

Ohio Association of Election Officials

Legislative Committee Meeting

June 12, 2014

The legislative committee of the Ohio Association of Election Officials met on Thursday, June 12, 2014 at 10:00 AM on a conference call. Tim Ward and Ken Terry were both absent today. Aaron Ockerman, executive director of the Ohio Association of Election Officials was present and led the meet.

Peggy Byers called the roll. Present were: Adam Booth, Peggy Byers, Kathi Creed, Brad Cromes, Tom Gerrity, Kathy Jones, Sarah Kneuss, Sally Krisel, Sharon Locke, Faith Lyon, Lyn McCoy, Chuck Miller, Carla Patton, Deborah Reiter, Brian Sleeth, Shantiel Soeder and Lisa Welch.

The legislature is gone and not expected to be back very much before the November General Election so Aaron led the group to talk about ideas for new legislation during this meeting. Aaron plans to take the temperature of the four caucuses, see where they are on election reform, and put together an agenda for the future for us to proceed based on all of these discussions.

Deb Reiter started the discussion on the role of the Director and Deputy Director in Title 35. The Deputy Director was left out of some code (3501.13 does not talk about Deputy Director). Deb felt the code is not entirely clear and sometimes not consistent. Boards do not have to have a Deputy Director. The discussion indicated that the code could be changed to include the Deputy Director in every section, but word that in such a way that the counties still have a choice if they have decided not to have a Deputy Director. Should this be done with a county policy going forward rather than asking the legislature to revise the code? Lyn in Greene County indicated they presently do not have a policy, but that might be something they would consider going forward. Their board has adopted the state recommended policy where the Director and Deputy Director switch roles every two years. Kathy in Champaign County expressed that when you put too much in the law, then it becomes too specific. She advocated for letting each board do their own thing. Kathy Jones picked up the discussion saying that the director is ultimately responsible for all duties so it might be best if this would be left to each individual board. Aaron asked Deb Reiter to write this code the way she would like to see it written and the group will revisit this issue. Brad Cromes indicated it might be a good idea to do some research to see what counties already have in place.

Brad Cromes in Portage County asked the group to discuss missing postmarks. The post office has gone to a more automated system. There is sometimes a line through the postmarks, some postmarks are unreadable, or sometimes there is no postmark at all. Sixty-eight percent of the absentees in Portage County were not cancelled any way. The postmark can't really be used to judge whether a mailing has met the Revised Code in this case. Is this something we want the legislature to respond to? It was felt this was a real issue. Kathy Jones indicated she would like to hear more conversation on this issue. Some of the boards indicated they have talked to their post office and it appears the post office does not fully understand how critical this piece of information is. Aaron suggested we use a 2-tiered approach. We should talk to the post office and the Secretary of State's office. After these conversations, we will decide if there is still a need to go to the legislature. Brad is the lawyer and willing to do the work, so he will continue to work on this issue. Aaron will work on a draft letter to Secretary Husted and present that to the group for consideration. Tim Ward reminded the group there is already a directive that touches on this topic.

We then moved on to death notification and the SB 200 amendments. Aaron indicated he has had some conversations with Senator Eklund on the kind feedback that has resulted from this legislation. Not everyone appreciates the mail from Boards of Elections on this topic. The purpose of this entry on the agenda is to remind all of us to continue to give Aaron feedback on this issue.

Discussion then moved to the Representative Blessing amendment on in-person absentee voting. Representative Blessing is very interested in getting parity between Election Day voters and those who do their absentee voting in the Board office. We can really reduce the time and paperwork needed for those voting absentee in the office and save some time for the board staff. The application would also serve the purpose of the absentee envelope. The voter would be scanning the ballot rather than the election staff which would provide this voter true second chance voting. Aaron feels there is a good possibility this piece of legislation might be addressed in the lame duck session this year. There has been no opposition to this thought. This legislation really does make sense. There is a meeting of some of our people with the County Commissioners Association set for Friday, June 13, 2014. Our people will try to get the commissioners support so we can move forward on this issue.

Bill Shubat had suggested we again talk about all mail special elections. This conversation was reinvigorated by the low turnout in this last primary election. There are hundreds of poll workers sitting around all day. We waste a lot of money with the current process. This is another topic that can be taken up with the commissioners at Friday's meeting. We might propose:

1. Eliminating one or both specials the code presently provides
2. Go to an all-mail special elections
3. Renew the provision that HB 194 had providing for prepayment for special elections.

Adam Booth really wanted our group to push for eliminating special elections. We know there are powerful lobbies that do not want this (school lobby). We need to go on the record supporting the elimination of special elections. Aaron suggested the commissioners association is eager to address this issue. Kathy Meyer from Champaign County agreed with Adam on the elimination. She suggested we go that way, see what happens, then decide which way we want to go with the other provisions suggested. Brad Cromes wanted us to keep everything on the table at this point. The fact that this is a cost saver would probably speak to the commissioners association. Tim Ward suggested we could seek the elimination; then accept the all-mail if we needed to compromise. There appeared to be support for this idea. Aaron will go back to the committee chair, but he is not sure about the feasibility as we are going up against school boards.

Brad Cromes wanted a discussion on municipal elections. They don't have a lot of these in their county, but their chartered municipalities do hold them occasionally. They are very burdensome as they often overlap with an August special election. Brad recognized our move to eliminate specials. Brad wishes we would get these municipal elections held on the regular election cycle. The Ohio constitution presently allows municipalities many provisions. Brad reads the constitution to say that municipalities can make their own rule when the legislature has not legislated a specific issue. Brad thinks it would be easy for the code to say that these elections will occur on the regular election calendar. The municipal elections would have to be done on the same day as all other entities. Lyn in Greene County would like to see us add petition filing deadlines to this request. There was some discussion about whether the city councils would have to change their legislation for this to happen. There was some difference of opinion within some board offices. It was thought it would behoove us to explain to law directors why off-calendar elections create such a burden. At the least, Aaron feels we should raise the awareness on this issue. Brad would be willing to go to Columbus to share some of his research. The turnout can be very low and the cost very high. This issue has been around for a long time, but we need to make a move one way or another.

Brad Cromes also asked the group to talk about the differences in recount percentages. Presently automatic recounts are triggered when the percentage difference on statewide races is $\frac{1}{4}$ of 1 percent. For local races, that percentage difference is $\frac{1}{2}$ of 1 percent. Many boards have been forced to do recounts when the percentage barely meets the number. Brad thinks we should seek uniformity on this issue. We should streamline and save a lot of cost. The thought was we should seek the lower number. There is not

a change in results for most recounts. The question was raised about whether there would be a pushback on this. We will make a recommendation that the trustees try to move this legislation forward. Aaron will put this matter on the trustee agenda.

Matt Tlachac had asked that a discussion on 3509.06 (counting absentees) be placed on the agenda, but Matt was not available for today's meet. Aaron described this as a weird piece of code that talks about counting absentees at the precinct. The discussions indicated we should ask that this provision be cleaned up and eliminate the option completely. The code has been revised, but not the issue we are discussing. Aaron again asked if we should just clean this up and eliminate this option completely. Aaron will take the recommendation to the trustees.

Brad also wanted us to discuss a replacement levy bill. Replacements levies in general are very confusing to voters. Aaron reported he had a meeting with Representative Becker, some members of the school board association, and their attorneys. Representative Becker acknowledged that the language on replacement levies can be confusing. It is the thought of our association that the levy should say clearly, here is the current effective rate for this levy; this is how that rate will be affected. The levy should state specifically when the levy will become effective.

Brad also brought up the matter of address protection for domestic violence victims and law enforcement personnel. Often these people have to choose between voting or not if they do not want their address published to the general public. It was generally felt this issue needs to be addressed at the state level. Kathy Jones asked why Brad felt this issue needs to be addressed at the state level and not at the county level. It was mentioned that when this is done at a local level, there is sometimes too much familiarity in smaller communities. We need to have these conversations. We need to decide upon an approach. It was agreed that this is an issue that needs pursued. Aaron will have more conversation with Representative Clyde as this has been her issue during recent legislative sessions.

Lyn McCoy then moved the conversation to petitions. What is a fatal flaw? This can sometimes vary from prosecutor to prosecutor. Make it absolutely clear in revised code what is acceptable on a petition. Can the form be improved? What is necessary? What is not necessary? It was felt this could vary depending on the election attorney you talk to that day. Aaron will again take this to the trustees and see if we can put details behind this issue.

Adam Booth brought up the issue about what we are to do in the last 3 days of early voting. We can't get all our work done and done properly when we are still voting. The Secretary of State will issue a directive to enforce the decision issued by the federal judge in the last week. Lisa Welch from Holmes County asked why we have to provide absentee voting for all counties on Sunday. Lisa said they customarily do not have many Sunday voters. The OAE had already issued a set of recommendations for absentee voting, but this continues to be a very controversial issue. Aaron felt we need to take a wait and see position at this point.

Aaron will take Peggy's notes, combine them with his notes, and then develop recommendations for the trustees.

Respectfully submitted,

Peggy Byers

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