

County: Cuyahoga

Number: 75

## PETITION

**To the Attorney General of Ohio:** Pursuant to Ohio Revised Code § 3519.01(A), the undersigned electors of the State of Ohio, numbering in excess of one thousand, hereby submit to you the full text of a proposed Amendment to the Ohio Constitution and a summary of the same.

### TITLE

#### Secure And Fair Elections

### SUMMARY

The proposed Amendment would amend Article V, Sections 1, 2, and 6 of the Ohio Constitution by adding new provisions and repealing some existing provisions.

Specifically, the Amendment would:

1. **Set forth Ohioans' qualifications to vote.** Any person who is a citizen of the United States, at least 18 years of age by the date of the election, a resident of Ohio, and registered to vote in their county of residence in accordance with the rights guaranteed by the provisions of this Amendment has the qualifications of an elector and is entitled to vote at all elections.
2. **Establish that the right to vote is a fundamental right.** No person, including any individual, entity, the state or a political subdivision of the state, shall: (1) enact or use any law, rule, regulation, qualification, prerequisite, standard, practice, or procedure; (2) engage in any harassing, threatening, discriminatory, or intimidating conduct; or (3) use any means whatsoever, that has the intent or effect of denying, abridging, interfering with, or unreasonably burdening the fundamental right to vote. Any infringement of the fundamental right to vote shall be subject to strict judicial scrutiny.
3. **Provide eligible Ohioans with specific voting rights:**
  - a) **In-person voting.** The right, once registered to vote, to obtain and cast a ballot in person on election day between 6:30 a.m. and 7:30 p.m. at an assigned polling location that is conveniently located and sufficiently equipped.
  - b) **Applying for, returning of, and counting of military and overseas absentee ballots.** The right, if registered to vote and either serving in the military or residing outside of the United States, to apply for an absentee ballot and have such absentee ballot sent to them beginning forty-six (46) calendar days before an election and to have their absentee ballot deemed timely received if it is postmarked on or before election day, and is received by the appropriate election official within ten (10) days after such election.

- c) **Early voting.** The right, once registered to vote, to cast a ballot during the early voting period before an election, which shall begin twenty-eight (28) calendar days before the date of each election, shall end at noon on the day before the election, and shall include early in person voting at least during regular daytime business hours on all weekdays during this period and at least for twelve hours across the two days of each of the final two weekends before election day.
- d) **Automatic voter registration and updating.** The right to be automatically and securely registered to vote or, if already registered, to have the elector's registration automatically and securely updated upon applying for, renewing, updating, or replacing an Ohio driver's license, learner's permit, or state identification card with the agency responsible for issuing these documents, unless the elector affirmatively indicates in writing following a mailed notice sent to their address after such registration or update that the elector does not want to be registered to vote or, if their registration has been updated, does not want to have their registration updated.
- e) **Voter registration by non-electronic and electronic means.** The right to register to vote or update a voter registration other than at a voting location through both non-electronic and electronic means until at least the twenty-ninth (29<sup>th</sup>) calendar day before an election and, if otherwise eligible to vote, to cast a regular ballot thereafter at the ensuing election.
- f) **Same-day voter registration.** The right, if not registered to vote in their county of residence, to register to vote and to be immediately eligible to cast a regular ballot by appearing in person during voting hours either at an early voting location in the elector's county of residence or at the polling location assigned for the elector's residential address on election day, and submitting to an authorized election official in person a completed voter registration form or the information required for such form, along with proof of identity and residential address,
- g) **Same-day registration change.** The right, if already registered to vote in their county of residence, to update the elector's registration and to be immediately eligible to cast a regular ballot by appearing in person during voting hours either at an early voting location in the elector's county of residence or at the polling location assigned for the elector's residential address on election day, and submitting to an authorized election official in person a completed voter registration form or the information required for such form, along with proof of residential address.
- h) **Using a photo ID or signed declaration to verify elector identity.** The right of registered electors who seek to cast a regular ballot in person to verify their identity, if required by law to do so, by presenting their unexpired government-issued photo ID or Ohio educational institution-issued photo ID, or by signing a declaration under penalty of perjury attesting to their identity, provided that election officials at the proper voting location can sufficiently verify the elector's identity using a specified process.

- i) **No-excuse absentee voting.** The right, once registered to vote, to apply for and cast an absentee ballot other than in person without providing an excuse and with return postage prepaid by the State. When casting such a ballot, an elector shall prove their identity with a signature and Ohio driver's license or state ID number or the last four digits of their social security number for election official verification. Election officials must verify the identity of electors who vote an absentee ballot using a specified process. An elector who has submitted an absentee ballot shall be allowed an equitable opportunity to cure any issues that have led to non-acceptance of that ballot, provided that the absentee ballot was timely received. An absentee ballot will be deemed timely received if it is postmarked on or before election day, and is received by the appropriate election official within ten (10) days after such election.
4. **Allow local election authorities discretion to expand voting opportunities.** Local election authorities shall have the discretion to expand the hours of early in person voting, to place multiple secure drop boxes throughout their counties for the return of absentee ballots, and to designate multiple locations throughout their counties for early in person voting based on the identified needs of their counties, including making early in person voting and absentee voting convenient and easily accessible for working and non-working electors.
5. **Require the State to make absentee ballot applications available and accessible.** The State shall make applications necessary to obtain absentee ballots generally available and easily accessible to electors statewide, including through electronic means. Electors may transmit such completed applications to the appropriate election authority through electronic or non-electronic means, and postage for all return envelopes shall be prepaid by the State. Election officials shall verify the elector's identity using a specified process. The State must institute a system for electors to electronically track their submitted absentee ballot applications and absentee ballots, which will allow electors to receive notice of and instructions to cure any deficiency with the application, if timely received.
6. **Provide that persons who attempt voter fraud will be subject to criminal penalties.** Any person who in requesting or casting a ballot attempts to impersonate another with the purpose to defraud, or who attempts to vote more than once in the same election with the purpose to defraud, shall be subject to criminal penalties as provided by law.
7. **Require the State to make reasonable accommodations for electors with disabilities or who otherwise require assistance under state or federal law.**
8. **Allow the State to institute technological advancements in the voting process.** The State may institute reliable additional secure options for qualified electors to verify their identity and cast their ballots as such methods become available through technological advancements, so long as such advancements maintain ballot secrecy and security and all other methods of identity verification and casting ballots specified in this Amendment remain acceptable.

9. **Provide that the provisions of this Amendment shall be construed in favor of electors' rights.** The various provisions in this Amendment shall be construed in favor of electors' rights and are intended to be self-executing and severable. The invalidity of one or more of such provisions shall not affect the validity of the remaining provisions in this Amendment. The General Assembly may pass laws expanding and facilitating the rights and opportunities guaranteed under this Amendment, but in no manner denying or limiting them.
10. **Require the General Assembly to make timely and adequate appropriations to effectuate the rights guaranteed and the requirements imposed by the Amendment.** If the General Assembly fails to comply with its obligation to make such timely and adequate appropriations, the Supreme Court of Ohio shall compel it to comply forthwith.
11. **Provide that any person who is a citizen of the United States, is a resident of Ohio, and will be at least 18 years of age at the time of the next election in this state shall have standing to bring an action for declaratory, injunctive, monetary, or any other appropriate relief to enforce the rights created by this Amendment.** This provision shall not be construed to limit existing standing law.
12. **Provide that all elections in this state shall be conducted by means of a secret ballot.**
13. **Eliminate an existing constitutional provision under which any elector who fails to vote in at least one election during any period of four consecutive years ceases to be an elector unless they register to vote again.**
14. **Eliminate an existing constitutional provision that prohibits an "idiot" or "insane person" from voting in Ohio.**

#### COMMITTEE TO REPRESENT THE PETITIONERS

The following persons are designated as a committee to represent the petitioners in all matters relating to the petition or its circulation:

Terry Brennan	6219 Orchard Ln., Cincinnati, OH 45213
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## FULL TEXT OF PROPOSED AMENDMENT

Be it Resolved by the People of the State of Ohio that Article V of the Ohio Constitution is hereby amended to add and repeal language in Sections 1, 2, and 6, as shown below. New language is underlined, repealed language is struck through, and unchanged language appears without underline or strikethrough:

### Section 1, Voting Rights

(A) Any person who is ~~Only~~ a citizen of the United States, ~~of the age of eighteen years at least 18 years of age by the date of the election,~~ who has been a resident of the state, county, township, or ward, such time as may be provided by law, and has been registered to vote for thirty days, Ohio, and registered in their county of residence in accordance with the rights guaranteed by the provisions of this Section has the qualifications of an elector; and is entitled to vote at all elections. No person who lacks these qualifications shall be permitted to vote at in any state or local election held in this state. ~~Any elector who fails to vote in at least one election during any period of four consecutive years shall cease to be an elector unless the elector again registers to vote.~~ Except as provided for in this Section and in Section 4 of this Article, the State shall not impose any qualification, nor institute any test, tax, charge, or expense, as a condition for voting, registering to vote, or updating a voter registration.

(B) The right to vote is a fundamental right enjoyed by every citizen of the United States who is or is eligible to become an elector in Ohio. No person shall: (1) enact or use any law, rule, regulation, qualification, prerequisite, standard, practice, or procedure; (2) engage in any harassing, threatening, discriminatory, or intimidating conduct; or (3) use any means whatsoever, any of which has the intent or effect of denying, abridging, interfering with, or unreasonably burdening the fundamental right to vote.

Because the right to vote is fundamental, any infringement of that right shall be subject to strict judicial scrutiny.

For purposes of subsection (B), "person" means an individual, association, corporation, joint stock company, labor organization, legal representative, mutual company, partnership, unincorporated organization, the state or a political subdivision of the state or an agency of the state, or any other legal entity, and includes an agent of a person.

(C) To ensure that all elections in this state are secure, accessible, and fair, and to reduce voting lines and wait times, every citizen of the United States who is or is eligible to become an elector in Ohio shall have the following rights:

(1) The right, once registered to vote, to obtain and cast a ballot in person on election day between 6:30 a.m. and 7:30 p.m. at an assigned polling location that is conveniently located and sufficiently equipped.

- (2) The right, if registered to vote and either serving in the military or residing outside of the United States, to apply for an absentee ballot and have such absentee ballot sent to them beginning forty-six (46) calendar days before an election and to have their absentee ballot deemed timely received if it is postmarked on or before election day, and is received by the appropriate election official within ten (10) days after such election.
- (3) The right, once registered to vote, to cast a ballot during the early voting period before an election, which shall begin twenty-eight (28) calendar days before the date of each election, shall end at noon on the day before the election, and shall include early in person voting at least during regular daytime business hours on all weekdays during this period and at least for twelve hours across the two days of each of the final two weekends before election day.
- (4) The right to be automatically and securely registered to vote or, if already registered, to have the elector's registration automatically and securely updated upon applying for, renewing, updating, or replacing an Ohio driver's license, learner's permit, or state identification card with the agency responsible for issuing these documents, unless the elector affirmatively indicates in writing following a mailed notice sent to their address after such registration or update that the elector does not want to be registered to vote or, if their registration has been updated, does not want to have their registration updated.

The mailed notice required under this subsection shall be sent by the appropriate election authority.

Nothing in this subsection shall preclude a person who is already registered to vote from securely updating their registration by any other means provided by law.

- (5) The right to register to vote or update their voter registration other than at a voting location through both non-electronic and electronic means until at least the twenty-ninth (29th) calendar day before an election and, if otherwise eligible to vote, to cast a regular ballot thereafter at the ensuing election.
- (6) The right, if not registered to vote in their county of residence, to register to vote and to be immediately eligible to cast a ballot by
- (a) appearing in person during voting hours either at an early voting location in the elector's county of residence during the early voting period or at the polling location assigned for the elector's residential address on election day,

and

(b) submitting to an authorized election official in person at such voting location a completed voter registration form or the information required for such form and presenting

(i) proof of identity in any form set forth in subsection (C)(8)(a) of this Section, and

(ii) proof of their residential address, which shall include a form of identification set forth in subsection (C)(8)(a) that contains the elector's name and current residential address, or an original or a copy of a bill, bank statement, government check, or paycheck dated within the prior sixty (60) days that contains the elector's name and current residential address.

An elector who registers to vote pursuant to this subsection shall not be denied the right to cast a regular ballot at the time of registration or be challenged merely because the elector registers in accordance with this subsection.

(7) The right, if already registered to vote in their county of residence, to update the elector's registration and to be immediately eligible to cast a ballot by

(a) appearing in person during voting hours available for voting either at an early voting location in the elector's county of residence during the early voting period or at the polling location assigned for the elector's residential address on election day,

and

(b) submitting to an authorized election official at such voting location a completed voter registration form or the information required for such form and presenting proof of their residential address as set forth in subsection (C)(6)(b)(ii).

Electors who update their registration pursuant to this subsection shall not be denied the right to cast a regular ballot at the time of updating their registration or be challenged merely because they have updated their registration in accordance with this subsection.

(8) The right of registered electors who seek to cast a ballot in person to verify their identity, if required by law to do so, through the following methods at the time they request a ballot:

(a) Such electors may furnish their unexpired photo identification issued by

(i) any state or local government agency in Ohio.

(ii) any educational institution in Ohio.

(iii) any tribal government agency, or

(iv) any federal government agency.

(b) A registered elector who does not have one of the forms of identification set forth in subsection (C)(8)(a) of this Section, or who does not have it with them when the elector seeks to cast a ballot in person, shall be allowed to sign a declaration under penalty of perjury attesting to the elector's identity and to submit it to the responsible election official at that voting location. Such declaration shall require the elector to provide their date of birth. The responsible election official at the voting location shall verify the elector's identity by confirming that either the signature or the date of birth contained on the elector's signed declaration sufficiently agrees with such information contained in the elector's record available at the voting location. To facilitate this verification process, election officials shall ensure that the information from the elector's record that is available at the voting location includes the elector's signature and the elector's date of birth. Upon verification of the elector's identity using this process, the responsible election official at the voting location shall accept the declaration and provide the elector a regular ballot, if the elector is otherwise eligible. An elector whose declaration is thus accepted shall not be denied the right to cast a regular ballot or be challenged merely because the elector has executed a declaration in lieu of presenting one of the forms of identification set forth in subsection (C)(8)(a) of this Section.

(9) The right, once registered to vote, to apply for and cast an absentee ballot other than in person without providing an excuse and with return postage prepaid by the State.

(a) To prove their identity when casting such ballot, an elector shall provide on the absentee ballot envelope

(i) The elector's signature, and

(ii) The elector's Ohio driver's license or state identification card number, or the last four digits of the elector's Social Security number.

(b) Election officials authorized to issue and review absentee ballots shall verify the identity of an elector who votes an absentee ballot other than in person by comparing the signature on the absentee ballot envelope to the

signature on the elector's absentee ballot application (if available) or any signatures in the elector's registration record and comparing the information required pursuant to subsection (C)(9)(a)(ii) to the information in the elector's registration record. If those election officials determine that the signature on the absentee ballot envelope does not sufficiently agree with at least one of the signatures specified above, if the elector's signature on the absentee ballot envelope is missing, or if the information required pursuant to subsection (C)(9)(a)(ii) does not agree with the information in the elector's registration record or is missing, or there is another issue that results in non-acceptance of the absentee ballot, the elector has a right to be notified immediately and afforded due process, including an equitable opportunity to correct any issue(s) with the ballot envelope, if timely received.

(c) Electors casting absentee ballots by mail shall have their ballot deemed timely received if the ballot envelope is postmarked on or before election day and is received by the appropriate election official within ten (10) days after such election.

(D) Local election authorities shall have the discretion to expand the hours of early in person voting, to place multiple secure drop boxes throughout their counties for the return of absentee ballots, and to designate multiple locations throughout their counties for early in person voting based on the identified needs of their counties, including making early in person voting and absentee voting convenient and easily accessible for working and non-working electors.

(E) The State shall make applications necessary to obtain absentee ballots generally available and easily accessible to electors statewide, including through electronic means. Electors may transmit such completed applications to the appropriate election authority through electronic or non-electronic means, and postage for all return envelopes shall be prepaid by the State.

(1) To securely verify the elector's identity when applying for an absentee ballot through non-electronic means, the elector must furnish either of the following along with their signature on the application form:

(a) The elector's Ohio driver's license or state identification card number, or

(b) The last four digits of the elector's Social Security number.

(2) To securely verify the elector's identity when applying for an absentee ballot through electronic means, the elector must furnish either of the following:

(a) The elector's Ohio driver's license or state identification card number, or

- (b) The last four digits of the elector's Social Security number.
- (3) Election officials authorized to issue absentee ballots shall verify the identity of an elector who requests an absentee ballot by comparing the information on the application to the information in the elector's registration record. If a signature is provided on the application, such signature shall be compared to any signatures in the elector's registration record and shall be accepted if it sufficiently agrees with any of these signatures. If the appropriate election official cannot verify the identity of the elector or there is another issue that results in non-acceptance of the absentee ballot application, the elector has a right to be notified immediately and afforded due process, including an equitable and accessible opportunity to correct any issue(s) with the application, if timely received.
- (4) The State shall institute a system by which electors may electronically track submitted absentee ballot applications and absentee ballots. The system shall permit electors to receive secure electronic notifications regarding the status of their submitted absentee ballot application and absentee ballot, inform electors of any issue that prevents acceptance of their submitted absentee ballot application or acceptance and tabulation of their absentee ballot, and provide instructions to electors for addressing any such deficiency.
- (F) Any person who in requesting or casting a ballot attempts to impersonate another with the purpose to defraud, or who attempts to vote more than once in the same election with the purpose to defraud, shall be subject to criminal penalties as provided by law.
- (G) The State shall make reasonable accommodations for electors with disabilities or who otherwise require assistance under state or federal law.
- (H) The State may institute reliable additional secure options for qualified electors to verify their identity and cast their ballots as such methods become available through technological advancements, so long as such advancements maintain ballot secrecy and security and all other methods of identity verification and casting ballots specified in this Section remain acceptable.
- (I) This Section shall be construed in favor of electors' rights. The various provisions in this Section are intended to be self-executing and severable. The invalidity of one or more of such provisions shall not affect the validity of the remaining provisions in this Section. The General Assembly may pass laws expanding and facilitating the rights and opportunities guaranteed under this Section, but in no manner denying or limiting them. Notwithstanding any other provision of this Constitution or any laws of this state, the General Assembly shall make timely and adequate appropriations necessary to effectuate all rights guaranteed, all requirements imposed, and all powers granted by this Section. If the General Assembly fails to comply with its obligation to make such timely and adequate appropriations, the Supreme Court of Ohio shall compel it to comply forthwith.

(J) Any person who is a citizen of the United States, is a resident of Ohio, and will be at least 18 years of age at the time of the next election in this state shall have standing to bring an action for declaratory, injunctive, monetary, or any other appropriate relief to enforce the rights created by this Section. Nothing in this subsection shall be construed to limit existing standing law.

## **Section 2, By Ballot**

All elections shall be by a secret ballot.

## **~~Section 6, Idiots or Insane Persons~~**

~~No idiot, or insane person, shall be entitled to the privileges of an elector.~~