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August 5, 2011

The Honorable Jon Husted  
Ohio Secretary of State  
180 E. Broad Street, 15<sup>th</sup> floor  
Columbus, OH 43215

ATTORNEY GENERALS OFFICE

AUG - 5 2011

The Honorable Mike Dewine  
Ohio Attorney General  
30 E. Broad Street, 17<sup>th</sup> floor  
Columbus, OH 43215

RECEIVED  
CONSTITUTIONAL OFFICES

RE: Initial petition, copy of law with title, text and summary regarding referendum on Am. H.B. 194

Dear Secretary Husted and General Dewine:

In accordance with R.C. 3519.01, Fair Elections Ohio is herewith filing the following with each of you:

**With Secretary Husted**, an original petition containing at least one thousand signatures of registered electors of the State of Ohio, along with the full text, title and a summary of the text of Am. Sub. H.B. 194 for the purposes of submitting the bill to a referendum vote of the electors of Ohio at the next succeeding eligible general election.

**With General Dewine**, a copy of said petition containing at least the full text, title and a summary of the text of Am. Sub. H.B. 194 for the purposes of submitting the bill to a referendum vote of the electors of Ohio at the next succeeding eligible general election.

Please feel free to contact me at 614-241-5550 if you have questions. Thank you for your assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer L. Brunner".

Jennifer L. Brunner, member  
Petitioning Committee for Referendum on Am. Sub. H.B. 194

Enclosure

Number \_\_\_\_\_ Issued to (name of circulator) \_\_\_\_\_

Date issued \_\_\_\_\_ County of circulation \_\_\_\_\_

To the Secretary of State and the Attorney General of Ohio: Pursuant to Ohio Rev. Code §3519.01(B), the undersigned electors of the State of Ohio, numbering in excess of one thousand, hereby submit to each of you the full text of Am. Sub. H.B. 194 of the 129<sup>th</sup> General Assembly ("Act") hereby sought to be submitted to a statewide referendum vote, and a summary of the proposed referendum.

## REFERENDUM PETITION State of Ohio

To be submitted to the electors for their approval or rejection

### TITLE

A referendum petition to submit to the voters of Ohio for their approval or rejection, Am. Sub. H.B. 194 in its entirety, which would make certain revisions by amendment, enactment and repeal to Ohio's Election Laws as contained in the Ohio Revised Code and as specifically adopted in sections 5, 6, 7 and 8 of Am. Sub. H.B. No. 194, all of which were passed by the 129<sup>th</sup> General Assembly on June 29, 2011 (passed by the House May 18, 2011, passed by the Senate June 23, 2011, with concurrence by the House June 29, 2011) and signed by the Governor July 1, 2011. A copy of the title as contained in the Act as enrolled appears below:

(129th General Assembly)  
(Amended Substitute House Bill Number 194)

### AN ACT

To amend sections 3.02, 7.101, 302.09, 305.02, 503.24, 511.27, 733.31, 1545.21, 1901.10, 2101.44, 2301.02, 3501.01, 3501.02, 3501.05, 3501.051, 3501.053, 3501.10, 3501.11, 3501.13, 3501.14, 3501.17, 3501.18, 3501.20, 3501.22, 3501.26, 3501.27, 3501.28, 3501.29, 3501.30, 3501.301, 3501.31, 3501.32, 3501.33, 3501.35, 3501.37, 3501.38, 3503.02, 3503.06, 3503.14, 3503.15, 3503.16, 3503.18, 3503.19, 3503.21, 3503.24, 3503.26, 3503.28, 3504.02, 3504.04, 3504.05, 3505.07, 3505.08, 3505.11, 3505.13, 3505.16, 3505.17, 3505.18, 3505.181, 3505.182, 3505.183, 3505.20, 3505.21, 3505.23, 3505.24, 3505.26, 3505.28, 3505.29, 3505.30, 3505.31, 3506.05, 3506.12, 3506.15, 3509.01, 3509.02, 3509.03, 3509.031, 3509.04, 3509.05, 3509.06, 3509.07, 3509.08, 3509.09, 3511.02, 3511.04, 3511.05, 3511.06, 3511.07, 3511.08, 3511.09, 3511.10, 3511.11, 3511.13, 3511.14, 3513.02, 3513.05, 3513.12, 3513.131, 3513.18, 3513.19, 3513.21, 3513.262, 3513.30, 3513.31, 3515.04, 3517.01, 3517.012, 3517.014, 3517.015, 3517.10, 3517.102, 3517.103, 3517.106, 3517.107, 3517.1011, 3517.11, 3517.153, 3517.154, 3517.155, 3517.992, 3519.01, 3519.16, 3599.03, 3599.07, 3599.17, 3599.19, and 3599.31, to enact new section 3504.01 and sections 3501.111, 3501.302, 3501.40, 3501.50, 3503.05, 3503.20, 3503.22, 3505.05, 3506.021, 3509.051, 3517.211, and 3599.30, and to repeal sections 3503.29, 3504.01, 3506.16, 3517.016, and 3517.1010 of the Revised Code to revise the Election Law.



## SUMMARY

This referendum petition would submit to a statewide referendum vote the question of the approval or rejection of Am. Sub. H.B. 194, which contains the following summarized changes to Ohio's Elections Laws and if certified as an issue for the next eligible general election ballot, would prevent Am. Sub. H.B. 194 from taking effect until Ohio voters approved or rejected it. If rejected by the voters, Am. Sub. H.B. 194 will not become law. (Summary language following and appearing in **bold** letters is intended to amplify the non-bolded text immediately following it.)

### **Rights of General Assembly in any court action challenging Ohio election laws**

Specifies that, in any action brought challenging the constitutionality, legality, or enforcement of any provision of the Ohio Constitution governing elections or the Election Law shall be deemed to have been brought against the state, and 1) the General Assembly must be notified of the filing of the action; 2) the General Assembly has the right to intervene in the action; 3) the General Assembly must be notified of any proposed consent decree before the consent decree is agreed to by the court; and 4) the General Assembly has the right to intervene in the action to object to any proposed consent decree.

### **Poll workers**

Eliminates the current law requirement that an election official direct a voter who is in the wrong precinct to the voter's correct precinct by permitting, instead of requiring, an election official to direct a voter who is in the wrong precinct to the voter's correct precinct, and specifies that it is the duty of the individual casting the ballot to ensure that the individual is casting that ballot in the correct precinct.

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

Specifies that, in any administrative review or legal action brought regarding the actions of any election official, 1) no election official can be presumed to have committed any error in the course of the election official's duties, unless that error is independently proved by the facts of the administrative review or legal proceeding; 2) if an election official has been found to have committed an error with respect to a particular person or set of circumstances, that election official must not be presumed to have committed an error with respect to any other person or set of circumstances; and 3) if election officials in one precinct, polling location, or county are found to have committed an error with respect to a particular person or set of circumstances, that error shall not be presumed to have occurred in any other precinct, polling location, or county.

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

For a special election, permits a board of elections to select two precinct election officials who are not members of the same political party, instead of the usual four precinct officials, to serve as the precinct officials for a precinct, if the board determines that four officials are not required.

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."

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

### **Poll worker duties regarding provisional voters**

Prohibits election officials from recording any of the information required to be provided by the provisional voter on the provisional ballot affirmation.

Requires election officials to explain to an individual who declines to execute the affirmation that the individual's provisional ballot will not be counted.

Eliminates a provision of current law that requires election officials to record the name of an individual who declines to execute the affirmation and transmit that information with the provisional ballot for the purpose of ballot verification.



**Polling places**

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.

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

Specifies that a journalist must be allowed reasonable access to a polling place during an election.

Prohibits a public school, a community school, a STEM school, or a chartered nonpublic school from transporting students to a polling place during regular school hours for the purpose of casting a ballot.

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

Eliminates the current law prohibition against loitering, congregating, or campaigning within the area marked by the small flags outside a polling place and instead prohibits persons from loitering, congregating, or campaigning within 50 feet of the entrance of a polling place, specifying that a person who violates this prohibition is guilty of a minor misdemeanor, except that, if the person refuses to comply with the election officials or law enforcement officers who are enforcing it, or if the person repeats the violation, the person is guilty of a misdemeanor of the first degree.

**Minimum precinct size**

Establishes a minimum precinct size of 500 electors for precincts located in a municipal corporation.

Specifies that a board of elections does not violate the minimum precinct size if its minimum precinct size varies from the statutory minimum by 5% or less.

Permits a board of elections to apply to the Secretary of State for a waiver from the minimum precinct size requirement, and requires a board that applies for a waiver to explain the reason for the waiver request.

Permits the Secretary of State to waive the minimum precinct size requirement, upon application of a board of elections.

Specifies that the minimum precinct size requirements do not apply to a precinct established at a state or national home for disabled soldiers.

Requires a board of elections to rearrange and combine precincts as necessary to comply with the minimum precinct size requirements not later than December 31, 2011.

**Voter Identification (ID) Law Changes**

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

Requires an individual who does not have or cannot provide identification to election officials to vote a provisional ballot and changes the time by which such an individual may provide identification to the board of elections from up to ten days after the election to not later than the close of the polls on Election Day, permitting such a person's ballot to be counted if the identification is provided as required.

Allows an individual who does not have or cannot provide identification to election officials to vote a provisional ballot and to provide his or her Social Security number on the provisional ballot envelope, permitting such a person's ballot to be counted if the Social Security number is verified with the Bureau of Motor Vehicles.

Eliminates a provision of existing law that requires a poll worker to record in the poll book the last four digits of an elector's driver's license number or state ID card number, if the driver's license or state identification card provided by the elector as identification contains the elector's former address.

Eliminates a provision of existing law that requires election officials to record on the provisional ballot envelope the type of identification provided by a provisional voter.

Allows use of U.S. passport as an additional form of voter ID for registration and voting.



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.

### **Voter challenges**

Eliminates the option for an elector who does not provide identification or who does not provide documentation to resolve a polling place challenge to provide that information to the board of elections within ten days after the election and eliminates the current law requirement that election officials note on the provisional ballot affirmation whether a provisional voter is required to appear at the board of elections within ten days to provide additional information.

Eliminates the authority for a presiding judge to ask questions not specified in law as the judge considers necessary to determine an elector's qualifications to vote at an election.

Eliminates the detailed questions that precinct officials currently must ask a voter who is challenged based on citizenship, and eliminates a requirement that naturalized citizens provide their naturalization certificate.

Eliminates 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 requires the hearing to be conducted prior to the election.

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, unless the ballot is a uniformed services or overseas absent voter's ballot.

### **Elimination of political party challenge**

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

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

### **Electronic poll books**

Permits a board of elections to adopt the use of any electronic poll book that has been certified for use in Ohio, instead of using poll books or signature poll lists.

Authorizes the Board of Voting Machine Examiners to test, and the Secretary of State to certify, electronic poll books for use in Ohio in the same manner as voting equipment is tested and certified.

Specifies that, if the Secretary of State certifies an electronic poll book, equipment of the same model and make may be adopted for use at elections, as long as it operates in an identical manner.

Requires the Secretary of State to provide rules, instructions, directives, and advisories regarding the examination, testing, and use of electronic poll books to boards of elections that have adopted them.

### **Time for use of voting machines**

Increases from five minutes to ten minutes the maximum time a voter may occupy a voting compartment or use a voting machine when all the compartments or machines are in use and voters are waiting to occupy them.

Specifies that this time limit does not apply to a person who is disabled and requires accommodation to the extent required under the Americans with Disabilities Act of 1990.

### **Assistance for disabled and illiterate electors**

Clarifies that the provisions of law that permit a blind, disabled, or illiterate elector to receive assistance in the marking of the elector's ballot by two precinct election officials of different political parties supersedes any contrary provision of law.

Specifies that nothing in the law relating to provisional ballots is in derogation of the provisions of the current law that permit a blind, disabled, or illiterate elector to receive assistance in the marking of the elector's ballot by two precinct election officials of different political parties.



Permits a blind, disabled, or illiterate elector to receive assistance in marking that elector's provisional ballot and in completing the required affirmation in the same manner as an elector may receive assistance on the day of an election.

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

Permits election observers only to watch and listen to election officials engaging in their duties and to interactions between voters and election officials and to take notes on their observations, other than by means of a photographic, video, or audio recording.

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 in line waiting to vote, if the line of electors waiting to vote extends beyond those small flags.

Specifies that 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.

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.

**Primary and special elections in presidential election years**

Changes the date of the presidential primary election in each presidential election year from the first Tuesday after the first Monday in March to the first Tuesday after the first Monday in May.

Eliminates the current law provision that permits a special election to be conducted on the first Tuesday after the first Monday in March in the year in which a presidential primary election is held.

**Determination of whether to conduct primary election**

Changes the basis for determining whether a primary election should be conducted from the number of declarations of candidacy filed to the number of candidates certified to appear on the ballot.

**Candidates and elections to fill vacancies in office**

Changes requirements for notifying candidates with identical surnames from special delivery or telegram to certified mail.

Specifies the process for removing a person's name from the ballot when the candidate withdraws before any election, not just a primary election.

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.

**Mailings by local elected officials**

Prohibits a local elected official, during the 90 days before that elected official's name appears on the ballot at an election, from producing or disseminating any mass mailing or any form of advertising mailed from the official's office or advertised in a periodical, on radio, by Internet, on television, or through a similar medium that includes the name or photograph of the elected official.

Permits a document or form of advertising produced or disseminated by such local elected official during such 90-day period to include the name of the office the official holds, but not the name or photograph of the official and specifies that no violation of this prohibition occurs, and that no fine is to be imposed, if an elected official sends out office correspondence in the ordinary course of business that is issued on a regular schedule throughout the year and directly necessary for the conduct of business by the office, such as tax bills, and that normal correspondence is sent during the 90 days before the date of any election at which the elected official's name will appear on the ballot.

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



### **New political parties**

Reduces from 120 days to 90 days before a primary election the deadline for a petition to be filed to establish a new political party.

Specifies that Directives 2011-01 and 2009-21 issued by the Secretary of State, which address the petition requirements for new political parties, are void and shall not be enforced or have effect on or after the effective date of these changes.

### **Ballots**

Eliminates all references to punch card ballots, including counting standards for circumstances in which chads are not completely detached from the ballots.

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

Eliminates provisions of existing law that refer to ballots for separate offices or issues being placed in separate ballot boxes within a precinct polling location.

Specifies a process for determining the minimum number of ballots to be prepared in a county that uses a "ballot on demand" ballot production system for a primary election, if no primary election was held four years previously.

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 board of elections 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 is reasonably possible.

### **Ballots with more marks than legally permitted number of selections ("overvotes")**

Retains a provision of current law that generally prohibits ballots from being counted that are marked contrary to law, except in the case of technical error.

Specifies that a ballot is marked contrary to law and does not contain a technical error if the voter marks more selections for a particular office, question, or issue than the number of selections that the voter is allowed by law to make for that office, question, or issue.

Specifies that a voter marks more selections for a particular office than the voter is allowed by law to make for that office if the voter marks the ballot for a candidate and also writes in the name of the candidate as a write-in vote (often referred to as the "double bubble" marking of a ballot).

Requires an otherwise overvoted ballot to be counted if all of the following apply: (1) The voter marks the ballot for a candidate and writes in the identical candidate's name; (2) The ballots are counted at a central location using automatic tabulating equipment; and (3) At least three members of the board of elections agree that the candidate's name, as it appears on the ballot, and the name of the candidate written in by the voter are identical.

Requires a voter's ballot to be invalidated for the overvoted office, question, or issue, specifying that the ballot shall not be invalidated for any other office, question, or issue for which the voter has not marked an excess number of selections.

### **Presidential ballots for former electors**

Clarifies the circumstances under which a former Ohio elector is eligible to vote in a presidential general election in Ohio.

Requires a former Ohio elector seeking to vote in a presidential general election to also submit a form to cancel the person's Ohio voter registration.

Requires boards of elections to transmit electronically to the Secretary of State any certificates of intent to vote a presidential general election ballot that they receive.

### **Provisional ballots**

Requires a provisional voter to provide all of the following information on the affirmation for his or her provisional ballot to be eligible 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;
- (7) A statement that the individual is eligible to vote in the election in which the provisional ballot is being voted; and
- (8) An affirmative notation that the individual provided the required identification.

Consolidates several categories of voters who are required to cast a provisional ballot because of lack of identification, into a single category.

Eliminates the requirement that an elector who changes the elector's name and remains within a precinct cast a provisional ballot, and instead permits an elector who changes the elector's name but stays in the same precinct to vote a regular ballot.

Requires an elector who moves from one county to another and changes the elector's name, to vote a provisional ballot in the same manner as any other elector who moves from one county to another without first updating the elector's registration information.

Requires an individual who is casting a ballot after the time for the closing of the polls pursuant to a court order extending the time for the closing of the polls to cast a provisional ballot.

Eliminates the provisional ballot affirmation form established in current law, and instead requires the Secretary of State to prescribe the form of the written affirmation by rule, which affirmation must be printed on the face of the provisional ballot envelope.

Requires the provisional ballot affirmation of an elector who votes a provisional ballot due to a change of residence, change of name, or both, to serve as the change of residence or change of name form, instead of requiring the elector to complete and sign a separate form.

#### **Determining the validity of provisional ballots**

Eliminates a provision of current law that requires election officials, when considering the validity of a provisional ballot, to review additional information provided by the provisional voter within ten days after the day of the election.

Eliminates a provision of current law that prohibits election officials from determining the validity of a provisional ballot until they receive the required information from the provisional voter or ten days passes, whichever occurs first.

Eliminates a provision of current law that permits such an individual's provisional ballot to be counted if the election officials determine that the individual is eligible to vote.

Specifies that, when determining whether a provisional ballot is valid and entitled to be counted, the board of elections must examine the affirmation executed by the provisional voter, the Statewide Voter Registration Database, and other records maintained by the board of elections.

#### **Absentee voting by mail**

Shortens the period for regular absentee voting by mail (non-military and non-overseas voting) from 35 days before Election Day to 21 days before Election Day; military and overseas voters' ballots must be available 45 days before an election.



Prohibits a board of elections from mailing any unsolicited applications for absent voter's ballots, permitting the mailing by a board of elections of an absent voter's ballot application only to an elector who has requested such an application.

Prohibits a board of elections from prepaying the return postage on absent voter's ballot applications.

Requires electors voting absentee by mail to send their marked ballots to a board of elections with the postage prepaid.

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

Requires the board of elections, rather than the director, to deliver absent voter's ballots to voters who request them, and requires those ballots to be returned to the board, rather than the director.

Requires the board of elections to place voted ballots in the identification envelope and seal it, if the board opens the return envelope and discovers that the ballots are not properly enclosed and sealed in the identification envelope, in the same manner as the board inserts ballots and seals envelopes for uniformed services and overseas voters under existing law.

Prohibits an absent voter's ballot from being accepted or counted if Stub A is not included in the envelope with the ballot, instead of prohibiting the ballot from being counted if Stub A is detached, as under current law.

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.

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

#### **Absentee voting in person**

Requires absent voter's ballots to be printed and ready for use for in-person voting beginning on the 17th day before the election through 6 p.m. on the last Friday before the election, except that in-person ballots must not be available for use on Sundays.

Specifies that, on days absent voter's ballots may be cast in person, those ballots must be available Monday through Friday from 8 a.m. through 6 p.m. and Saturday from 8 a.m. to 12 p.m.

Requires electors who are waiting in line at the time for the close of in-person absent voting on a particular day to be permitted to cast their ballots before the in-person absent voting location may close.

Changes the time during which an elector who has moved or changed the elector's name may appear in person at the office of the board to fill out a change of residence or change of name form and vote in person to match the time during which any other elector may appear at the office of the board and cast an absent voter's ballot in person.

Changes the time during which a disabled elector who has moved or changed the elector's name may request an absent voter's ballot and simultaneously update the elector's address or name to match the time during which any other elector may request an absent voter's ballot (21 days before an election).

#### **Process for in-person absentee voting**

Specifies that all of the following apply to the casting of absent voter's ballots in person:

- 1) The elector must provide identification in the same manner as a voter who casts a ballot in person on the day of an election;
- 2) The elector is not required to complete an absent voter's ballot identification envelope, and the Statement of Voter on a completed absent voter's ballot identification envelope must contain the voter's date of birth;
- 3) The board of elections must provide a signature book to be signed by electors who are casting their absent voter's ballots in person;



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

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

6) No elector may receive a replacement ballot after the voter's absent voter's ballot has been scanned or entered into automatic tabulating equipment;

7) Electors who are waiting in line at the time for the close of in-person absentee voting on a particular day must be permitted to cast their ballots before the in-person absentee voting location may close; and

8) Election observers are permitted to be appointed to serve at the board of elections during the time absent voter's ballots may be cast in person, and the political party or group of candidates appointing observers 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, with such notification required to be made on forms prescribed by the Secretary of State.

#### **Location for in-person absentee voting**

Generally requires voters who cast in-person absent ballots or who otherwise must cast ballots at the board of elections to vote at the main office of the board of elections.

Permits a board of elections to allow electors to cast absent voter's ballots in person at a branch office of the board if (1) at least three members of the board vote to establish a branch office at a specified location for the election and (2) at least three members of the board determine, as part of that vote, that the board of elections lacks the physical capacity at the office of the board to conduct in-person absent voting at that location for the applicable election.

Requires the determination of whether to establish a branch office at which electors may cast absent voter's ballots in person before an election to be made separately for each election based on the projected physical capacity requirements for in-person absent voting at that election.

#### **Vote totals for absent voter's ballots in general**

Requires a board of elections, when tallying the results of absent voter's ballots, to add those votes to the vote totals for the precincts in which the applicable absent voters reside.

#### **Certification of unofficial election results**

Eliminates a provision of existing law that requires boards of elections to certify the unofficial election results to the Secretary of State by certified mail.

#### **Voter registration**

Eliminates provisions of existing law requiring persons who are compensated for registering voters to register with the Secretary of State and complete a training program regarding voter registration, consistent with court decision.

Eliminates the requirement that the Secretary of State establish a training program for persons who are compensated for registering voters.

Eliminates the requirement that a board of elections 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.

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

Requires the Secretary of State to establish, by rule, a uniform process for notifying individuals who have submitted an incomplete voter registration application of the incomplete status of that application, and requires the process to permit such an individual to provide any information required to complete the application.

#### **Administration of the statewide voter registration database**

Requires the Secretary of State to administer the statewide voter registration database and make it continuously available to each board of elections.



Requires the Secretary of State to adopt rules establishing a uniform method for addressing instances in which records contained in the statewide voter registration database do not conform with records maintained by the Ohio Bureau of Motor Vehicles.

Requires state agencies, including the Department of Health, Bureau of Motor Vehicles, Department of Job and Family Services, and the Department of Rehabilitation and Corrections, to provide any information and data to the Secretary of State that the Secretary of State considers necessary to maintain the statewide voter registration database.

Requires the Secretary of State to ensure that information or data provided to the Secretary of State by another agency that is confidential in that agency's possession remains confidential while in the possession of the Secretary of State.

Prohibits information provided from 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.

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

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

Permits the Secretary of State to enter into agreements to share information or data with other states or groups of states, as the Secretary considers necessary, in order to maintain the statewide voter registration database.

Generally requires the Secretary of State to ensure that information or data provided to the Secretary of State by another state that is confidential in that state's possession remains confidential while in the possession of the Secretary of State, but 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 database.

Eliminates a provision of current law that limits the information in the statewide voter registration database that may be made available on the Secretary of State's web site.

Permits a board of elections to send an acknowledgment notice to any registered elector at any time to facilitate the maintenance and accuracy of the statewide voter registration database.

#### **Voter history**

Requires a board of elections to maintain a list of registered voters in the county who cast a ballot at each election, which list must be provided to the Secretary of State after each election.

Requires the Secretary of State to compile the voting history of each registered elector who casts a ballot in an election, for inclusion in the statewide voter registration database.

Requires the Secretary of State to determine, by rule, the length of an elector's voting history that is to be included in the database.

#### **Address verification with national change of address database**

Requires boards of elections, instead of the Secretary of State, to verify the address information of each registered voter in the county with the national change of address database.

Increases the frequency at which such verification shall be conducted, from once in every odd-numbered year to at least once in each year.



### **Persons eligible to purge voters from the statewide voter registration database**

Eliminates current law language requiring boards of elections to purge a voter's name and voter registration upon cancellation of the voter's registration, and requires, as under existing law, the Secretary of State to specify, by rule, the persons authorized to add, delete, modify, or print records in the database.

Requires the Secretary of State to notify the applicable board of elections of each elector that the Secretary of State removes or purges from the statewide voter registration database.

### **Cancellation of voter registrations due to death**

Requires the chief health officer of each political subdivision and the Director of Health to file with the Secretary of State and each board of elections, at least monthly, specified information regarding all persons over age 18, who have died within the month.

Requires the Secretary of State and the Director of Health to jointly establish a secure electronic system through which they will exchange the required information regarding the death of a registered elector.

Requires a board of elections or the Secretary of State to promptly cancel the registration of each elector who is named in a death report filed under these provisions.

Requires the registration of a registered elector to be cancelled upon the filing with the board of elections of a certified copy of the death certificate of the registered elector by the deceased elector's spouse, parent, or child, by the administrator of the deceased elector's estate, or by the executor of the deceased elector's will.

### **Online voter registration and online updating of voter registration information**

Permits online voter registration and for a registered voter to use an online voter registration process to update the elector's name, address, or both, all using the signature on file with the Ohio Bureau of Motor Vehicles, with the system to be operational no later than July 1, 2012.

### **Directives issued by the Secretary of State**

Changes the time during which the Secretary of State may not issue permanent directives from the period beginning 90 days before an election until 40 days after an election to the period beginning 30 days before an election until 30 days after the election.

### **Training of election officials**

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

### **Official oversight over a board of elections**

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

### **Method for boards of elections to send required documents to the Secretary of State**

Requires a board of elections to send copies of campaign finance statements filed with the board and the board's certification that each polling place in the county meets the requirements for accessibility for the disabled to the Secretary of State by mail or electronically, rather than requiring those documents to be sent by certified mail, as required under existing law.

### **Contracts for election services and supplies**

Permits a board of elections to contract with another board of elections in Ohio with a county automatic data processing board, or with an educational service center to provide election services, including any duties required by law of the board.

Requires any such contract entered into to be approved by the boards of county commissioners of the affected counties.

Permits the Secretary of State to enter into agreements for the bulk purchase of election supplies to reduce the costs for those purchases by boards of elections.



Requires a board of elections that desires to participate in bulk purchase agreements by the Secretary of State to file a written request for inclusion with the Secretary of State, agreeing to be bound by the terms and conditions that the Secretary of State prescribes and agreeing to make payments directly to the vendor under each agreement.

Increases from \$10,000 to \$25,000 the cost of a contract for printing ballots and furnishing other election supplies that may be let without competitive bidding.

#### **Temporary election employees and sick/vacation leave**

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

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

#### **Prepayment of special election costs**

Requires a subdivision placing a question, issue, nomination, or election on the ballot at a special election to prepay at least 65% of the estimated cost of preparing for and conducting that election to the county Elections Revenue Fund prior to the election, and specifies that additional costs must be paid, and overpayments must be refunded, following the final cost calculation after the election.

#### **Qualifications to circulate an election petition**

Eliminates current law provisions that require the circulator of an initiative or referendum petition to be a resident of Ohio, and eliminates provisions requiring circulators of all other election petitions to be an Ohio resident and registered to vote for 30 days before the next election.

#### **Statewide Initiative and referendum petitions**

Requires the petitioner of any statewide initiative or referendum petition to designate on each part-petition the county in which the petition was circulated and a sequential number for each part-petition.

Requires a petitioner of a statewide initiative or referendum petition, when filing the petition, to also file (1) an electronic copy of the petition along with a verification that the electronic copy is a true representation of the original paper petition, (2) a summary of the number of part-petitions filed per county and the number of signatures on each part-petition, and (3) an index of the electronic copy.

Specifies that, for a request made for inspection or copying of a statewide initiative or referendum petition, the request is fulfilled when the Secretary of State provides inspection of or copies of the electronic copy of the petition, and specifies that this provision applies from the time of the initial petition filing until the part-petitions are returned to the Secretary of State after the boards of elections determine the sufficiency of the part-petitions.

Specifies that discrepancies between the original statewide initiative or referendum paper petition and the electronic copy of the petition do not render the petition invalid, but specifies that such discrepancies, if the product of fraud, are subject to criminal penalties for election falsification.

Requires the Secretary of State to notify, by certified mail, each member of the statewide initiative or referendum petition committee in charge of the circulation of the petition as to the sufficiency or insufficiency of the petition.

Specifies that the ten-day period to obtain additional signatures for the statewide initiative or referendum begins after the first member of the committee receives notice of the petition's insufficiency by certified mail from the Secretary of State.

Prohibits the circulator of a statewide initiative or referendum petition from collecting additional signatures during the period beginning on the date a petition is filed and ending on the date that the Secretary of State determines the sufficiency of the signatures that were originally filed.

Inserts the word "one" to clarify that the Ohio Ballot Board may divide initiative petitions into individual petitions containing only one proposed law or constitutional amendment.

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.

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.

**Font size for statewide ballot issue advertising**

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

**Removal of local issues from the ballot**

Permits a political subdivision, taxing authority, or other entity 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 a board of elections to remove such issue from the ballot, upon receipt of a notification that the issue has been withdrawn.

**Campaign-finance related changes**

Eliminates provisions of current law that have been 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.

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.

Specifies that the definition of "political contributing entity" includes a corporation or labor organization, subject to the continuing prohibition against corporations and labor organizations making contributions directly to candidates.

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

Specifies that the changes to the definition of political contributing entity supersede the provisions of rule 111-3-05 of the Administrative Code, which governs the reporting of independent expenditures by corporations, and that, on and after the effective date of the new definition, rule 111-3-05 is void and shall have no further effect.

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

**Correction of cross-reference**

Corrects an incorrect cross-reference in existing law to refer to the correct section of the Revised Code.

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