



OHIO HOUSE REPUBLICAN CAUCUS

William G. Batchelder, Speaker

HOUSE BILL 194: COMPREHENSIVE ELECTIONS REFORM

(REPS. MECKLENBORG & BLESSING)

H.B. 194 proposes a comprehensive set of election reforms designed to modernize the elections process, streamline operations and reduce costs for local boards of elections, verify the accuracy of voter rolls, improve the verification process for valid provisional and absentee ballots, and set statewide standards to absentee voting. House Republicans are committed to ensuring the integrity of our elections above all else.

If Democrats vote "no" on House Bill 194, they will be voting against:

- Increased voter access
- Ensured voter accuracy & integrity through technological enhancements
- Simplifying absentee and provisional voting through statewide standards
- Streamlining operations for local boards of elections
- Reducing costs for local boards of election
- Allowing voters to be notified when there are discrepancies between the statewide voter database and information received by the BOE
- Protections against turn away in-person absentee voters who are in line when the polls close
- Assistance for disabled voters who vote provisionally and compliance with the Americans with Disabilities Act
- Procedures for removing deceased voters from the rolls
- Allowing online change of address by voters
- Permitting a voter who changes his or her name but does not move to vote a regular ballot instead of a provisional ballot
- Reducing the number of reasons that a voter may be required to cast a provisional ballot

How H.B. 194 Increases Access

- Codifying journalist access to polling locations
- Eliminating the ability of elections officials to ask questions about citizenship or to request naturalization certificate
- Allowing online change of address by voters
- Permitting a voter who changes his or her name but does not move to vote a regular ballot instead of a provisional ballot
- Reducing the number of reasons that a voter may be required to cast a provisional ballot
- Prohibiting elections officials from recording the type of ID provided by provisional voters or the names of voters who decline to fill out the provisional ballot affirmation
- Eliminating the need for duplicate forms by allowing a provisional voter to use the affirmation form for change of name or address
- Requiring absentee ballots to be counted even if the Stub A is not attached to the ballot, or because the absentee ballot envelop is not sealed (under current law these are not counted)
- Making Ohio law consistent with ADA ramp requirements



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Through the use of technology, the bill seeks to ensure accuracy of voter information by:

- Directing the Secretary of State (SOS) to administer a statewide voter registration database and adopt rules to address nonconformities between voter registration records and BMV records
- Requiring state agencies – including the Dept. of Health, Bureau of Motor Vehicles, Job & Family Services, and Dept. of Rehabilitation and Corrections to provide information to the SOS to ensure the accuracy of voter registration records
- Requiring health officers and the Dept. of Health to submit information on person who have died so their names can be removed from the voter rolls
- Allows online change of voter's address if it matches information in the BMV records.
- Allows Board of Voting Machine Examiners to certify electronic pollbooks for use by county BOEs.

The bill seeks to establish statewide standards for absentee voting and provisional voting with an eye towards simplifying the process:

- Consolidating several categories of voters who are required to cast a provisional ballot because of lack of identification into a single category, thereby reducing the number of reasons that a voter may be required to cast a provisional ballot.
- Requires the SOS to prescribe the provisional ballot affirmation by rule and requires provisional voters to provide specified information on the affirmation to verify identify in order for their ballot to be counted
- In determining the validity of provisional ballots, directs the BOE to cross-check the Statewide Voter Database
- Requires a board of elections to accept and process federal write-in absentee ballots for all federal, state, and local elections conducted in any year.
- Allow mail-in absentee voting to begin 21 days before an election, and in-person absentee voting to begin 10 days before the election to 6PM on the Friday before the election, M-F 8AM – 6PM and Saturday from 8AM – noon, no Sunday voting.
- Prohibit unsolicited absentee voting applications and pre-paid return postage on applications and absent voter ballots.

The bill seeks to streamline operations and reduce costs for local boards of election by:

- Permitting BOEs to contract with other BOES for the provision of elections services, perm
- Permitting the SOS to enter into agreements for the bulk purchase of election supplies in order to reduce the costs for those purchases by boards of elections.
- Allowing a BOE to have two precinct elections officials instead of four at special elections
- Specify a process for determining the minimum number of ballots to be prepared in a county that uses ballots on demand for a primary election, if no primary election was held four years previously (the election typically used to determine the comparable number of ballots to be produced).
- Eliminating the current law requirement that an election official direct a voter who is in the wrong precinct to the voter's correct precinct.
- Allowing a provisional ballot affirmation to serve as the change of residence or name form, instead of requiring a voter to complete and sign a separate form
- Requiring the BOE to place voted ballots in the identification envelope and seal it if not properly sealed (in the same manner as the board inserts ballots and seals envelopes for uniformed services and overseas voters under existing law).

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Election administration

- **Presumption of pollworker error:** no presumption of pollworker error unless independently proven by the facts of administrative review or legal proceeding – if proven, not transferable to other person, circumstances, or location
- **Documentation for voters with a former address on their ID:** eliminates a provision of existing law that requires a pollworker to record in the pollbooks the last four digits of an elector's driver's license number or state identification card number, if the driver's license or state identification card provided by the elector as identification contains the elector's former address.
- **Contracts for the provision of election services:** permits a BOE to contract with another BOE in this state or with a county automatic data processing board for the provision of election services in the county, including any statutory duties imposed upon the board.
- **Bulk purchase of election supplies:** permits the SOS to enter into agreements for the bulk purchase of election supplies in order to reduce the costs for those purchases by boards of elections. BOEs may participate by filing writing request and agreeing to be bound to SOS terms and conditions.
- **Number of precinct officials at a special election:** permits a BOE to select two precinct election officials instead of the usual four to serve at a special election
- **Polling place accessibility:** eliminates the requirement that ramps have a grade of not more than 8% and instead requires ramps to comply with the Americans with Disabilities Act of 1990.
- **Journalist access to polling places:** specifies that a journalist must be allowed reasonable access to a polling place during an election [pursuant to *Beacon Journal Publishing Company, Inc. v. Blackwell*, 389 F.3d 683 (C.A.6 (Ohio),2004)]
- **Qualifications to circulate an election petition:** eliminates residency and registration requirements for circulators of petitions [pursuant to *Nader v. Blackwell*, 545 F.3d 459 (C.A.6(Ohio),2008)]
- **Voter challenges:** eliminates questions a precinct official must ask a voter who is challenged based on citizenship, the requirement that naturalized citizens provide their naturalization certificate, and the authorization for a presiding judge to ask questions not specified in law (pursuant to *Boustani v. Blackwell*, 460 F.Supp.2d 822 (N.D.Ohio,2006)).
- **Certification of unofficial election results:** eliminates a provision of existing law that requires boards of elections to certify the unofficial election results to the SOS by certified mail.
- **Initiative and referendum signature gathering:** requires the SOS to notify, by certified mail, each committee member in charge of petition circulation of the sufficiency of the petition. The 10-day period to gather additional signatures begins with notification to the first committee member. Prohibits a referendum petition circulation from collection additional signatures between the period 90 days after the governor files the challenged bill with the SOS and date the SOS notifies the circulators of the insufficient number of signatures.

Primary elections

- **Presidential primary election:** changes the presidential primary election from March to May
- **Elimination of special primary elections for Congress:** eliminates the ability to conduct a special primary election if a congressional candidate withdraws, dies, or is disqualified before the primary or general election.
- **Determination of whether to conduct primary election:** changes the basis for calculating whether to conduct a primary election from the number of declarations of candidacy filed to the number of candidates certified to appear on the ballot.

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Candidates

- **Notifying candidates of identical names:** changes the process for notifying candidates that they have identical surnames from special delivery or telegram to certified mail.
- **Withdrawal of a candidate:** specifies the process for removing a person's name from the ballot when the candidate withdraws before any election, not just a primary election.

Ballots

- **Overvotes:** maintains current law prohibiting ballots from being counted if marked contrary to law. Overvotes – where the voter marks the ballot for a candidate and also writes in a candidate – shall be invalidated, but only for the overvoted office, question or issue (not for the other correctly marked matters on the ballot).
- **Punch card ballots:** eliminates all references to punch card ballots and hanging chads.
- **Removal of local issues from the ballot:** permits a political subdivision that placed an issue on the ballot to remove that issue from the ballot at any time prior to the 70th day before the election using the same process that the entity used to originally certify the issue for the ballot. Requires BOE to remove issue from ballot upon notice of withdrawal.
- **Ballots on demand:** outlines a process for determining the minimum number of ballots to be prepared in a county that uses ballots on demand for a primary election, if no primary election was held four years previously (the election typically used to determine the comparable number of ballots to be produced).

Voter registration

- **Statewide voter registration database:** Requires the Secretary of State to administer the statewide voter registration database which will be continuously available to BOEs and establish method for addressing nonconformity between voter registration and BMV records.
- **Data sharing:** with proper procedures in place to ensure confidentiality, requires state agencies (including Health, BMV, JFS, and DRC) to provide information to SOS to maintain statewide voter registration database and allows SOS to share data with other states by agreement. Prohibits automatic updating of information unless voter files a notice of change of name or address. SOS must ensure confidentiality of data and but may provide non-confidential information or data to persons engaging in legitimate governmental purposes related to the maintenance of the database.
- **Cancelled registrations due to death:** requires BOEs and the SOS to cancel registrations of voters who have died upon notification from local and state health offices.
- **Online change of address:** requires SOS to establish mechanism for online change of a currently registered voter's address if it matches information in the BMV records (S.B. 148 allows for online registration, change of address, and change of name).
- **Persons who are compensated for registering voters:** eliminates provisions of existing law requiring persons who are compensated for registering voters to register with the SOS and complete a training program regarding voter registration developed by the SOS [pursuant to *Project Vote v. Blackwell*, 455 F.Supp.2d 694 (N.D. Ohio, 2006)]
- **Voter registration informational brochure:** eliminates the requirement that a BOE or a designated agency distribute an informational brochure regarding voter registration to each person who requests more than two voter registration forms at one time.

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Provisional ballots

- **Consolidation of required provisional voters:** consolidates several categories of voters who are required to cast a provisional ballot because of lack of identification into a single category, thereby reducing the number of reasons that a voter may be required to cast a provisional ballot.
- **Change of name/same precinct:** permits an elector who changes his or her name but stays in the same precinct to vote a regular ballot (instead of a provisional ballot as in current law).
- **Change of name/new precinct:** elector who changes his or her name and moves from one county to another (without updating registration) must vote provisional ballot.
- **Voting after extension of time by court order:** elector casting ballots after the closing time of the polls pursuant to court order must cast a provisional ballot.
- **Provisional ballot affirmation form:** requires the SOS to prescribe by rule the form of the written affirmation on the front of the provisional ballot.
- **Recording type of ID:** Eliminates requirement that elections official record on the provisional ballot envelope the type of ID provided by the voter.
- **Recording names of persons who decline affirmation:** eliminates requirement that elections official record names of voters who decline to execute the affirmation and transmit that information with the provisional ballot.
- **Recording affirmation information:** prohibits election official from recording any information required to be provided by the provisional voter on the provisional ballot affirmation.
- **Explanation to provisional voter:** requires election official who declines to execute affirmation that their provisional ballot will not be counted.
- **Counting of provisional ballot:** eliminates requirement that provisional ballots be counted if election officials determine those individuals were eligible to vote.
- **Elimination of ten-day period to provide additional information:** eliminates the option for an elector who does not provide identification or who does not provide documentation to resolve a polling place, but retains a provision of existing law permitting a voter registration application hearing or a challenge hearing that has been postponed until after the election to be conducted during the ten days following the election, and permits an elector who is the subject of such a hearing to provide information to verify the individual's eligibility to vote.
- **Determining validity of provisional ballots:** when determining whether a provisional ballot is valid and entitled to be counted, the BOE must examine the affirmation executed by the provisional voter, the Statewide Voter Registration Database, and other records maintained by the BOE.
- **Required affirmation information:** requires the provisional voter to provide all of the following information on the affirmation for his or her ballot to be counted (1) The elector's printed name; (2) The elector's signature; (3) The elector's date of birth; (4) The elector's Social Security Number, Ohio driver's license number, or state identification card number, or an affirmative notation that the elector provided the required identification to the election officials; (5) The elector's residence address; (6) A statement that the individual is a registered voter in the jurisdiction in which the provisional ballot is being voted; and (7) A statement that the individual is eligible to vote in the election in which the provisional ballot is being voted.
- **Elimination of requirement to direct voters to the correct precinct:** eliminates the current law requirement that an election official direct a voter who is in the wrong precinct to the voter's correct precinct.
- **Use of provisional ballot affirmation as notice of change of address or name:** if a provisional ballot is required due to change of name or address, requires affirmation form to serve as change of name/residence form instead of requiring elector to complete separate form.

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Absent voting

- **Elimination of golden week:** mail-in ballots available 21 days before election (except for military and overseas voters, whose ballots must be available 45 days before an election).
- **In-person absentee voting:** allows in-person absentee voting to occur 10 days before the election to 6PM on the Friday before the election, M-F 8AM – 6PM and Saturday from 8AM – noon, no Sunday voting.
- **Location of in-person absentee voting:** no branch offices ("early vote centers") for in-person absentee voting; must take place at main office of BOE.
- **Unsolicited absentee applications and pre-paid postage:** Prohibit unsolicited absentee voting applications and pre-paid return postage on applications and absent voter ballots. Requires absent voters to send their marked ballot to BOE with postage prepaid.
- **Entity responsible for sending/receiving absentee ballots:** makes BOE, rather than director, responsible for sending and receiving absentee ballots.
- **Unsealed envelopes:** requires the BOE to place voted ballots in the identification envelope and seal it if not properly sealed (in the same manner as the board inserts ballots and seals envelopes for uniformed services and overseas voters under existing law).
- **Vote totals for absent voter's ballots:** BOE, when tallying absentee voter ballot results, must add those votes to vote totals for precincts in which absentee voters reside.
- **Challenging absent voters based on incomplete envelopes:** permits the precinct election officials to challenge the right to vote of an absent voter if the identification envelope statement of voter has not been completed.
- **Stub A requirements:** if "Stub A" is included in the envelope but detached from the ballot, the ballot must still be counted.
- **Federal write-in absentee ballots:** requires BOE to accept and process federal write-in absentee ballots for all federal, state, and local elections conducted in any year.
- **Election observers:** permits elections observers for in-person absentee voting and establishes penalties for unlawful interaction with precinct officials or voters

Electronic pollbooks

- Allows Board of Voting Machine Examiners to certify electronic pollbooks for use by county BOEs.

Campaign finance changes

- **"Millionaire's statute":** eliminates laws permanently enjoined due to their unconstitutionality, which governed the expenditure of personal funds by candidates and permitted the opponents of personal funds candidates to accept contributions in excess of the contribution limits [pursuant to *O'Brien v. Brunner* (1999)(unreported), based upon *Davis v. F.E.C.*, 554 U.S. 724 (2008)].
- **Corporation and labor organizations:** eliminates provisions of current law that have been permanently enjoined due to their unconstitutionality, which prohibited corporations and labor organizations from using their money and property for political purposes (pursuant to consent decree in *Ohio Right to Life Society, Inc. v. Ohio Elections Commission*, 2010 WL 37322, (S.D.Ohio) (S.D.Ohio,2010)

Transporting students to vote

- Prohibits schools from transportation students to polling places during regular school hours for the purpose of casting a ballot.

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Changes required for consistency with the Ohio Constitution & obsolete cross-references

- **Filling vacancies in office:** changes provisions of existing law that specify the process for filling vacancies in office to require an election to be held to fill a vacancy that occurs more than 40 days before an election, as required by Article XVII, Section 2 of the Ohio Constitution, instead of 56 days, as specified in current law.
- **Supplemental ballots for vacancies:** specifies that, if an election is required to be held to fill a vacancy that occurs after absent voter's ballots have been printed and distributed for an election, the BOE must print and distribute a supplemental ballot for that election to each absent voter who has requested a ballot for that election as many days before the election as reasonably possible.
- **Initiative & referendum placement on ballots:** changes a provision of existing law that states that an initiative or referendum will appear on the ballot at the first general election that occurs 90 or 60 days, respectively, after the petition is filed to conform to recent changes made to the Ohio Constitution, which place those issues on the ballot at the next general election occurring at least 125 days after the petition is filed.
- **Protests over Initiative petitions:** eliminates statutory language governing protests against statewide initiative petitions and the verification of those petitions, which the Ohio Supreme Court now has exclusive jurisdiction over.
- **Notice of election:** removes from various provisions of the Election Law the prohibition against using a notice of election for voter identification purposes, since the law requiring the notice of election to be sent was previously repealed and the document no longer exists.
- **Renaming "judges of election" to "precinct election officials":** changes all references to "judges of election" to refer to "precinct election officials," and changes references to the "presiding judge" to the "voting location manager."
- **Cross-references/missing words:** corrects an incorrect cross-reference in existing law to refer to the correct section of the Revised Code, and inserts the word "one" to clarify that the Ohio Ballot Board may divide initiative petitions into individual.

