

Ohio Association of Election Officials

Legislative Committee Meeting

November 20, 2014

The legislative committee of the Ohio Association of Election Officials met on Thursday, November 20, 2014 at 10:00 AM on a conference call. Tim Ward and Ken Terry were both on the call today to lead the meet. Aaron Ockerman, executive director of the Ohio Association of Election Officials was also on the call and assisted with the lead when asked.

Peggy Byers called the roll. Present were: Adam Booth, Penny Brooks, Peggy Byers, Bruce Carter, Kathi Creed, Brad Cromes, Tom Gerrity, Steve Harsman, Kathy Jones, Jan Kelley, Sarah Kneuss, Sally Krisel, Sharon Locke, Faith Lyon, Lyn McCoy, Carla Patton, Deborah Reiter, Shantiel Soeder, Ken Terry, Tim Ward, Lisa Welch and Dale Whitt.

Guests on the call were: Jan Clair, Dale Fellows, Sherry Poland, Beth Snyder,

Aaron reported he was not sure we would have a legislative meeting in December. After today's meet, he said we would regroup and make a decision at a later date. For sure, the legislative committee will be meeting at the winter conference in January.

Ken asked Aaron to comment on lame duck action. Aaron said this was easy as they are not talking about elections. There were 3 pieces of legislation introduced for elections, but Aaron says that after talking to legislators on both sides there is not going to be anything on elections going on. Legislators appear eager to go home for the holidays.

Karla Herron asked the group to review this legislation;

R.C. 2731.02 shall be amended as follows:

The writ of mandamus may be allowed by the Supreme Court, the court of appeals, or the court of common pleas and shall be issued by the clerk of the court in which the application is made. Such writ may issue on the information of the party beneficially interested.

Such write shall contain a copy of the petition, verification, and order of allowance. Further, a writ shall not issue to a board of elections directing it to place any candidate or issue on any ballot, after that board of elections is legally obligated to distribute ballots to overseas voters and uniformed services voters, plus five days.

The Supreme Court ruled that Delaware County was to place a charter amendment on the ballot two weeks after Delaware County had started to use their ballots for the November 4, 2014 election. This was a zoning issue for the city of Powell. Fifteen hundred (1500) absentee ballots had already been mailed to voters in Powell. The documents for this petition had never been filed with the Board of Elections. This action cost the Delaware County Board of Elections \$12,000 in Karla's estimation. Delaware County moved this measure on to a second page so they could mail the second page to voters who had already received a ballot. Karla wants our group to support amendments that would prevent such actions in future elections. Our amendment would stop all changes five days before the mailing of any UOCAVA ballots. Today it was decided to have Aaron move this amendment on to our attorneys to see if this would hold muster should we support this amendment. There was an extensive discussion about the problems this creates for election workers. Aaron supposed there are many dates in the revised code that need to

reviewed. Kathy Jones moved we send this issue to legal for review and move it on up the chain. Penny Brooks seconded the motion. The motion passed.

Matt Tlachac wanted to talk about changes to the prescribed absentee ballot form. At issue is the fact that some voters have actually moved, but placed their new address in the 'mal to' section of the form. Therefore the voter receives his ballot at the new address. This creates a situation where voters may vote on issues that they no longer should be voting on. Matt is proclaiming we need a 'Do Not Forward' on these envelopes, but he understands there is a cost associated with this. The identification envelope is described in statute, the outside envelope is not, but it should be so we can add, 'Return Service Requested. Aaron will take this up with Matt Damschroder on a follow-up call.

Kathy Jones asked if other counties were having difficulty with villages that only deliver to post office boxes. Kathy says most of the time; the post office will deliver even if the mail does not have the post office box. For villages, it was the consensus that most of us try to get the post office box added at the time of registration.

Ken Terry led a discussion on issues different counties had with the post office during this election. Ken said they had their absentee ballots ready to go on October 7, mailed 4000 ballots, and discovered approximately 200 ballots never made it to their destination. After some searching, Ken has decided it was clusters of ballots near the end of their precincts. Their local newspaper picked up on the issue, ran it on the front page, the story made it sound like the post office had lost mail, so voters started to call the Board of Election's office. Ken indicated this was a good thing as it helped their office identify where the problems were. Karla in Delaware County says the post office lost a tray of mail in Delaware County. They talked to the postal inspector, but they never really heard anything in return, but the lost ballots started to show up on the Friday and Saturday before the election. The mystery with these ballots was there was no postmark at all. Penny Brooks offered that Athens County sorts their outgoing mail for the 457 area code. That mail does not need to leave Athens County. Montgomery County talked about lost mail also. Penny suggested that other counties try the sort to see if that might help every county. Jan Clair talked about 5100 ballots that had no cancellation, thus prompting their board to reject ballots. Discussion by the group indicated that someone did get on the postmasters before this election as this situation actually seemed to improve with this election. Jan noted she repeatedly said lack of the cancellation can control the outcome of elections. This appeared to make a point with many interested parties. Ken suggested we approach the Secretary of State's office to have conversation this issue again. Tim Ward wanted this reason to be added to the list for rejections for the official report in the future so this problem can be tracked and continue to be addressed appropriately. Aaron along with some of the legislative group hopes to have more conversation with Matt Damschroder. Rob Portman and Sherrod Brown, to be sure these concerns are addressed.

Aaron then wanted to talk about public records requests we all get close to an election and the need to respond in a timely fashion. We were all encouraged to have this issue covered in our policy on public records requests. Since many of us have much-improved websites, there really is very little we can't send a requester to the website for these days.

Ken Terry wrote this summary on SB 362:

SB 362 Review

- Non-UOCAVA absentee start date changed back to 35 days
- Absentee voting ending at 2PM on the Monday before Election Day
- Establishes the following minimum in person absentee hours (for every election):

- First 3 weeks of absentee voting; M-F 8AM-5PM (till 9PM on registration deadline)
- 2 weeks before election; M-F 8AM-7PM, Sat 8AM-5PM, Sun Noon-8PM
- Week before election; M-F 8AM-9PM, Sat 8AM-8PM, Sun Noon-8PM
- Day before election; 8AM-2PM

-A board may alter these hours with vote of not less than 3 members, if so the following shall apply:

- Absentee until 9PM on VR deadline
- Absentee available minimum of 30 hours each weekday throughout 35 day period with at least 10 of those hours after 5PM.
- Absentee available minimum of 8 hours on a Sat and 4 hours on a Sun within the last two weekends before Election Day.
- Absentee 8AM-2PM day before election.

-Changes end of absentee from 6PM on Friday before to close of absentee as determined above in other code sections.

Ken noted the conflict in this bill between the default hours and the alternate hours. It was noted that entities need to be aware of the cost of these additional hours, particularly in a special election when all costs will be charged backed to the entity. Aaron had been asked by some legislators for our thoughts on this bill. It is a timely topic. Aaron says this is a good conversation for us to have, the lawsuit is moving forward. We were glad to see there is some recognition that there needs to be different schedules for different elections. After much discussion on this topic, Tim Ward moved a motion that we stay consistent and move forward with the recommendations from our absentee task force, that we not piecemeal on this topic. Ken Terry seconded the motion. The motion passed. It was noted that there was one abstention.

Kathy Jones asked that we spend some time talking about observers. Kathy noted she wanted to talk to the observers and there were no phone numbers. The conversation circled around a need for more specifics. Observers need to spell out what exactly they want to see. There was a note that one observer expressed that they had their letter on their phone. A voting location manager could not accept this from a phone. It was generally agreed that there needs to be more conversation on this topic.

Penny Brooks made a motion that the group adjourn. Kathy Jones seconded the motion. The motion passed.

Respectfully submitted,

Peggy Byers

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