

Ohio Association of Election Officials

Legislative Committee Meeting

February 27, 2015

The legislative committee of the Ohio Association of Election Officials met on Friday, February 17, 2015 at 10:00 AM on a conference call. Tim Ward and Ken Terry were both present today. Ken Terry presided. Aaron Ockerman, executive director of the Ohio Association of Election Officials was also present and assisted with the lead when asked.

Peggy Byers called the roll. Present were: Susan Bloom, Penny Brooks, Jocelyn Bucaro, Peggy Byers, Bruce Carter, Judith Craig, Steve Harsman, Kathy Jones, Sally Krisel, Sharon Locke, Lyn McCoy, Kathy Meyer, Chuck Miller, Brian Sleeth, Ken Terry, Matt Tlachac, Curt Braden, Karla Herron, Jan Kelley, Sarah Kneuss, Faith Lyon, Carla Patton, Debbie Quivey, Tim Ward and Kay Wick.

Dale Fellowes was a guest today.

The first item on the agenda was a review of the budget process. Aaron led this discussion. Of most importance to our group is the proposed money for electronic poll books. Can counties get money from the state for this project? Aaron expects the conversation to be robust on this topic as the cost is expected to be approximately \$15 million. The hope is that counties who have already invested in electronic poll books will be reimbursed.

There has been a movement led by Supreme Court Chief Justice Maureen O'Conner to get judicial races moved to the primary in the odd year elections. This move would demand that every county have a primary election in the even years and in the odd years. Penny Brooks noted we have to respect the additional cost that moving the judicial elections would bring to several counties who might not have a primary election in odd numbered years. Tim Ward made the point that there are typically fewer voters in the odd numbered years. Steve Harsman warned the group that we might want to stay neutral on this topic. Steve suggested we might develop a statement of facts, but we should not voice a political opinion as we should choose our topics so the legislature will listen when we do speak. Steve was of the opinion that if we offer an opinion on every topic, the legislature might be less likely to listen to us. Steve's comment was that we should be like E. F. Hutton.....when we do take a position; when we do speak; we want the legislature to listen. Aaron wondered if the unintended consequences were even considered when this suggestion was made by the Chief Justice. If the judicial election would move, what would keep other races from moving? Aaron said he would speak with the county commissioners' association as well. Aaron felt this issue would take a constitutional amendment. Aaron will prepare a white paper that neither supports nor denies our support on this topic. This will be a statement of facts. He will have that white paper together before the trustees meet again. Many in the group offered their assistance on the paper.

Richland County brought up the issue of eliminated primary elections and the matter of write-ins. Richland County was not on the line when this matter came up so Aaron spoke to the topic. Richland County has a city-wide race where only one Republican filed, but then failed to get enough signatures to make it to the ballot, thus eliminating the party primary. Running as a write-in on the General Election ballot was an option discussed at this point. The question was raised about whether we could make the determination about whether there was going to be a primary after the write-in deadline? Did this person blow their chances to run on the primary ballot? This write-in wanted to get on for that office under their party banner. Dale Fellowes commented that this is a political party issue and not really a legislative issue, not

really our problem. Ken Terry agreed and this appeared to be the consensus of the group. This was not a matter of administration of elections.

Susan Bloom from Fairfield County who is new to the legislative committee asked if it was a good idea to lobby their own county commissioners and legislators on these issues. Aaron recapped that we never intend to muzzle any individual. Everyone should represent their board and their county to the best of their ability.

The next item on the agenda was the incapacitation of board members, should there be temporary replacements. Bev Moore from Warren County took a bad fall and is in a nursing home. While there was a lengthy and lively discussion on this matter, Kathy Jones recapped the discussion saying this again is a party issue; not really our problem nor is this a matter our association needs to consider.

Ken Terry had sent this recap of HB 81 to all of us:

HB 81 Review 2/26/15

-Eliminates February Special Elections

-Requires BOE's to file with County Commissioners and SOS the cost per voter of conducting a special election in the county 15 business days prior to Special Election Filing Deadline. (Line 367)

-Requires BOE to provide estimated cost of special election to subdivisions seeking to submit issue or candidate in special election (Line 377)

-Subdivision required to pay to the county election revenue fund 65% of estimated cost not less than 10 days after the filing deadline (not after filing date) (Line 385)

-60 days after Special Election day the BOE required to provide to subdivision actual cost of special election, subdivision required to pay remainder of cost within 30 days of being notified. (If subdivision paid more in initial payment Commissioners required to return funds within 30 days). (Line 393)

The legislature wants to approach this issue a little differently than they have in the past. Aaron said he had been approached about special elections and the possible elimination of one of the special elections. Ken Terry reminded us that the preparation of the costs suggested in this bill for the commissioners will cause a bit more work for election officials. Tim Ward pointed out that the collection of the funds up front will demand the establishment of a revenue fund. Our association does not want to upset the County Commissioners Association or make it appear we are doing something under the table to get this fund established against their will. Aaron will get us more info from Cheryl with the Commissioner's Association on this topic and email our group. Lyn McCoy moved a motion that we move this on to the trustees to support this house bill. Carla Patton seconded the motion. The motion passed unanimously. Aaron assured us he would get this on the trustees' agenda.

The discussion then moved to online registration (SB 63, HB 41). The premise for these bills stays the same as what we have been hearing the last five years. The address will have to match the BMV database. The signature will come from the BMV record. People with a state identification card will be eligible to use this system also. The Secretary of State has asked Aaron for the support of our Association on this issue. The way Aaron understands the bills is that they will match the address on the BMV database for starters, but the intent is to match with other state databases as time goes on. Tim Ward raised the question about those wanting to register who are not U. S. citizens. Aaron was sure this was not a part of the bills at

this time. This is a political football that might derail online registration. Matt Thalac moved a motion that the association support online voter registration as stated in both of these pieces of legislation. Jan Kelley seconded the motion. The motion passed unanimously.

Kathy Jones led a discussion on observers asking for some changes and additions before the Presidential election. After some discussion, Kathy agreed to prepare some proposals to lead us and bring this back to the group.

Matthew Tlachac made the suggestion that our association advocate taking the automatic recount percentage down to one-fourth percent. When our committee was polled, no one ever had a race actually flipping because of a recount. Matt suggested we would like to mimic from R.C. 3515.011:

If the number of votes cast in any statewide election [add all local or countywide issues/candidates] for the declared winning nominee, candidate, question, or issue does not exceed the number of votes cast for the declared defeated nominee, candidate, question, or issue by a margin of one-fourth of one percent or more of the total vote, the secretary of state shall order a recount which shall be conducted as provided in sections [3515.04](#) and [3515.05](#) of the Revised Code.

Steve Harsman moved a motion that we move this along to the trustees. Kathy Jones seconded the motion. The motion passed.

Aaron reported he would get with our leadership to prepare a calendar for the year so we could plan for our meetings.

Lyn McCoy made a motion that the group adjourn. Matt Thalac seconded the motion. The motion passed.

Respectfully submitted,

Peggy Byers

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