



Ohio Legislative Service Commission

Final Analysis

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Am. Sub. S.B. 200 130th General Assembly (As Passed by the General Assembly)

Sens. Uecker, Coley, Seitz, Eklund, Hite

Reps. R. Adams, Amstutz, Burkley, Green, McClain, Ruhl, Scherer, Stebelton, Young

Effective date: March 20, 2014

ACT SUMMARY

Statewide voter registration database

- Clarifies that the Office of the Secretary of State must administer the statewide voter registration database.
- Allows the Secretary of State to prescribe by rule the format in which the boards of elections must send voter registration records to the Secretary of State.
- Increases the frequency with which the Secretary of State must send each board's voter registration information to the National Change of Address Service to obtain information about electors who may have moved.
- Requires state agencies, including the Department of Health, Bureau of Motor Vehicles, Department of Job and Family Services, and the Department of Rehabilitation and Correction, to provide any information and data to the Secretary of State that is collected in the course of normal business and is necessary to register to vote, to update an elector's registration, or to maintain the statewide voter registration database.
- Requires the Secretary of State to establish, by mutual agreement with the Bureau of Motor Vehicles, the content and format of the information and data the Bureau must provide to the Secretary of State and the frequency with which the Bureau must provide that information and data.
- Requires the Secretary of State to ensure that any information or data provided to the Secretary of State by another agency that is confidential while in the possession

of the agency providing the information or data remains confidential while in the possession of the Secretary of State.

- Prohibits information provided by another agency from being used to update the name and address of a registered elector, and specifies that an elector's name and address may only be updated as a result of the elector's actions in filing a notice of change of name, change of address, or both.
- Prohibits any public office and any public official or employee from selling that information or data or using it for profit.
- Requires the Secretary of State to adopt rules to establish a uniform method for addressing instances in which records contained in the statewide voter registration database do not conform with records maintained by a state agency, another state, or a group of states.
- Requires that method to prohibit an elector's voter registration from being canceled on the sole basis that the information in the registration record does not conform to records maintained by such an agency.
- Requires a board of elections to contact a registered elector pursuant to those rules to verify the accuracy of information in the statewide voter registration database, if information received from another agency identifies a discrepancy between the information maintained in the database and information maintained by the other agency.
- Specifies that an agency is not required to provide information or data to the Secretary of State if doing so is prohibited by federal law or regulation.
- Requires the Secretary of State to enter into agreements to share information or data that is in the Secretary of State's possession with other states or groups of states, as the Secretary of State considers necessary, in order to maintain the statewide voter registration database.
- Requires the Secretary of State generally to ensure that any information or data provided to the Secretary of State by another state that is confidential while in the possession of the state providing the information or data remains confidential while in the possession of the Secretary of State, and prohibits a person or entity from selling that information or data or using it for profit.
- Permits the Secretary of State to provide otherwise confidential information or data to persons or organizations that are engaging in legitimate governmental purposes related to the maintenance of the statewide voter registration database.



- Requires the Secretary of State to adopt rules under the Administrative Procedure Act identifying the persons or organizations who may receive that information or data, and prohibits the Secretary of State from sharing that information or data with any person or organization not identified in those rules.
- Requires the Secretary of State to ensure that such a person or organization that receives confidential information or data keeps that information or data confidential in the person's or organization's possession.
- Requires the Secretary of State, at a minimum, to enter into a confidentiality agreement with such a person or organization that requires the person or organization to submit to Ohio's jurisdiction in the event that the person or organization breaches the agreement.
- Prohibits such a person or organization from selling the information or data or using it for profit.
- Removes a restriction on the information to be made available on the statewide voter registration database website.
- Requires the statewide voter registration database to include methods to retain canceled voter registration records for not less than five years after they are canceled and to record the reason for their cancelation.

Transmission of Bureau of Motor Vehicles voter registration forms

- Requires a Bureau of Motor Vehicles deputy registrar that receives a completed paper voter registration application or voter registration update form to send the forms to the board of elections of the county in which the deputy registrar is located within five days after accepting the application or other form.
- Requires the Registrar of Motor Vehicles to send any completed registration application received at the Bureau headquarters location and any completed voter registration update form processed electronically to the Secretary of State within five days after accepting the application or other form.

Deceased electors

- Requires the Director of Health to file monthly reports with the Secretary of State concerning electors who have died.
- Requires the Secretary of State and the Director of Health to jointly establish a secure electronic system for the purpose of exchanging that information.

- Allows a deceased elector's spouse, parent, or child, the administrator of the elector's estate, or the executor of the elector's will to file a certified copy of the elector's death certificate with the board of elections.
- Requires the board of elections promptly to cancel the decedent's registration upon receiving such a death notice or certificate and to send a notice to the decedent's registration address, informing the recipient that the registration has been canceled and that if the registration was canceled in error, the elector may contact the board to correct the error.
- Specifies that if an elector's registration was canceled in error because of a reported death, the registration must be restored and treated as though it were never canceled.

Minimum number of direct recording electronic voting machines

- Reduces the minimum number of direct recording electronic voting machines that a county must have if it chooses to use those machines as the primary voting system in the county.

CONTENT AND OPERATION

Statewide voter registration database

Generally

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

National Change of Address Service updates

The act also increases the frequency with which the Secretary of State must send each board's voter registration records to the U.S. Postal Service's National Change of Address Service. Under the act, the Secretary of State must send those records in the first quarter of each year, instead of in the first quarter of each odd-numbered year. Further, the act requires the Secretary of State to request the Service to provide a list of

¹ R.C. 3503.15(A)(1) and 3503.21(D).

any of those voters who have moved within the last 12 months, instead of the last 36 months, as under prior law.²

Data-sharing with state agencies

Under the act, state agencies, including the Department of Health, the Bureau of Motor Vehicles, the Department of Job and Family Services, and the Department of Rehabilitation and Correction, must provide any information and data to the Secretary of State that is collected in the course of normal business and that is necessary to register to vote, to update an elector's registration, or to maintain the statewide voter registration database, except where prohibited by federal law or regulation. The act generally requires the Secretary of State to ensure that any information or data that are confidential while in possession of the entity providing the data remains confidential while in the Secretary of State's possession. The act prohibits any public office and any public official or employee from selling that information or data or using it for profit.

The act also requires the Secretary of State to establish, by mutual agreement with the Bureau of Motor Vehicles, the content and format of the information and data the Bureau must provide to the Secretary of State and the frequency with which the Bureau must provide that information and data.

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

Further, under the act, the Secretary of State must adopt rules under the Administrative Procedure Act to establish a uniform method for addressing instances in which records contained in the statewide voter registration database do not conform with records maintained by a state agency or with another state or group of states. That method must prohibit an elector's voter registration from being canceled on the sole basis that the information in the registration record does not conform to records maintained by such an agency. If the information a state agency provides conflicts with that elector's record in the statewide voter registration database and the discrepancy would affect the elector's eligibility to cast a regular ballot, the act requires a board of elections to contact a registered elector pursuant to those rules to verify the accuracy of the information in the statewide voter registration database.³

² R.C. 3503.21(D).

³ R.C. 3503.15(A)(2) and (D).



Data-sharing with other states or groups of states

The act also requires the Secretary of State to enter into agreements to share information or data that is in the Secretary of State's possession with other states or groups of states, as the Secretary of State considers necessary, in order to maintain the statewide voter registration database. The Secretary of State generally must ensure that any confidential information or data provided to the Secretary of State under this program remains confidential while in the Secretary of State's possession. And, the act prohibits a person or entity that receives information or data from the Secretary of State from selling the information or data or using it for profit.⁴

Data-sharing with persons or organizations

Under the act, the Secretary of State may provide otherwise confidential information or data to persons or organizations that are engaging in legitimate governmental purposes related to the maintenance of the statewide voter registration database. The act requires the Secretary of State to adopt rules under the Administrative Procedure Act identifying the persons or organizations who may receive that information or data, and prohibits the Secretary of State from sharing that information or data with any person or organization not identified in those rules.

Further, the Secretary of State must ensure that such a person or organization that receives confidential information or data keeps that information or data confidential in the person's or organization's possession. Under the act, the Secretary of State must, at a minimum, enter into a confidentiality agreement with the person or organization. The agreement must require the person or organization to submit to Ohio's jurisdiction in the event that the person or organization breaches the agreement. Finally, the act prohibits the person or organization from selling the information or data or using it for profit.⁵

Statewide voter registration database website

The act removes a restriction on the information that may be made available on the statewide voter registration database website. Prior law specified that only an elector's name, address, precinct number, and voting history could be made available on the website. By eliminating the word "only," the act allows for additional information to be included on the website.⁶

⁴ R.C. 3503.15(A)(3)(a) and (4).

⁵ R.C. 3503.15(A)(3) and (4).

⁶ R.C. 3503.15(G).



Retention of canceled records

The act requires the statewide voter registration database to include methods to retain canceled voter registration records for not less than five years after they are canceled and to record the reason for their cancelation.⁷

Transmission of Bureau of Motor Vehicles voter registration forms

Under the act, a Bureau of Motor Vehicles deputy registrar that receives a completed paper voter registration application or voter registration update form must send the forms to the board of elections of the county in which the deputy registrar is located within five days after accepting the application or other form. The act requires the Registrar of Motor Vehicles to send any completed registration application received at the Bureau headquarters location and any completed voter registration update form processed electronically in systems or programs operated and maintained by the Bureau to the Secretary of State within five days after accepting the application or other form.

Prior law required the Registrar of Motor Vehicles or a deputy registrar to send any completed voter registration application or voter registration update form, regardless of whether it was a paper or electronic form, to the board of elections of the county in which the registrar or deputy registrar is located, within five days after accepting the application or other form.⁸

Deceased electors

Under the act, the Director of Health must file monthly reports with the Secretary of State. The reports must include the names, Social Security numbers, dates of birth, dates of death, and residences of all persons, over 18 years of age, who have died within Ohio or another state during that month. If the Director is notified of the death of such a person after the Director has filed the report for the month in which the person died, the act requires the Director to file a supplemental report containing that information concerning the person not later than one month after the Director is notified of the person's death. The Secretary of State and the Director of Health must jointly establish a secure electronic system for the purpose of exchanging that information.

⁷ R.C. 3503.15(C).

⁸ R.C. 3503.11.



The act also allows a deceased elector's spouse, parent, or child, the administrator of the elector's estate, or the executor of the elector's will to file a certified copy of the elector's death certificate with the board of elections.⁹

Upon receiving a death certificate or a notice of death from the sources listed above, the act requires the board of elections promptly to cancel the decedent's registration. (Federal law requires Ohio to cancel the registrations of deceased electors.) Under the act, the board then must send a written notice, on a form prescribed by the Secretary of State, to the address at which the deceased elector was registered, informing the recipient that the elector's registration has been canceled, of the reason for the cancellation, and that if the cancellation was made in error, the elector may contact the board to correct the error. If the elector's registration was canceled in error because of a reported death, the registration must be restored and treated as though it were never canceled.¹⁰

Minimum number of direct recording electronic voting machines

The act changes the formula the Secretary of State must use to calculate the minimum number of direct recording electronic voting machines a county must have if it chooses to use those machines as the primary voting system in the county in order to reduce that minimum number. Continuing law requires that minimum to be based on a ratio of one machine for each 175 registered voters in the county, with the total number of registered voters determined by a formula. Any fraction resulting from this ratio must be rounded up to the next whole number.

Under prior law, the total number of registered voters in the county, for the purpose of the calculation, was the total number of registered voters in the county as of the October deadline for voter registration for the last presidential election or the average of the total number of registered voters in the county as of the October deadline for voter registration for the last two presidential elections, whichever number was higher. The act requires the total number of absent voter's ballots cast and counted at the last presidential election to be subtracted from that number. This provision results in a lower total number of registered voters for the purpose of the ratio of machines to registered voters, and thus a lower required number of machines for each county.¹¹

⁹ R.C. 3503.18(A) and 3503.21(A).

¹⁰ R.C. 3503.18(D) and 3503.21(A) and (F); 42 U.S.C. 15483(a)(2).

¹¹ R.C. 3506.22.



HISTORY

ACTION	DATE
Introduced	10-02-13
Reported, S. State Gov't Oversight & Reform	10-30-13
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