also creates a process for the Secretary of State, an individual, or the head of a state agency with supervisory authority over a designated agency to effect compliance with the Voter Registration Law. For this purpose, the bill authorizes the Secretary of State to do any of the following: administer oaths, issue subpoenas,

summon witnesses, compel the production of books, papers, records, and other evidence, and fix the time and place for hearing any matters relating to the administration and enforcement of the Voter Registration Law and the memorandum of understanding; initiate a mandamus action before the Ohio Supreme Court if a designated agency fails, by the applicable deadline, to enter into the required memorandum of understanding; or initiate a mandamus action before the Ohio Supreme Court if the state or county office of a designated agency does not correct any deficiency in compliance with the Voter Registration Law or the memorandum of understanding within 45 days after receiving written notice of the deficiency from the Secretary of State.

The bill authorizes an individual to do any of the following to effect compliance with the Voter Registration Law: initiate a mandamus action before the Ohio Supreme Court if a designated agency fails, by the applicable deadline, to enter into the required memorandum of understanding; initiate a mandamus action before the Ohio Supreme Court if the state or county office of a designated agency does not correct any deficiency in compliance with the Voter Registration Law or the memorandum of understanding within 45 days after receiving written notice of the deficiency from the individual; or initiate a mandamus action before the Ohio Supreme Court if the Secretary of State does not correct any deficiency in the proper exercise of the duties of the Secretary of State under the Voter Registration Law or the memorandum of understanding within 45 days after receiving written notice of the deficiency from the individual.

The head of a state agency with supervisory authority over a designated agency is permitted to do any of the following to effect compliance with the Voter Registration Law: initiate a mandamus action before the Ohio Supreme Court if the Secretary of State fails, by the applicable deadline, to enter into the required memorandum of understanding; initiate a mandamus action before the Ohio Supreme Court if the Secretary of State does not correct any deficiency in the proper exercise of the duties of the Secretary of State under the Voter Registration Law or the memorandum of understanding within 45 days after receiving written notice of the deficiency from the state office of the designated agency; or initiate a mandamus action before the Ohio Supreme Court if the county office of that designated agency does not correct any deficiency in compliance with the Voter Registration Law or the memorandum of understanding within 45 days after receiving written notice of the deficiency from the state office of that designated agency.

The bill also eliminates a restriction on voter registration activities conducted by the Department of Job and Family Services. Under current law, the Department of Job and Family Services and its departments, divisions, and programs must limit administration of the aspects of the voter registration program to the requirements

prescribed by the Secretary of State and the NVRA. The bill eliminates this restriction. Thus, under the bill, the Department of Job and Family Services may conduct voter registration activities beyond those required by the Secretary of State and the NVRA.

Current law permits an applicant to return a completed voter registration application to any state or local office of a designated agency, to a public high school or vocational school, to a public library, or to the office of a county treasurer in person or by mail. Under the bill, completed voter applications may only be returned to these locations in person. An applicant may submit a form, by mail, only to the board of elections or the office of the Secretary of State.

Registering or updating voter registration at a Bureau of Motor Vehicles

(R.C. 3503.11)

When a person applies for a driver's license, commercial driver's license, Ohio identification card, motorcycle license or endorsement, or for the renewal or duplicate of any such license or endorsement, current law requires the Registrar of Motor Vehicles or deputy registrar to offer the applicant the opportunity to register to vote or update the applicant's voter registration. The bill revises this requirement to instead require the Secretary of State, in consultation with the Bureau of Motor Vehicles, to adopt rules that require any change of address form submitted to change a person's address on any such license or card to also serve as a notification of change of address for voter registration purposes, unless the person states on the form that the change of address is not for voter registration purposes if the person is not a registered voter. The Registrar or deputy registrar is required to continue to make available to all customers voter registration applications and change of residence and change of name forms. The bill eliminates a statement that the Registrar and deputy registrar are not required to offer voter registration assistance to other customers. Thus, under the bill, the Registrar and deputy registrar must offer assistance to any customers in completing a voter registration application or other form.

Once the forms are completed, the Registrar or deputy registrar must send the completed forms to the applicable board of elections within five business days, instead of within five days, as under current law.

Voter registration for institutionalized electors

(R.C. 3503.04)

Under current law, inmates of a public or private institution who are United States citizens and who have resided in the state for 30 days immediately preceding an election, and who are otherwise qualified as to age and residence in the county are

deemed to be residents of the county, city, village, and township in which the institution is located. This provision does not apply to an elector who is an inmate in such an institution for temporary treatment only; the residence of such an elector is the residence from which the elector entered the institution.

Under the bill, the residence of such an inmate is not deemed to be the institution, and the inmate is not required to meet the 30-day residence qualification. Instead, an inmate who is a United States citizen, who has resided in the state for 30 days, and who is 18 years of age or older must be permitted to register to vote at the address of that institution. This provision does not apply to individuals who are temporary inmates only.

Change of address and change of name

(R.C. 3503.16, 3509.02, and 3509.08)

A registered elector who moves or changes the elector's name may still cast a ballot at an election. Under current law, an elector who moves within a precinct may cast a regular ballot at the elector's new precinct after signing a change of residence form and providing identification. An elector who moves between precincts, between counties, or who changes the elector's name must update the person's voter registration and vote a provisional ballot. Additionally, an elector who moves or changes the elector's name may update the elector's name and address and vote by absent voter's ballot if the elector is unable to appear at the board of elections due to the elector's personal illness, physical disability, or infirmity.

The bill changes the process for voting after an elector moves or changes the elector's name. Under the bill, any registered elector who moves within a precinct on or prior to the day of an election and has not filed a notice of change of residence with the board of elections may vote in that election by going to that registered elector's assigned polling place, completing and signing a notice of change of residence, and casting a ballot. A registered elector who moves within a county may cast a regular ballot at the board of elections, at an in-person absent voting location, or at the elector's precinct polling place if the elector completes and signs, under penalty of election falsification, a notice of change of residence and a statement attesting that that registered elector moved on or prior to the day of the election, has voted at the polling place in the precinct in which that registered elector resides, at the office of the board of elections, or at another location designated by the board of elections, whichever is appropriate, and will not vote or attempt to vote at any other location for that particular election. A registered elector who moves from one county to another generally must file a change of residence using the same process, except that the elector will be required to cast a provisional ballot.

A registered elector who changes the elector's name on or prior to the day of an election and has not filed a notice of change of name with the board of elections generally may vote in that election using the same process as applies to an elector who moves within a precinct, except that such an elector must file a change of name and a statement attesting that the registered elector changed the elector's name prior to the day of the election, has voted at the polling place in the precinct in which that registered elector resides, at the office of the board of elections, or at another voting location designated by the board of elections, whichever is appropriate, and will not vote or attempt to vote at any other location for that particular election. An elector who moves from one precinct to another within a county and changes the elector's name, on or prior to the day of a general, primary, or special election and has not filed a notice of change of residence and a notice of change of name with the board of elections prior to the 30th day before the day of the election may vote in that election if the registered elector complies with the procedures required for electors who move from one precinct to another within a county before an election and also files a notice of change of name. Similarly, an elector who moves from one county to another county and changes the elector's name may vote if the elector complies with the procedures required for electors who move from one county to another before an election and also files a notice of change of name.

Alternatively, any elector who moves, changes the elector's name, or both moves and changes the elector's name may simultaneously update the elector's voter registration and vote by absent voter's ballot under the bill. The bill eliminates the requirement that an elector be too ill, disabled, or infirm to appear at the board of elections in order to both update the elector's information and vote by absent voter's ballot simultaneously.

Finally, the bill revises the time within which a board of elections must send an acknowledgment notice to an elector who changes the elector's name or address. Current law requires such an acknowledgment form to be sent "immediately." The bill instead requires such a form to be sent "promptly."

Deadline for registering voters

(R.C. 3503.19)

Existing law requires a board of elections that receives a voter registration application and that is satisfied as to the truth of the statements in the application to register the applicant not later than 20 business days after receiving the application, unless the application is received during the 30 days immediately preceding the day of the election. The bill changes these dates so that a board must register an applicant

within ten business days, unless the application is received during the 28 days before the day of the election.

Notifying voters of rejected applications; opportunity to correct

(R.C. 3503.19)

If a board of elections does not accept a person's voter registration application, it must notify the applicant, by whatever means of contact the applicant has provided on the registration application, of the reasons for rejecting the application and request that the applicant provide whatever information or verification is necessary to complete the application.

The applicant may provide the required information by mail, electronic mail, telephone, or facsimile transmission, through the Internet, or in person at the office of the board of elections. If the application is missing a signature, the applicant may provide a signed statement that the applicant submitted the application. A signature provided on such a signed statement must be considered the applicant's signature on the application for the purposes of processing an otherwise valid application for voter registration. The Secretary of State is required to prescribe uniform standards for processing additional information by mail, electronic mail, telephone, facsimile transmission, through the Internet, or in person at the office of the board of elections. If the applicant provides the required information, the board must promptly register the applicant. If the information is provided after the close of voter registration for the next election, the voter is not eligible to vote in that election.

Determination of first-time mail-in registrants

(R.C. 3503.141)

Because the bill requires different identification to be provided by first-time mail-in registrants than the identification required for other voters (see "**Voting process: voter identification for first-time mail-in registrants**," below), the bill requires a board of elections that receives a voter registration application by mail to determine whether the applicant has previously voted at a federal election in Ohio and whether the application includes any of the following information:

- The applicant's Ohio driver's license number;
- The last four digits of the applicant's social security number; or
- A copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other

government document that shows the elector's name and address (first-time mail-in registrant identification).

If the application does not contain any of the specified forms of identification and if the applicant has not previously voted at a federal election in Ohio, the board of elections must cause the voter's name in the county's voter registration records and in the poll list or signature pollbook for the applicable precinct to be marked to indicate that the voter is required to provide first-time mail-in registrant identification when the voter appears to vote.

At the first election at which a voter whose name has been so marked appears to vote, the voter is required to provide first-time mail-in registrant identification. If the voter does not have or does not provide first-time mail-in registrant identification at that election, the voter must be permitted to cast a provisional ballot. If the voter provides first-time mail-in registrant identification at that election, the board is required to remove the indication that first-time mail-in registrant identification is required from the county's voter registration records and the poll list or signature pollbook, and the voter must be permitted to vote a regular ballot.

Best practices for processing voting registrations

(R.C. 3503.142)

The bill requires the Secretary of State to coordinate with boards of elections to identify, collect, and distribute best practices for processing voter registrations, including, but not limited to, best practices for data entry and quality assurance. The Secretary of State must issue best practice instructions to boards of elections at least once every two years.

Statewide voter registration database

(R.C. 3503.15(H))

The Help America Vote Act of 2002 (HAVA), Pub. L. No. 107-252, 116 Stat. 1666, requires, among other provisions, each state to maintain a single uniform statewide voter registration database that serves as the single system for storing and managing the official list of registered voters throughout the state. HAVA also requires the chief state election official and the official responsible for the state motor vehicle authority to enter into an agreement to match information in the statewide voter registration database with motor vehicle records for the purpose of verifying the accuracy of the information provided on voter registration applications. (42 U.S.C. 15483.)

The bill requires the Secretary of State and the Registrar of Motor Vehicles to enter into the required matching agreement. Additionally, the Secretary of State is required to establish, by rule, a process for notifying boards of elections of any relevant nonmatch that the Secretary of State receives through the matching agreement and a procedure for boards of elections to process relevant nonmatches. A "nonmatch" means an individual's voter registration record in which any of the following data fields are not substantially the same when the Secretary of State matches information in the statewide voter registration database with information in the database of the Registrar of Motor Vehicles: Ohio driver's license number, if provided by the individual; last four digits of social security number if the individual did not provide an Ohio driver's license number and did provide the last four digits of the individual's social security number; date of birth; or name (first name or derivative, and last name).

Under the bill, a nonmatch must not be the sole reason for any of the following:

- Failing to add a voter to the statewide voter registration database;
- Challenging or upholding a challenge to a person's voter registration, a person's right to cast a regular or absent voter's ballot, or a person's completed regular, provisional, or absent voter's ballot;
- Canceling a person's voter registration;
- Requiring a person to vote a provisional ballot; or
- Failing to provide a regular ballot or absent voter's ballot to an otherwise eligible voter.

Cancellation of a voter's registration

(R.C. 3503.19, 3503.21, and repeal of R.C. 3503.18)

Continuing law specifies the circumstances in which a voter's registration may be canceled, such as upon notice of the voter's death, an adjudication of incompetency, or conviction of a felony. With the following exception, the bill relocates, but does not substantively change, the circumstances under which a voter's registration may be canceled.

The bill eliminates one circumstance under which a voter's registration must be canceled under current law. When a board of elections registers a voter, the board must send a confirmation notice. If the notice is returned and the board is unable to verify a voter's correct address, continuing law requires the voter's name in the official registration list and in the poll list or signature pollbook to be marked to indicate that

the voter's notification was returned to the board. Current law requires a voter whose name in the pollbook is so marked to vote a provisional ballot. If the provisional ballot is not counted, the voter's registration must be canceled. The bill eliminates the requirement that such a voter cast a provisional ballot and eliminates the related requirement that the voter's registration be canceled if that provisional ballot is not counted. Instead, the bill requires the board of elections to correct the voter's registration based on the identification that the voter provides when appearing to vote.

Ballot language

Ballot marking instructions

(R.C. 3505.03 and 3505.10)

Current law requires specific instructions for marking ballots to appear on the face of the ballots. On the Official Office Type Ballot, current law requires the following instructions to appear:

"(A) To vote for a candidate record your vote in the manner provided next to the name of such candidate.

(B) If you tear, soil, deface, or erroneously mark this ballot, return it to the precinct election officers or, if you cannot return it, notify the precinct election officers, and obtain another ballot."

The bill changes the instructions required to be printed on each ballot. Under the bill, the following instructions must appear on the Official Office Type Ballot:

"(A) To vote, mark your choice next to the candidate's name.

(B) If you make a mistake or want to change your vote, ask an election official for a new ballot. You may ask for a new ballot up to two times."

Similarly, the bill reduces the instructions that must be printed on the presidential ballot from three paragraphs of detailed instructions to the following, "To vote for President and Vice-president, mark your choice name to the joint candidates' names."

Font, capitalization, and positioning of ballot text

(R.C. 3505.03, 3505.04, 3505.08, and 3506.11)

The font, capitalization, and positioning of text that must appear on the ballots is specified by law. For example, presidential ballots must have "For President" boldfaced

and centered near the top of the ballot. The names of the presidential candidates must be capitalized in 12-point boldface type.

The bill revises the required printing instructions for ballot text. Under the bill, the title of each office and the name of each candidate must be printed flush left and must not be centered on the ballot or in any column appearing on the ballot. The name of each candidate must be printed using standard capitalization in accordance with instructions provided by the Secretary of State and must not be printed using all capital letters. The bill also removes a requirement that the type of each ballot be printed on the back of the ballot.

Unless the law otherwise requires, the names of candidates for nomination or election to the same office must not appear on different pages of a printed ballot. To the extent practical, the names of candidates for nomination or election to the same office must not appear in different columns on the same page. When candidate names appear on ballot screens of direct recording electronic voting machines, the names of candidates for nomination or election to the same office must not appear on different ballot screens or in different columns on the same screen.

300-word limit for question and issue ballot language

(R.C. 3505.06 and 3505.062)

Although the Revised Code contains specific language for certain ballot issues, the text of other ballot issues may be specified by the entity placing the issue on the ballot or by the Ohio Ballot Board. Under continuing law, the questions and issue ballot does not need to contain the full text of the proposal to be voted upon. A condensed text that properly describes the question, issue, or amendment is sufficient.

The bill generally prohibits the ballot language for any state or local question, issue, or amendment from exceeding 300 words. Similarly, when the Ohio Ballot Board prescribes ballot language for constitutional amendments proposed by the General Assembly, the language must not exceed 300 words. However, the 300-word limit does not apply to any question, issue, or amendment if the Revised Code or a municipal or county charter specifies a ballot form or ballot language for the question, issue, or amendment, and the ballot form or ballot language specified in the Revised Code or a municipal or county charter exceeds 300 words.

Sample ballots

(R.C. 3505.08)

Boards of elections are permitted to print sample ballots for all general elections. The ballots must be printed on colored paper and "Sample Ballot" must be plainly printed in boldface type on the face of each ballot. Under current law, the board may not print more than 500 sample ballots in a county with a population of less than 100,000. In all other counties, the board is prohibited from printing more than 1,000 sample ballots. The bill removes the limits on the number of sample ballots that a board of elections may print. Thus, under the bill, boards of elections are not limited in the number of sample ballots they may produce.

Voting process

Voter identification, generally

(R.C. 3501.01, 3503.14, 3503.28, 3505.18, 3509.03, 3509.031, 3509.04, 3509.05, 3511.02, 3511.05, and 3511.09)

Voters are required to provide identification at various times--at registration, when appearing to vote, when requesting an absent voter's ballot, and when returning a completed absent voter's ballot. Current law requires the voter to provide identification in the form of a current and valid photo identification, a military identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election or a notice of voter registration mailed by a board of elections, that shows the name and current address of the elector. To be a current and valid photo identification, a document must show the name of the individual to whom it was issued, which must conform to the name in the poll list or signature pollbook; it must show the current address of the individual to whom it was issued; it must show a photograph of the individual to whom it was issued; it must include an expiration date that has not passed; and it must have been issued by the government of the United States or Ohio.

The bill changes the documents that may be accepted as identification and revises the standards for what constitutes photo identification. A voter may provide identification either in the form of a current and valid photo identification or provide any two items that list the elector's name in a manner that substantially conforms to the elector's name in the statewide voter registration database, that are issued by a nonprofit organization, an institution, a business, or a government entity, and that are current and valid. To be considered a current and valid photo identification, the document must show the name of the individual to whom it was issued, which must *substantially* conform to the name in the poll list or signature pollbook; it must show a



photograph of the individual to whom it was issued, it must not be expired, if an expiration date appears on the document; and it must be issued by the government of the United States or Ohio. No form of identification is required to show the voter's address.

Voter identification for first-time mail-in registrants

(R.C. 3501.01, 3505.18, 3509.03, 3509.031, 3509.04, 3509.05, 3511.02, 3511.05, and 3511.09)

In addition to the general requirement that voters provide identification in order to cast a ballot, first-time voters who registered to vote by mail must, pursuant to federal law, provide specified identification to be eligible to vote. An individual who submitted a voter registration application by mail, who has not previously voted in a federal election in Ohio, and who did not include any of the following with the voter registration application must provide first-time mail-in registrant identification:

- The applicant's driver's license number;
- At least the last four digits of the applicant's social security number;
- A copy of a current and valid photo identification that shows the name and address of the applicant; or
- A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the applicant's name and address.

To be eligible to vote, a first-time mail-in registrant must provide identification in the form of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the elector's name and address.

Time limit for using a voting booth

(R.C. 3505.23)

A voter is currently prohibited from occupying a voting compartment or using a voting machine for more than five minutes when all of the voting compartments or machines are in use and voters are waiting to occupy them. The bill eliminates this time limit.

Provisional ballots

Persons eligible to cast a provisional ballot

(R.C. 3505.181 and repeal of R.C. 3505.22)

Current law specifies in detail 13 categories of voters who are eligible to cast a provisional ballot, such as a person whose signature in the pollbook does not appear to match voter registration records, a person whose registration has been challenged and the required challenge hearing has been postponed, or a person who did not provide required identification. The bill reduces to the following four categories the types of persons who are eligible to cast a provisional ballot at an election:

- An individual who declares that the individual is a registered voter and that the individual is eligible to vote in an election, but the name of the individual does not appear on the official list of eligible voters for the polling place;
- An individual who does not have or declines to provide required identification to the election officials;
- An individual whose name in the poll list or signature pollbook has been marked as having requested an absent voter's ballot or an armed service absent voter's ballot for that election and who appears to vote at the polling place;
- Any person who is not, at the time the person appears to vote, eligible to cast a regular or absent voter's ballot.

The bill also states that no person who is deemed ineligible to cast a regular ballot may be denied, for any reason, the opportunity to cast a provisional ballot at any polling location.

Process for casting a provisional ballot

(R.C. 3505.181 and 3505.182)

Continuing law requires election officials to notify an individual that the individual may cast a provisional ballot. The individual is then permitted to cast a provisional ballot upon the execution of a written affirmation. Once the ballot is completed, current law requires election officials to note specific information on a confirmation statement appearing on the provisional ballot envelope, such as whether the individual provided identification, the type of identification provided, and whether

the individual is required to provide additional information to the board of elections for the provisional ballot to be eligible to be counted.

The bill revises the process for casting a provisional ballot and eliminates the detailed information that election officials currently are required to record on the provisional ballot envelope. Under the bill, after the election official notifies the individual that the individual may cast a provisional ballot, the election official must provide the individual with a provisional ballot envelope containing the required affirmation statement. The individual is required to complete the voter's portion of the affirmation. If the individual is unable to physically complete the voter's portion of the affirmation, an election official must complete the voter's portion of the affirmation for the individual at the individual's direction. The election official then must review the affirmation to determine if the voter's portion of the affirmation has been completed.

If the election official finds that the voter's portion of the affirmation has been completed, the election official is required to provide the individual with a provisional ballot. If the election official finds that the voter's portion of the affirmation has not been completed, the official must direct the individual to properly complete the affirmation. If the individual refuses to complete the affirmation, the election official is required to do all of the following:

- Write the individual's name on the affirmation in the space for the individual's name;
- Indicate on the affirmation form that the individual refused to complete the affirmation;
- Notify the individual that the provisional ballot will only be counted if the individual signs the affirmation;
- Provide the individual with a provisional ballot.

After completing the provisional ballot, the voter must place the voted provisional ballot in the completed envelope, seal the envelope, and return the envelope to the election official. The election official must then transmit the voter's sealed provisional ballot envelope to a local election official for verification.

Location for casting a provisional ballot

(R.C. 3505.181(D) and (G))

An individual must cast a provisional ballot in the correct "jurisdiction" for the ballot to be eligible to be counted. Currently, "jurisdiction" is defined as the precinct in

which the person is a legally qualified elector. The bill redefines "jurisdiction" as the county in which the person is a legally qualified elector. Thus, a provisional ballot cast anywhere in the county in which a person is registered to vote is eligible to be counted.

The form and content of provisional ballot envelopes, including affirmation statement

(R.C. 3505.181(F) and 3505.182)

The Secretary of State is required to prescribe the form and content of provisional ballot envelopes, which must include the provisional voter's affirmation. The provisional ballot envelopes used by each board of elections in conducting provisional voting within a county must conform to the form and content prescribed by the Secretary of State. The bill replaces the current "Provisional Ballot Affirmation" with a "Provisional Voter's Affirmation," which must be substantially as follows:

"Provisional Voter's Affirmation

STATE OF OHIO

TO BE COMPLETED BY PROVISIONAL BALLOT VOTER

Voter's Provisional Ballot Affirmation

Please review the following statement and sign.

Your provisional ballot will be counted only if you sign this affirmation.

"I solemnly swear or affirm that I am a registered voter in the county where I am offering to vote this ballot and that I am eligible to vote in the election in which I am voting this ballot.

I understand that, if the board of elections determines that I am not registered or eligible to vote in this election, or if the board of elections determines that I have already voted in this election, my provisional ballot will not be counted.

I hereby declare, under penalty of election falsification, that the above statements are true and correct to the best of my knowledge and belief."



SIGNATURE OF VOTER (required):

PRINT FIRST AND LAST NAME:

ADDRESS:

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

OPTIONAL VOTER REGISTRATION OR UPDATE

The following optional information may be helpful for the board of elections in processing your provisional ballot. However, none of the following information may be the only reason for invalidating your provisional ballot.

Name:

Address:

Date of birth:

Ohio driver's license number:

Last four digits of your Social Security Number:

Are you a United States citizen? YES/NO (circle one)

Will you be at least eighteen years of age on or before the next general election? YES/NO (circle one)

For identification purposes, you may attach a copy of either a current and valid photo identification or a copy of any two current and valid items that list your name in a manner that substantially conforms to your name on the voter registration list and that are from a nonprofit organization, an institution, a business, or a government entity.

TO BE COMPLETED BY ELECTION OFFICIAL AFTER VOTER RETURNS BALLOT

The following must be completed by the election official assisting the voter with the provisional ballot.

REASON THE VOTER RECEIVED A PROVISIONAL BALLOT (check one):

..... Previously requested an absent voter's ballot or a regular ballot



..... Name does not appear in the pollbook or poll list

..... Did not present valid identification

The Provisional Voter's Affirmation printed above was subscribed and affirmed before me this day of (Month), (Year).

I have notified the voter that the voter MUST/MUST NOT (circle one) provide additional information to the board of elections within 10 days after Election Day for this provisional ballot to be counted.

(LIST INFORMATION TO BE PROVIDED, if applicable:)

(Signature of Election Official)"

An individual casting a provisional ballot may provide additional information to the election official to assist the board of elections in determining the individual's eligibility to vote in that election, including the date and location at which the individual registered to vote, if known. Any information so provided must not be the sole basis for invalidating the individual's provisional ballot.

Determining validity of provisional ballots

(R.C. 3505.183)

When the ballot boxes are delivered to the board of elections from the precincts, the board is required to separate the provisional ballot envelopes from the rest of the ballots. Teams of employees of the board consisting of one member of each major political party must place the sealed provisional ballot envelopes in a secure location within the office of the board. The sealed provisional ballot envelopes are required to remain in that secure location until the validity of those ballots is determined. While the provisional ballot is stored in that secure location, and prior to the counting of the provisional ballots, if the board receives information regarding the validity of a specific provisional ballot, the board is required, instead of permitted as under current law, to note, on the sealed provisional ballot envelope for that ballot, whether the ballot is valid and entitled to be counted.

In determining whether a provisional ballot is valid and entitled to be counted, the bill requires the board to examine its registration records and any information for

determining ballot validity provided by the provisional voter on the affirmation or provided to the board of elections during the ten days after the day of the election to assist the board in determining the individual's eligibility to vote. If, in examining a provisional ballot affirmation and additional information the board determines that all of the following apply, the provisional ballot envelope must be opened, and the ballot is required to be placed in a ballot box to be counted:

- The individual's signature appears on the affirmation.²
- The individual is properly registered to vote.
- The individual is eligible to cast a ballot for the election in which the individual cast the provisional ballot.

If, in examining a provisional ballot affirmation and additional information, the board determines that any of the following applies, the provisional ballot envelope must not be opened, and the ballot must not be counted:

- The individual's signature does not appear on the affirmation.
- The individual is not qualified to vote or is not registered to vote.
- The individual has already cast a ballot for the election in which the individual cast the provisional ballot.

If, in examining a provisional ballot affirmation and additional information that may have been provided by the provisional voter, the board determines that the individual named on the affirmation is a qualified elector but that the individual is registered to vote in a different precinct than the precinct in which the individual cast the provisional ballot, the bill requires the board to remake the provisional ballot on a ballot for the appropriate precinct to reflect the offices, questions, and issues for which the provisional voter was eligible to cast a ballot and for which the provisional voter attempted to cast a provisional ballot. The remade ballot must be counted for each office, question, and issue for which the provisional voter was eligible to vote.

² A "signature" for the purpose of a provisional ballot, includes: (1) an individual's mark attested by an election official who then writes the individual's name on the affirmation and signs the election official's name as a witness to the mark, if the individual is unable to physically sign the affirmation, (2) the attestation of two election officials who write the individual's name on the affirmation and sign the election officials' names, if the individual is unable to physically make any mark, and (3) the signature of the individual's attorney in fact.

Absent voter's ballots³

Availability of absent voter's ballots

(R.C. 3509.01)

Continuing law requires a person to be registered to vote for 30 days before an election to be eligible to vote in that election (Article V, Section 1, Ohio Constitution). Continuing law also permits any qualified elector to vote an absent voter's ballot at an election.

Under current law, absent voter's ballots must be printed and ready for use 35 days before the day of an election or, if the election is a presidential primary election, on the 25th day before the day of the election. The bill revises the time at which absent voter's ballots must be printed and ready for use, depending on the type of voter seeking the absent voter's ballot and the location at which that ballot will be voted:

- For overseas voters and absent uniformed services voters eligible to vote under the Uniformed and Overseas Citizens Absentee Voting Act,⁴ and for all other voters who are applying to vote absent voter's ballots other than in person, ballots must be printed and ready for use 35 days before the day of any election other than a presidential primary election;
- For all voters, other than overseas voters and absent uniformed services voters, who are applying to vote absent voter's ballots in person, ballots must be printed and ready for use beginning on the 21st day before the day of the election and must continue to be available for use through 5 p.m. on the last Saturday before the election;
- For all voters who are applying to vote absent voter's ballots other than in person, ballots must be printed and ready for use on the 25th day before the day of a presidential primary election.

If a municipal or county charter authorizes the holding of a special election on a day other than the day on which a primary or general election is held, and if the charter provision makes it impossible for absent voter's ballots to be printed and ready for use by the previously described deadlines, absent voter's ballots for those special elections

³ The provisions of this section, unless otherwise specified, apply to general absent voter's ballots (Chapter 3509.) and to armed service absent voter's ballots (Chapter 3511.). In several cases, parallel language is adopted in both chapters. Citations to each relevant section are included.

⁴ Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 1973ff, *et seq.*, as amended.

must be ready for use as many days before the day of the election as reasonably possible under the charter provision governing the holding of the special election.

Time and location for casting absent voter's ballots in person

(R.C. 3501.10(C) and (D))

A board of elections may maintain permanent or temporary branch offices at any place within the county. Existing law specifies that, if the board of elections permits electors to vote at a branch office, electors must not be permitted to vote at any other branch office or other office of the board of elections. Since absent voters are permitted to vote in person at the board of elections, this provision limits to one the number of locations in a particular county at which absent voters may cast their ballots in person prior to the election.

The bill increases from one to four the possible number of locations at which a board of elections may permit absent voter's ballots to be cast in person before the day of the election. Under the bill, a board of elections must not employ more than four locations for the purpose of allowing voters to cast absent voter's ballots in person at an election. An affirmative vote of three members of the board is required to establish more than one location at which voters may cast absent voter's ballots in person at an election. In the case of a tie vote or a disagreement in the board, the board must submit the matter to the Secretary of State for resolution.

If the board votes to establish more than one location at which voters may cast absent voter's ballots in person, the board must submit to the Secretary of State a plan for the location of those voting locations. The Secretary of State must establish, by administrative rule, the form and content for those voting location plans. The rules must address the equitable distribution of locations at which voters may cast absent voter's ballots in person, including the distribution of those locations with respect to a county's unique geography, population distribution, minority voter access, and ease of voter access to the locations. The rules also must include provisions to ensure, to the extent practical, that the plans will not result in locations that will unduly favor any political party.

Form and content of absent voting materials; mailing instructions

(R.C. 3509.01(A), 3509.04, 3511.05, and 3511.06, and repeal of R.C. 3511.07)

Continuing law generally requires absent voter's ballots to be the same size, printed on the same kind of paper, and in the same form as has been approved for use at the election for which the ballots are to be voted. Current law also includes specific instructions for voters in counties using marking devices or punch card ballots. The bill

eliminates these additional instructions and requires the Secretary of State to prescribe uniform standards for absent voter's ballot materials, forms, and content. Boards of elections are required to adhere to the standards prescribed by the Secretary of State in preparing absent voter's ballots.

The bill revises the language of the Statement of Voter required to appear on the absent voter's ballot identification envelope. The absent voter is no longer required to identify, in that statement, the ward and precinct within which the voter's voting residence is located. And, if the ballots are for a primary election, the statement includes language by which the absent voter declares that the voter desires to be affiliated with and supports the political party whose ballots the voter requested.

Additional changes are made with respect to mailing instructions for absent voting materials. The bill eliminates requirements that the identification envelope be "gummed" ready for sealing and similarly eliminates requirements that the director include instructions with faxed ballots on how to prepare a "gummed" envelope to return the ballots. The bill also eliminates a requirement that the director of the board of elections insert a sheet of waxed paper or other appropriate insert between the gummed flap and the back of each envelope to minimize the possibility that the flap may become firmly stuck to the back of the envelope by reason of moisture, humid atmosphere, or other conditions to which they may be subjected. Related instructions on how the voter should open a flap that has become stuck without injuring the envelope, and a signed statement identifying that the flap was stuck when the voter received the ballots are similarly repealed.

Finally, the bill revises the text required to appear on armed service absent voter's ballot envelopes. Under the bill, the envelopes are no longer required to include specific spacing for return address lines. And, the envelopes must include a statement that they are being sent "First Class" mail, instead of air mail, as under current law.

Applying for absent voter's ballots

(R.C. 3509.03, 3509.031, and 3511.02)

Any qualified elector desiring to vote absent voter's ballots at an election is required to make written application for those ballots to the director of elections of the county in which the elector's voting residence is located. The bill permits the written application to be submitted in person, by mail, by facsimile transmission, by electronic mail, or by other electronic means via the Internet. If the application is transmitted electronically, the application must include an image of the elector's signature, instead of the elector's actual signature, as is required for other applicants.

Annual applications for absent voter's ballots

(R.C. 3509.03(C), 3509.031(C), and 3511.02(D))

The bill permits an elector to make a single request for absent voter's ballots for all elections at which the elector is eligible to vote during a calendar year. The application is required to contain the same information as required in regular applications for absent voter's ballots and also must specify that the elector is requesting absent voter's ballots for each election during that year. If the elector wishes to vote primary election ballots, the elector must state the elector's party affiliation in the application.

If an elector applies for annual absent voter's ballots, the application must be processed by the board of elections the same as if the elector had applied separately for absent voter's ballots for each election during the applicable calendar year. Absent voter's ballots must be sent to the elector for use at each election during the applicable calendar year for which the elector is eligible to cast a ballot. When sending absent voter's ballots to an elector who applied for them on an annual basis, the board is required to enclose notification to the elector that the elector must report to the board subsequent changes in the elector's voting status, changes in the elector's address, or the elector's intent to vote at a polling location in the jurisdiction where the elector is registered to vote. Such notification must be in a form prescribed by the Secretary of State.

If an absent voter's ballot or any official response to an application for an annual absent voter's ballot is returned undeliverable to the board of elections, the board must attempt to contact the elector to verify the elector's mailing address using any available contact information in the elector's voter registration record including the elector's telephone number, facsimile transmission number, or electronic mail address. If the board is unable to contact the elector, the board must not send absent voter's ballots for any subsequent election to that elector until the elector submits another application and the information in that application is verified. The board must remove from the poll list or signature pollbook any notation that the elector requested an absent voter's ballot, and the elector may cast a regular ballot if the elector appears to vote in person or cast an absent voter's ballot in person.

Not later than December 15 of each year, the bill requires the board of elections to send an application for annual absent voter's ballots for the following calendar year to each person who requested annual absent voter's ballots for the current year. An elector who completes and returns such an application will be eligible to receive annual absent voter's ballots for the applicable year.

Notifying voters of incomplete applications; opportunity to complete

(R.C. 3509.04(A) and 3511.04(A))

If a director of a board of elections receives an application for absent voter's ballots that does not contain all of the required information, the director must promptly notify the applicant of the additional information required to be provided by the applicant to complete that application. The bill requires the director to notify the applicant by whatever means of contact the applicant has provided on the application.

The bill permits the applicant to provide the required information by mail, electronic mail, telephone, or facsimile transmission, through the Internet, or in person at the office of the board of elections. If the application is missing a signature, the applicant may provide a signed statement that the applicant submitted the application. A signature provided on such a signed statement must be considered the applicant's signature on the application for the purposes of processing an otherwise valid application for absent voter's ballots. The Secretary of State is required to prescribe uniform standards for processing additional information by mail, electronic mail, telephone, facsimile transmission, through the Internet, or in person at the office of the board of elections.

If the applicant provides the required information prior to the end of the absent voting period for that election, the board must promptly process the application and deliver absent voter's ballots to the applicant.

Transmission of absent voting materials

(R.C. 3509.04(B), 3509.05, 3511.04(B), 3511.05, 3511.08, 3511.09, and 3511.10)

Upon receipt of an application for absent voter's ballots that contains all of the required information, the director of elections is required to deliver proper absent voter's ballots to the applicant. Current law permits those ballots to be delivered in person or mailed directly to the applicant by special delivery mail, air mail, or regular mail, postage prepaid. The bill retains these methods of ballot delivery and also permits the board of elections to deliver absent voter's ballots to an applicant using a method other than United States mail, if the address to which the ballots are to be sent is located outside the United States.

Before delivering or sending the ballots, the bill requires the director to record the unique identification number located on the stub of the voter's ballot, the voter's name, and the voter's address, and to cause the unique identification number to be copied on the outside of the voter's identification envelope.

Once the absent voter completes the ballot, the absent voter is required to return the ballot to the director from whom it was received. Continuing law permits the absent voter's ballots to be returned in person, by mail, or by specified family members of the absent voter. The bill generally retains these options and also permits an absent voter who is returning ballots from outside of the United States to return those ballots by commercial delivery service.

Casting absent voter's ballots

(R.C. 3511.09)

Existing law specifies a process for an absent voter to cast and return an absent voter's ballot and a separate process for an armed service absent voter to cast and return an armed service absent voter's ballot. The bill repeals the current process for casting and returning an armed service absent voter's ballot and duplicates the language from the general Absent Voting Law in the Armed Service Absent Voting Law. Thus, under the bill, the process for casting and returning an absent voter's ballot and an armed service absent voter's ballot are substantively identical.

Processing and counting absent voter's ballots

(R.C. 3503.16, 3509.06, 3509.09, 3511.05, 3511.11, and 3511.13, and repeal of R.C. 3511.12)

Current law contains two general procedures for counted absent voter's ballots--one for counting in the precinct and one for counting at a central location. Neither process provides detailed counting instructions. The bill eliminates the option of counting absent voter's ballots in each precinct and establishes a detailed process for processing and counting those ballots at a central location.

Under the bill, upon receipt of a return envelope purporting to contain voted absent voter's ballots prior to the 11th day after the day of an election, a bipartisan team consisting of two employees of the board of elections from different political parties must inspect the postmark and verify the date the board received the absent voter's ballot. If either the postmark or the date of receipt do not meet the applicable deadlines for that election, the ballot must not be counted. The identification envelope must not be opened, and it must be endorsed "not counted" with the reasons the ballot was not counted.

If the postmark and date of receipt meet the applicable deadlines for that election, the bipartisan team is required to open the return envelope but not open the identification envelope contained in it. If, upon opening the return envelope, the bipartisan team finds ballots in it that are not enclosed in and properly sealed in the

identification envelope, the bipartisan team must not look at the markings upon the ballots and is required to promptly place them in the identification envelope and promptly seal it. If the ballots are enclosed in the identification envelope but it is not properly sealed, the bipartisan team must not look at the markings upon the ballots and must promptly seal the identification envelope. The bipartisan team must cause the identification envelopes, any associated identification, and the ballots in the identification envelopes to be properly secured until such time as they are processed and counted.

The board of elections is required to appoint special election judges for the purpose of processing and counting absent voter's ballots. The votes so cast must be added to the vote totals by the board, and the absent voter's ballots must be preserved separately by the board, in the same manner and for the same length of time as other ballots are preserved. Each of the identification envelopes purporting to contain absent voter's ballots must be delivered to the special judge appointed by the board of elections and must be processed⁵ and counted as follows:

(1) The election officials are required to inspect the statement accompanying an absent voter's ballot to determine if the voter's signature has been provided.

(2) The election officials must compare the signature of the voter as provided on the statement accompanying the absent voter's ballot with the signature contained in the voter registration records.

(3) If the election officials find that the voter's signature has been provided and that the voter is registered and eligible to cast a ballot in the election, the election officials are required to open the envelope and determine if the stub is attached to or enclosed with the ballot. If the stub is attached to or enclosed with the ballot, the election officials must count that ballot not earlier than the day of the election. If the stub is not attached to or enclosed with the ballot, the absent voter's ballot must not be

⁵ Processing an absent voter's ballot means any of the following: (1) examining the sufficiency of an absent voter's ballot identification envelope by reviewing the postmark, the date of receipt by the board of elections, and the presence of the voter's valid signature on the identification envelope and, if the voter's name is signed on the envelope, opening the identification envelope, (2) determining the validity of an absent voter's ballot, including determining whether the proper ballot was delivered to the voter and whether the stub is attached to or enclosed with the ballot, (3) preparing an absent voter's ballot for scanning by automatic tabulating equipment, (4) scanning an absent voter's ballot by automatic tabulating equipment but only if the equipment used by the board of elections permits an absent voter's ballot to be scanned without tabulating or counting the votes on the ballots scanned, and (5) identifying absent voter's ballots that cannot be read by or that are rejected by automatic tabulating equipment and determining if those ballots need to be remade so that they can be read by that equipment.

counted. The ballot must be placed in its accompanying identification envelope, which must be endorsed "not counted" with the reasons the ballot was not counted.

(4) If the election officials find that the voter did not sign the statement of voter on the identification envelope or if the election officials are unable to determine the identity of the voter who returned the ballot, the election officials are required to use any information provided on the identification envelope or, if necessary, cross-reference the unique stub number placed on the identification envelope with the registration records to identify the voter for notification (see "**Opportunity to correct errors on returned absent voter's ballots**," below).

(5) If the voter did not sign the statement of voter on the identification envelope and if the voter fails to correct that defect within ten days after the day of the election, or if the election officials find that the voter is not registered or not eligible to cast a ballot in the election, the voter's absent voter's ballot must not be counted. The identification envelope must not be opened, and it must be endorsed "not counted" with the reasons the ballot was not counted.

The board of elections may process absent voter's ballots during the ten days prior to the day of an election but is not permitted to reveal or cause to be revealed the marks on any ballots. The board must not count any absent voter's ballot prior to the day of the election. Any ballots that are not eligible to be counted must be preserved in their identification envelopes until the time for the destruction of all other ballots used at the election for which ballots were provided, at which time they must be destroyed.

Opportunity to correct errors on returned absent voter's ballots

(R.C. 3509.06(G) and 3511.11(J))

If an absent voter did not sign the statement of voter on the identification envelope or if the election officials are unable to determine the identity of the voter who returned the ballot, the board of elections is required to notify the voter, by whatever means of contact the voter has provided on the identification envelope or using any available contact information in the voter's registration record, of the defect and request the voter to verify the voter's identity for the purpose of processing that absent voter's ballot.

The voter may verify that the voter was the person who returned the absent voter's ballot in any of the following ways:

- By confirming by mail, electronic mail, telephone, or facsimile transmission, or through the Internet the voter's date of birth and

residence address in a manner that substantially conforms with the records of the board of elections;

- By providing a statement by mail, electronic mail, or facsimile transmission, or through the Internet that the voter submitted the ballot and by attaching the voter's signature to that statement. A signature attached to such a statement must be considered the voter's signature on the identification envelope for the purposes of verifying the validity of that ballot.
- By appearing in person at the office of the board of elections and signing the identification envelope.

The Secretary of State is required to prescribe uniform standards for processing additional information by mail, electronic mail, telephone, facsimile transmission, through the Internet, or in person at the office of the board of elections. If the voter provides the required information within ten days after the day of the election, the election officials must complete the processing of the absent voter's ballot in the same manner as if that information had been included on the statement of voter at the time the ballot was returned.

Election observers

Election observers during the time absent voter's ballots may be cast in person

(R.C. 3505.21)

Continuing law permits any political party supporting candidates to be voted on at an election and any group of five or more candidates to appoint a qualified elector to serve as an observer for the party or candidates during the casting of the ballots and during the counting of the ballots. The political party or group of candidates must notify the board of elections of the names and addresses of the observers and the locations at which they will serve.

The bill expands the times and locations for which observers may be appointed by permitting a political party or group of five or more candidates to also appoint an observer for any time in which a board of elections permits an elector to receive, complete, and return an absent voter's ballot in person at the office of the board or at another site designated by the board. The political party or group of candidates must notify the board of elections of observers appointed to serve during the time absent voter's ballots may be cast in person not less than 11 days before those ballots are required to be printed and available for use. The notification must be made on forms

prescribed by the Secretary of State and may be amended by filing an amendment with the board of elections at any time until 4 p.m. of the day before the observer is appointed to serve. An observer may file the person's certificate of appointment with the director of the board of elections or with election officials at the location the observer is scheduled to serve on the day that the observer is scheduled to serve.

Election observers appointed to serve at the board of elections

(R.C. 3505.21)

Current law permits election observers who are appointed to serve at the board of elections to observe at the board of elections and also to observe at any precinct in the county. The bill eliminates the option of observing at any precinct in the county. Thus, under the bill, observers appointed to observe at the board of elections only may observe at the board of elections.

Observers for ballot issues

(R.C. 3505.21(E))

Under current law, any committee that in good faith advocates or opposes a measure may file a petition with the board of elections asking that the petitioners be recognized as the committee entitled to appoint observers at that election. The bill generally retains this process, except that the committee is required to file an application, instead of a petition.

No more than six observers may be appointed regarding ballot issues for any one election in any one precinct. If more than three questions are to be voted upon, the committees that have appointed observers may agree upon not more than six observers. If the committees fail to agree, the judges of elections are required to appoint six observers from the certified appointees, in such manner that each side of the several questions will be represented.

The bill reduces from six to four the number of observers that may be appointed regarding ballot issues for any one election in any one precinct. Under the bill, if more than two questions are to be voted upon, the committees that have appointed observers may agree upon not more than four observers. If the committees fail to agree, the judges of elections are required to appoint four observers from the certified appointees, in such manner that each side of the several questions will be represented.

Activities of election observers who serve during the casting of the ballots

(R.C. 3505.21(G))

Continuing law permits observers to serve during the casting and during the counting of the ballots. Although the law describes the process for appointing election observers, it does not currently specify what observers may and may not do while in a polling place. The bill specifies that observers who serve during the casting of the ballots are only permitted to do the following:

(1) Watch and listen to the activities conducted by the precinct election officials and the interactions between precinct election officials and voters, as long as the precinct election officials are not delayed in performing the officials' prescribed duties and voters are not delayed in casting their ballots;

(2) Document the observer's observations.

The bill prohibits an observer who serves during the casting of the ballots from interacting with any precinct election official or with any voter while the observer is inside the polling place, within the area between the polling place and the small United States flags placed on the thoroughfares and walkways leading to the polling place, or within ten feet of any elector waiting in line to vote, if the line of electors waiting to vote extends beyond those small flags. An observer who violates this prohibition is subject to the default penalty applicable to a violation of the Election Law, a misdemeanor of the first degree (R.C. 3599.40--*not in the bill*).

The bill specifies that no violation of the prohibition occurs as a result of an incidental interaction between an observer and a voter or a precinct election official, such as an exchange of greetings or directing a voter to an election official.

Observers in polling places where voting machines or marking devices are used

(Repeal of R.C. 3506.13)

In addition to the general authority to appoint observers, current law specifically authorizes observers to be appointed in precincts where marking devices, automatic tabulating equipment, voting machines, or any combination of these are used. The duties and privileges of observers in such precincts are the same as in the section generally authorizing the appointment of observers. Current law also permits observers in such precincts to remain in the polling place after the polls close and to observe the processing of the ballots and the sealing and signing of the envelopes or containers or both containing the voted ballots.

The bill repeals the section specifically authorizing the appointment of observers in precincts where marking devices, automatic tabulating equipment, voting machines, or any combination of these are used.

Elections by mail

(R.C. 3501.03, 3507.01, 3507.02, 3507.03, and 3521.03)

Elections are not currently permitted to be conducted by mail. The bill permits a board of elections of a county to conduct the following elections held within the county as an election by mail:

- A special election held on a day other than the day of a primary or general election as authorized by a municipal or county charter;
- An election to fill a vacancy in a nomination for Congressional representative or a vacancy in the office of Congressional representative.

A board of elections holding an election to fill a vacancy for an elective office with a district larger than a county may conduct that election as an election by mail only if the board of elections of each other county in the district also is conducting the election to fill that vacancy as an election by mail.

If a board of elections conducts an election by mail, the board must mail an absent voter's ballot on or before the 35th day before the day of the election, to each qualified elector in the county who is entitled to vote on the office, question, or issue certified for placement on the ballot. The board must open its office from 6:30 a.m. until 7:30 p.m. on the day of the election to allow qualified voters to vote in person and to receive completed absent voter's ballots. The board also must place a notice at all polling places in the county used at the last regular state election; this notice must state the location of the office of the county board of elections, that absent voter's ballots may be delivered to the office of the board of elections, and that absent voter's ballots may be cast in person at the office of the board of elections from 6:30 a.m. until 7:30 p.m. Other than at the county board of elections, polling places must not be open on the day of the election conducted as an election by mail.

If a county board of elections conducts an election by mail, the board must give public notice by a proclamation, posted in a conspicuous place in the courthouse and city hall, or by one insertion in a newspaper published in the county or, if no newspaper is published in the county, then in a newspaper of general circulation therein. This public notice must be given at least ten days before the date on which the board mails the absent voter's ballots to the voters and must indicate that a person who is a qualified elector may vote at the office of the board if the person moves from one precinct to

another or changes the person's name on or prior to the day before the election and has not filed with the board a notice of change of residence or change of name, respectively.

Voter challenges

Challenges of registered electors

(R.C. 3503.24 and repeal of R.C. 3505.19)

An application for the correction of any precinct registration list or a challenge of the right to vote of any registered elector may be made by any qualified elector of the county at the office of the board of elections not later than 20 days prior to the election. The application or challenge, with the reasons for the application or challenge, must be filed with the board on a form prescribed by the Secretary of State and must be signed under penalty of election falsification.

The bill limits the grounds on which an elector's voter registration may be challenged. Under the bill, an elector may be challenged only on the following grounds:

- That the person is not a resident of the precinct in which the person is registered to vote;
- That the person is not a citizen of the United States;
- That the person is not 18 years of age or older;
- That the person is not a qualified elector for that election.

Challenges may be made only if the challenger knows or reasonably believes that the challenged elector is not qualified and entitled to vote.

Upon receiving an application or challenge, the board of elections promptly must review the board's records. If the board is able to determine that an application or a challenge should be granted or denied solely on the basis of the records maintained by the board, current law requires the board to immediately vote to grant or deny that application or challenge. If the board is not able to determine whether an application or challenge should be granted or denied solely on the basis of the records maintained by the board, the director of the board must set a time and date for a hearing. The bill revises this process so that the board may only decide applications for the correction of a precinct registration list based on the records of the board. Challenges to a person's right to vote must be granted a hearing.

The hearing must be held, and the application or challenge must be decided, not later than ten days after the board receives the application or challenge. The director is required to send written notice to any elector whose right to vote is challenged and to any person whose name is alleged to have been omitted from a registration list. Current law requires the notice to inform the person of the time and date of the hearing, and of the person's right to appear and testify, call witnesses, and be represented by counsel. The bill, instead, requires the notice to inform the person of all of the following:

- That an application for the correction of a precinct registration list or a challenge of the right to vote of the registered elector has been made;
- The name of the person submitting the application or challenge, as applicable, which must be accompanied by a copy of the application or challenge form submitted to the board;
- The time, date, and place of the hearing;
- That the elector has a right to appear and testify at the public hearing and present evidence relevant to the challenge or application;
- That the elector has a right to call and subpoena witnesses to appear at the hearing;
- That the elector has a right to be represented by counsel at the hearing and may cross-examine witnesses; and
- That, at the conclusion of the hearing, the cancellation of the voter's registration or correction of the precinct registration list requires a majority vote of the members of the board of elections.

The bill requires the notice to be sent earlier than under existing law. Instead of three days before the scheduled hearing, the bill requires the notice to be sent by first class mail not later than seven days before the day of the hearing. The director also is required to provide the person who filed the application or challenge with the same written notice.

Continuing law requires the board to reach a decision on all applications and challenges immediately after the hearing. The bill specifies that a public vote of three members of the board is necessary to uphold a challenge on a person's right to vote or to correct a precinct registration list. In the case of a tie vote or disagreement in the board, the board is required to submit the matter and all related materials to the

Secretary of State for the Secretary of State to resolve under the Secretary's tiebreaking authority.

The bill eliminates a provision of existing law that permits a challenge hearing to be postponed until after the election. Under current law, if an application or challenge for which a hearing is required to be conducted is filed after the 30th day before the day of an election, the board of elections, in its discretion, is permitted to postpone that hearing and any notifications of that hearing until after the day of the election. Any person whose voter registration has been challenged and who has had the challenge hearing postponed must vote by provisional ballot. The postponed hearing then must be conducted not later than ten days after the day of the election. By eliminating this postponement option, the bill requires all challenge and application hearings to be conducted prior to the day of an election.

Challenges at a polling place

(R.C. 3505.20)

Any person offering to vote may be challenged at the polling place by any judge of elections. Current law specifies questions that must be asked when a person is challenged for a particular reason, but also permits the judge of elections to ask additional questions that the judge deems necessary to determine the person's qualifications to vote at the election. The bill eliminates the authority of election judges to ask additional questions and instead limits the grounds on which a person may be challenged and specifies each of the questions that must be asked to determine the person's eligibility to vote in that election.

Under the bill, a person offering to vote may be challenged by a judge of elections on the following grounds:

- That the person is not a citizen of the United States;
- That the person is not a resident of the precinct in which the person offers to vote;
- That the person is not eighteen years of age or older; or
- That the person is not a qualified elector for that election.

Challenges may be made only if the challenger knows or reasonably believes that the challenged elector is not qualified and entitled to vote.

The bill retains the questions that must be asked, under current law, if a person is challenged on the ground that the person is not a resident of the precinct where the

person offers to vote or if the person is challenged on the ground that the person is not of legal voting age. The bill revises the question that must be asked if a person is challenged on the ground that the person is not a citizen and establishes questions to be asked if the person is challenged on the ground that the person is not a qualified elector for that election.

Under the bill, if the person is challenged on the ground that the person is not a citizen, the judges must ask, "Are you a citizen of the United States?" If the person answers in the affirmative, the challenge must be denied. The bill eliminates questions regarding where the person was born and whether the person is a native or naturalized citizen. The bill also eliminates a provision of current law that has been held unconstitutional that permitted the judges of elections to require such a challenged person to provide a naturalization certificate.⁶

If the person is challenged as unqualified on the ground that the person is not a qualified elector for the applicable election, the bill requires the judges to ask the following questions:

- Have you resided in this state for 30 days immediately preceding the day of this election? If so, where have you resided?
- Did you properly register to vote?
- Can you provide some form of identification containing your current mailing address in this precinct? Please provide that identification.
- Have you voted or attempted to vote at any other location in this or in any other state at this election?
- Have you applied for an absent voter's ballot in any state for this election?

If the election judges are unable to verify the person's eligibility to cast a ballot in the election after they ask the challenged person the applicable questions, the judges must provide to the person, and the person may vote, a provisional ballot.

Challenges at a primary election

(R.C. 3513.19 and repeal of R.C. 3513.20)

A person appearing to vote at a primary election may be challenged for any of the reasons for which a person may be challenged at another election. Additionally,

⁶ *Boustani v. Blackwell*, 460 F. Supp. 2d 822 (N.D. Ohio 2006).

such a person may be challenged as being unqualified on the ground that the person is not affiliated with or is not a member of the political party whose ballot the person has requested. In such a challenge, the bill requires the person's party affiliation to be determined by examining the elector's voting record in the immediately preceding two calendar years as shown on the voter's registration record. If the challenge is not denied upon examination of the person's voting record, membership in or political affiliation with a political party must be determined by the person's statement, made under penalty of election falsification, that the person desires to be affiliated with and supports the principles of the political party whose primary election ballot the person desires to vote. If the person refuses to make such a statement, the judges must provide to the person, and the person may vote, a provisional ballot.

The bill eliminates a current law provision that requires a person challenged at a primary election to make a statement, under penalty of election falsification, before one of the precinct officials, giving the person's name, age, residence, length of residence in the precinct, county, and state; stating that the person desires to be affiliated with and supports the principles of the political party whose ballot the person desires to vote; and giving all other facts necessary to determine whether the person is entitled to vote in that primary election. Additionally, the bill eliminates a provision permitting precinct election officials to require a person to vote a provisional ballot if the precinct officials find that the statements of a challenged person or the person's voting record or other evidence shows that the person lacks any of the qualifications required to make the person a qualified elector at the primary election or that the person is not affiliated with or is not a member of the political party whose ballot the person desires to vote.

Challenges of absent voter's ballot applications

(R.C. 3509.07 and 3511.041)

An elections official of the county in which an elector applies to vote by absent voter's ballots may challenge the right of the elector named on the application to receive absent voter's ballots only on the following grounds:

- That the person is not a resident of the precinct for which the person is applying to vote absent voter's ballots;
- That the person is not a citizen of the United States;
- That the person is not eighteen years of age or older;
- That the person is not a qualified elector for that election.

Challenges must be made only if the election official knows or reasonably believes that the challenged elector is not qualified and entitled to vote.

If an elector's absent voter's ballot application is challenged, the application must be kept with other challenged absent voter's ballot applications. Upon receipt of a challenged absent voter's ballot application, the board of elections promptly must review the board's records. If the board is able to determine that a challenge should be denied solely on the basis of the records maintained by the board, the board immediately must vote to deny the challenge. If the board is unable to determine the outcome of the challenge solely on the basis of the records maintained by the board, the board is required to notify the elector of the challenge to the elector's absent voter's ballot application and to provide an opportunity for the elector to respond to the challenge. The board of elections is required to use the general challenge and notification process, except that the board must decide the challenge prior to the day of the election.

If the challenge is denied, an absent voter's ballot must promptly be sent to the elector requesting that ballot. If the board of elections upholds the challenge, the absent voter's ballot application must not be processed, no absent voter's ballot may be sent to the elector, and the elector must be notified of the reason the elector will not receive an absent voter's ballot. No election official or other person may challenge the validity of an absent voter's ballot that has been completed and returned by the voter using the challenge procedure. The validity of such a ballot must be determined through the processing and counting process (see "**Processing and counting absent voter's ballots**," above).

Elimination of challenge for impersonating an elector

(Repeal of R.C. 3505.22)

The bill eliminates a provision of current law that permits a precinct officer to challenge a person's right to vote if the precinct officer has reason to believe that the person is impersonating an elector. Under current law, such a challenged elector is required to sign the person's name or make the person's mark in ink on a card to be provided. If, in the opinion of a majority of the precinct officers, the signature is not that of the person who signed the name in the registration forms, that person is permitted to cast a provisional ballot.

Prohibitions against challenging an elector

(R.C. 3599.121 and 3599.191)

The bill prohibits a judge of elections and any other person from (1) challenging an elector's right to vote unless the judge or other person knows or reasonably believes that the challenged elector is not qualified and entitled to vote or (2) challenging an elector's right to vote for any reason other than those specified in the bill. Anyone who knowingly violates these prohibitions is guilty of a misdemeanor of the first degree.

Counting ballots

Ballots marked contrary to law

(R.C. 3505.28)

Under current law, no ballot may be counted that is marked contrary to law. However, ballots must not be rejected for any technical error unless it is impossible to determine the voter's choice. If two or more ballots are found folded together among the ballots removed from a ballot box, they are deemed to be fraudulent and must not be counted. Ballots may not be rejected because of being marked with ink or by any writing instrument other than one of the pencils provided by the board of elections.

The bill eliminates the prohibition against counting ballots that are marked contrary to law and retains the rest of the language. Thus, under the bill, ballots may be counted if they are marked contrary to the law's requirements.

Ballots marked for a candidate and as a write-in ballot for the same candidate

(R.C. 3506.21)

If automatic tabulating equipment detects that more marks were made on an optical scan ballot for a particular office, question, or issue than the number of selections that a voter is allowed by law to make for that office, question, or issue, the voter's ballot must be invalidated for that office, question, or issue. The ballot must not be invalidated for any other office, question, or issue for which the automatic tabulating equipment detects a vote to have been cast in accordance with the law.

The bill generally retains this provision, but creates an exception when a ballot is properly marked for the candidate and also is marked as a write-in ballot for the same candidate. If a voter has marked a ballot for a particular candidate and also has written in the same candidate's name as a write-in candidate for the same office, the ballot must not be invalidated with respect to that office. The ballot must be separated from the remainder of the ballots and preserved so that the ballot can be remade and tabulated

for the official canvass of the election returns and for any subsequent recount or post-election audit.

The election officials are required to remake any such ballot by properly marking a replacement ballot with a vote for the named candidate. Remade ballots must be tabulated in the same manner as other ballots for the official canvass of the election returns and for any subsequent recount or post-election audit. The original ballot is required to be marked as having been remade and must be retained separately by the board of elections.

Elimination of February and August special elections

(R.C. 3501.01(D) and 3501.02)

Current law permits special elections to be conducted on the first Tuesday after the first Monday in February, May, August, or November, or on the day authorized by a particular municipal or county charter for the holding of a primary election. However, in any year in which a presidential primary election is held, no special election may be conducted in February or May, except as authorized by municipal or county charter. In a presidential election year, a special election may be conducted on the first Tuesday after the first Monday in March, which is the day of the presidential primary election.

The bill eliminates special elections in February and August. Under the bill, a special election may only be held on the first Tuesday after the first Monday in May or November, or on the day specified in a municipal or county charter. The bill retains the prohibition against conducting a special election in May during a presidential election year; in such a year, a special election may be conducted in March, to coincide with the presidential primary election.

Political parties

Elimination of intermediate political parties; revised standards for parties

(R.C. 3501.01(F), 3501.07, 3505.10, 3513.05, 3513.31, 3517.01, 3517.012, 3517.02, and 3517.03)

Political parties are currently divided into three categories, based on the number of votes the party's candidate for Governor or nominees for presidential electors received at the most recent regular state election. A party is a "major political party" if it received not less than 20% of the vote at the most recent regular state election. A party is an "intermediate political party" if it received less than 20% but not less than 10% of the vote at that election. A party is a "minor political party" if it received less than 10%

but not less than 5% of the vote at that election. A party may also be a minor political party if, after receiving less than 5% of the vote at such an election, it files a petition with the Secretary of State signed by qualified electors equaling at least 1% of the total vote cast for the office of Governor at that election, or if the party is a newly formed political party.

The bill eliminates intermediate political parties and revises the method and standards for determining if a party is a major political party, a minor political party, or if the organization no longer qualifies as a political party. Under the bill, a "major political party" is any political party whose candidate for any of the offices of Governor, Secretary of State, Auditor of State, Treasurer of State, Attorney General, or United States Senator or nominees for presidential electors received not less than 20% of the vote cast for any of those offices at either of the two most recent regular state elections. A "minor political party" is any political party whose candidate for any of those offices received less than 20% but not less than 1% of the total vote cast for any of those offices at either of the two most recent regular state elections. A party may also be a minor political party if, after receiving less than 1% of the vote at both of the most recent regular state elections, it files a petition with the Secretary of State signed by qualified electors equaling at least 0.25% of the total vote cast for the office of Governor at the most recent regular state election, or if the party is a newly formed political party.

Under the bill, any party that submits a petition to form a new political party, or that submits a petition to reform a party that has lost its political party status, is eligible to participate in elections beginning with the succeeding primary election, held in an even-numbered year, that occurs more than 75 days after the petition is filed. Currently, such a party is eligible to participate in such a primary election if the election occurs more than 120 days after the petition is filed. If the Secretary of State determines that the petition is invalid or insufficient, no primary election may be held for the political party named in the petition. Any declaration of candidacy that was filed by a candidate seeking nomination by that political party at that primary election is invalid.

Filling ballot vacancies when a candidate dies before the primary election

(R.C. 3513.30(A)(1))

If only one valid declaration of candidacy is filed for nomination as a candidate of a political party and that candidate dies prior to the tenth day before the primary election, both of the following may occur:

- (1) The political party whose candidate died may fill the vacancy; and
- (2) Any major political party other than the party whose candidate died may select a candidate if no person has filed a valid declaration of candidacy for nomination

as that party's candidate at the primary election or only one person filed a valid declaration of candidacy and that person has withdrawn, died, or been disqualified and the resulting vacancy has not been filled.

The bill expands the second process for appointing candidates to any other political party, not just to major political parties. Thus, under the bill, any other political party, including a minor political party, may appoint a candidate for nomination when an opposing party's candidate dies before the primary election.

Pilot project: use of county vote centers in lieu of precinct polling places

(Section 3)

The bill permits the Secretary of State to implement a pilot project to evaluate the use of county vote centers for general elections for state and county office in the year 2010 as an alternative to operating precinct polling places. A "county vote center" is a polling location at which any person registered to vote in a county may appear to cast a ballot on the day of a general election, regardless of the location of the precinct within the county in which the person resides.

A board of elections that desires to participate in the pilot project must hold a public hearing regarding the county's potential participation. The board of elections must submit a transcript or audio and video recording of the public comments made at the hearing to the Secretary of State. The Secretary of State may consider the public comments when selecting counties to participate in the pilot project.

If the Secretary of State implements a pilot project to evaluate the use of county vote centers, the Secretary of State shall select one or more counties to participate in the project that meet all of the following requirements:

- The board of elections has held the required public hearing and submitted the required information to the Secretary of State;
- The board of elections has implemented a computerized voter registration list that allows an election official at the county vote center to verify that a person who appears to vote at the county vote center has not otherwise voted in the same election; and
- The Secretary of State has determined that the county has the appropriate capabilities to implement county vote centers.

In selecting one or more counties for participation in the pilot project, the Secretary of State must attempt to include counties of diverse geography, population, race, and location within the state, to the extent practicable.

Following the conclusion of the pilot project, and not later than January 1, 2011, the Secretary of State is required to file a report regarding the pilot project with the Speaker of the House of Representatives and the President of the Senate. The report may include the Secretary of State's recommendations on the future use of county vote centers and suggestions for permanent statutory authority regarding county vote centers.

Pilot project: electronic transmission of unvoted absent voter's ballots

(Section 4)

Notwithstanding any provision of the Absent Voting Law to the contrary, the bill permits the Secretary of State to implement a pilot project to evaluate the effectiveness and reliability of transmitting unvoted absent voter's ballots and unvoted armed service absent voter's ballots by secure electronic transmission to voters who are eligible to vote those ballots under the federal Uniformed and Overseas Citizens Absent Voting Act.⁷ Any pilot project the Secretary of State implements must be concluded not later than December 1, 2010.

If the Secretary of State implements a pilot project to evaluate the effectiveness and reliability of transmitting absent voter's ballots electronically, the Secretary of State must select one or more counties to participate in the project. In selecting one or more counties for participation in a pilot project under this section, the Secretary of State must do both of the following:

- Select counties that have the necessary technological means to transmit ballots by secure electronic transmission; and
- Attempt to include counties of diverse geography, population, race, and location within the state, to the extent practicable.

Following the conclusion of the pilot project, and not later than January 1, 2011, the Secretary of State is required to file a report regarding the pilot project with the Speaker of the House of Representatives and the President of the Senate. The report may include the Secretary of State's recommendations on the future use of secure electronic transmission of unvoted absent voter's ballots and armed service absent

⁷ Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 1973ff, *et seq.*, as amended.

voter's ballots and suggestions for permanent statutory authority regarding such electronic ballot transmission.

Miscellaneous

Purchase contracts for election supplies

(R.C. 125.042 and 3501.11(F))

Continuing law requires boards of elections to advertise and contract for the printing of all ballots and other supplies used in registrations and elections. The bill permits boards of elections to provide for the acquisition of those supplies through the Department of Administrative Services.

The bill requires DAS, by administrative rule, to establish a purchasing program through which the department enters into purchase contracts for supplies used by boards of elections, including any required polling place supplies. A board of elections that opts to participate in the purchasing program may purchase its supplies through the DAS contracts. Purchases made by a board of elections through the purchasing program are exempt from any competitive selection procedures otherwise required by law.

Ballot printing contracts

(R.C. 3505.13)

A contract for the printing of ballots involving a cost in excess of \$10,000 must not be let until after five days' notice is published once in a leading newspaper published in the county or upon notice given by mail by the board of elections, addressed to the responsible printing offices within the state. Each bid for such printing must be accompanied by a bond, conditioned upon the faithful performance of the contract by the bidder. However, a board of elections may waive the bond requirement if the cost of the ballot-printing contract is \$10,000 or less.

The bill increases the cost of a ballot printing contract that a board of elections may enter into without publishing notice and without requiring a bond from \$10,000 to \$25,000.

Appointment of members of boards of elections

(R.C. 3501.07)

When there is a vacancy on a board of elections, and prior to the expiration of the term of a member, continuing law permits the county executive committee of a political

party to make and file a recommendation with the Secretary of State for the appointment of a qualified elector. The Secretary of State is required to appoint the elector, unless the Secretary of State believes that the elector would not be a competent member of the board. If the Secretary of State believes the elector would not be a competent member, the Secretary of State must state that in writing, with the reasons for the Secretary of State's decision. The county executive committee may either recommend another elector or apply for a writ of mandamus to the Ohio Supreme Court to compel the Secretary of State to appoint the elector. In such an action, the burden of proof is on the county executive committee to show the elector's qualifications.

Under current law, if no recommendation is made, the Secretary of State is required to make the appointment. The bill revises the appointment process from this point forward. Under the bill, if no recommendation is made, or if a writ of mandamus has not been granted, the Secretary of State must make the appointment, and that decision is final. If a recommendation is made, the Secretary of State must appoint the recommended elector unless the Secretary of State has reason to believe that the elector would not be a competent member of the board. In that case, the Secretary of State must state that in writing to the chairperson of the county executive committee and make the appointment. That appointment shall be final.

The bill generally requires the same appointment process to be followed in order to fill a vacancy by a minor political party, except that the authorized officials of the minor political party make the recommendation, instead of the county executive committee.

Inclusion of references to party selection candidates throughout Election Law

(R.C. 3501.01(K), 3505.03, 3513.30, and 3513.31)

The Election Law includes numerous references to candidates of political parties. The definition of "party candidate" currently refers to candidates who have won a primary election or who have been selected by a party committee to fill a vacancy. Continuing law also provides for candidates to receive a certificate of nomination as the candidate of a political party when no primary election is needed, because the number of persons running for office does not exceed the number of persons the political party is eligible to nominate for that office. The bill includes in the definition of "party candidate" a candidate who receives a certification of nomination through this process and also includes cross-references to this nomination process in relevant locations throughout the Election Law.

Secretary of State's duties to provide copies of election laws

(R.C. 3501.05)

Among the Secretary of State's other duties, the Secretary currently is required to publish and furnish to the boards of elections a sufficient number of indexed copies of all election laws then in force. The bill eliminates this requirement and instead requires the Secretary of State to provide to the boards of elections an electronic link to all election laws in force.

Election results sent by certified mail

(R.C. 3505.30)

Current law requires boards of elections to certify the results of an election to the Secretary of State by certified mail. The bill eliminates the requirement that election results be sent by certified mail to the Secretary of State.

Candidate withdrawals before an election

(R.C. 3513.30(B))

Under existing law, any person filing a declaration of candidacy may withdraw at any time prior to the primary election. However, if the primary election is a presidential primary election, such a person may only withdraw prior to the 50th day before the presidential primary election. The bill eliminates the earlier withdrawal deadline for presidential primary elections. Under the bill, then, any person filing a declaration of candidacy may withdraw at any time prior to any primary election, including a presidential primary election.

Printing of administrative number on a driver's license or identification card

(R.C. 4507.13 and 4507.52)

An Ohio driver's license and an Ohio identification card may be used as photo identification under the Election Law. Additionally, when applying to vote using absent voter's ballots, an elector is permitted to give the person's Ohio driver's license number as identification. In addition to the official driver's license number, an administrative number is currently printed on the face of an Ohio driver's license.

The bill prohibits an Ohio driver's license or an Ohio identification card from displaying on its face any administrative number other than the distinguishing number assigned to the licensee or cardholder. If the Registrar of Motor Vehicles requires any administrative number to be printed on a driver's license or identification card, the

administrative number must appear only on the reverse side of the license or identification card.

Elimination of language describing types of petitions

(R.C. 3501.38)

Petition circulators generally are required to sign a statement indicating the number of signers of the petition, that the circulator witnessed the signing of each signature, and other specified information. The law describing the information to be included on a circulator's statement currently refers to the specific types of petitions that may be circulated under the Election Law. The bill eliminates this list of specific petition types and instead specifies the information to be included on the circulator's statement for any petition paper.

Elimination of counting location requirements for punch card ballots

(R.C. 3506.12)

Existing law requires, in counties where punch card ballots are used, one or more counting stations, located at the board of elections, to be established at which all punch card ballots must be counted. The bill eliminates this requirement.

Correction of date information for initiatives and referenda elections

(R.C. 3501.02)

Sections 1a, 1b, and 1c of Article II of the Ohio Constitution require statewide initiatives and referenda to appear on the ballot at the next regular or general election occurring subsequent to 125 days after the initiative or referenda petition is filed. These sections were amended in the November 4, 2008, general election. Section 3501.02 of the Revised Code currently reflects the ballot timelines as they existed prior to the November 4, 2008, amendments. The bill corrects the dates, as they appear in the Revised Code, so that they accurately reflect the 125-day time period required by the Ohio Constitution.

HISTORY

ACTION	DATE
Introduced	08-04-09

H0260-I-128.docx/jc

