

Ohio Association of Election Officials

Legislative Committee Meeting

October 5, 2015

The legislative committee of the Ohio Association of Election Officials met on Monday, October 5, 2015 at 2:00 PM 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: Paul Adams, Susan Broom, Jocelyn Bucaro, Penny Brooks, Peggy Byers, Bruce Carter, Amy Grubbe, Steve Harsman, Sally Krisel, Lyn McCoy, Kathy Meyer, Debbie Reiter, Brian Sleeth, Ken Terry, Matt Tlachac, Curt Braden, Kathi Creed, Rob Frost, Jeff Halley, Karla Herron, Jan Kelley, Julia Leathers, Carla Patton, Shantiel Soeder, Scott Towers, Tim Ward and Kay Wick.

Beth Snyder, Jan Commers, and Andrea Eastman were guests today.

Ken Terry had prepared several reviews and shared them with the group before the meeting:

SB 63 Review (online Voter Registration)
10/5/15

- Changes definition of party candidate from a candidate who “Claims to be member of” to “is affiliated with a” (Line 117)
- Adds space on registration to write in political party the applicant wishes to be affiliated with (line 411)
- If applicant doesn’t provide party or a name that isn’t a recognized party the applicant is registered as non-affiliated (Line 420)
- If applicant already affiliated with a party and doesn’t write a different valid party in that line stays affiliated with current party (line 432)
- Requires SOS to regularly transmit to BOEs to ensure accuracy of SWVRDB, look for duplicates and unqualified voters (Line 566)
- Requires SOS to conduct annual review of SWVRDB that compares SWVRDB to BMV, including US Citizenship status, includes cancellation of registration time lines and referring to attorney general for non-citizens that are registered (Line 689)
- Requires department of health to send death notices to BOE by the last day of each month (Line 744)
- Creates online registration (Line 943)
- Electors political party shall be determined from; Registration, most recent declaration of party, or casting a partisan ballot in partisan primary (Line 1138)
- Allows an elector to file a “declaration of political party affiliation” on SOS prescribed form (Line 1156)
- Allows electors to vote any party during primary (Line 1624)
- Removes ability for poll worker to challenge voter based on party chosen (Line 1652)
- Requires partisan candidates to be affiliated with the party they file for as of the date of filing declaration of candidacy (Line 1683)

This bill has passed the Senate, but Aaron reported it is not scheduled for a hearing in the house. The Secretary of State’s office anticipates a favorable action. Aaron reminded us to each do what we could do to help this legislation move.

Aaron reported that neither house is expected to be in session more than 5 or 6 days this fall, very, very light schedule. Aaron says that puts the burden on us to move expeditiously on the legislation we want to get moved as there will not be much time to make anything happen. They will back in February and March, but not for long as this will be a Presidential year. Not much on legislation between now and the General Election next year. Lame Duck after the election also bears on this also.

Ken then led us to Senate Bill 206 (campaign finance filings):

LSC 131 1310 Review

5/19/15

- Allows electronic submission to BOE's and SOS for certain campaign finance filings (Line 344)
- SOS shall make campaign finance reports available online (Line 486)
- SOS may remove info from internet after "Reasonable period of time" (Line 504)
- SOS shall store the following "on computer": (line 895)
 - Contributions and expenditures
 - Disclosure of electioneering communications statements
 - Deposit and disbursement statements
 - Gift and disbursement info
 - donation and disbursement info
- Each of the following shall be permitted or required to file campaign finance electronically: (Line 963)
 - Statewide office (required over \$10K in contributions or expenditures)
 - General Assembly (required over \$10K in contributions)
 - Court of appeals judge (required over \$10K in contributions)
 - Any other campaign Committee (other than state Board of Education) (required over \$5K in contributions)
 - State wide PAC or PCE, a legislative fund or state political party (required over \$10K in contributions or expenditures)
 - Political Party State Candidate fund (Required electronically)
 - County political party (other statements) (required over \$5K in contributions or expenditures)
 - Local PAC or PCE (required over \$5K in contributions or expenditures)
 - Individual, partnership or other entity that makes independent expenditures in support or opposition to state candidate or issue (Required if expenditure is over \$10K)
- BOE that receives campaign finance report electronically shall send to SOS within 5 business days, same day when receiving amendment (Line 1058)
- SOS required to put info online within 5 days of receipt (line 1067)
- If a committee for general assembly or appeals court judge files campaign finance via printed version, the committee shall file 2 copies and BOE shall send one via certified mail or electrically same day (Line 1252)
- SOS required to make the campaign finance reports that were filed electronically available online (Line 1357)
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Aaron reminded us that the only changes he knows about refer to local candidate filings where the amount is over \$2000 from any one source. Shantiel Soeder and the crew in Cuyahoga County worked closely with Senator LaRose in drafting this legislation. If a candidate files electronically, they will not have to deal with all the paper at the local board of elections. Aaron mentioned he has had very positive feedback at the Regional meetings. There was some concern for candidates who do not have computer access. There was some discussion over the lack of access in small, rural counties, but the bottom line was that these people

will have to find access to a computer. Ken and Aaron assured the group that there was nothing in the legislation that would require the local board to provide the Internet access for the candidate. Ken recapped that this bill would take the campaign finance filings out of the hands of the local boards. This is a good thing. There is some question about how the auditing will be handled in the future. Shantiel said she has documentation on how Cuyahoga County ironed out some of these issues. Amy Grubbe moved a motion we support this legislation. Tim Warden seconded the motion. The motion passed.

Ken then directed us towards SB 212 (reduction of number of poll workers):

SB 212 Review
10-5-15

- If electronic poll books are being used in a multi precinct polling location the BOE can choose to appoint not less than 2 precinct election officials per precinct (Line 81)
- If BOE determines that an elector's registration was canceled in error the BOE shall restore the registration and treat it as though it was never canceled

Tim Ward reminded us that this legislation also eliminates the need to send death notices. Tim Ward called this a slam dunk. There was lots of enthusiasm within the group for this legislation. Jocelyn Bucaro warned this legislation might be a little premature. Poll workers do make errors. Poll workers make a different type of error with electronic poll books. Butler County teaches their poll workers to back each other up. They have 2 people sitting at the electronic poll book. Jocelyn felt this helped to cut down on errors. Penny Brooks said Athens County might go down to 3 poll workers. There is a difference in the various types of elections we have which would bear on the number of poll workers we need. Jocelyn and Amy questioned going down to 3 and whether that would be allowed by law. Tim Ward reminded us we could still get to 50/50 in the multi-precinct locations. There is room in the legislation for each county to handle this situation in the way that would meet their needs, keeping in mind the type of election. Paul Adams from Lorain County pointed out they often have 6 or 7 precincts in a location and he feels this legislation is needed. Common sense is key in this matter per Penny Brooks.

Karla Herron then directed the group to the problems Delaware County has had with petitions, thinking this might be an amendment to this legislation. Delaware County had a candidate take the county to the Ohio Supreme Court because their Board had not accepted some signatures on the candidate's petition. It is the wish of our group that there will be a column added for a printed name on the petitions. The purpose of bringing up this matter at this point was to ask if it could be added to SB 212. The Supreme Court has made it clear the voter could print or sign their signature according to this ruling. The idea is to take out the guesswork on petitions. Delaware County is looking for a piece of legislation to attach this too so it will truly be a slam dunk. Senator Eklund and Senator Jordan work well together and are open to this idea. Summit County has the same situation and they were ordered to add a candidate to their ballot also. Printed signatures have kept people from being on the ballot in the past. The Supreme Court says the law is too vague, it is not really clear. Aaron is going to send the decision to all of us. Karla is hoping we will find this interesting reading. Only after we read and become more informed will we then make a recommendation. The Ohio Association of Election Officials already has a Forms Committee so Tim Ward suggested that committee take a look at this matter. Tim raised the question of whether this will eventually expand to the signature on a provisional envelope. We would like to have some direction from the Secretary of State's office. After all this discussion, it was decided to table the amendment until after we all have something to read. We do not want to create more problems with a hastily drawn amendment.

Tim Ward moved a motion we support SB 212 as it stands. Penny Brooks seconded the motion. The motion was approved with 2 nays being acknowledged.

Peggy Byers then presented the scenario that is playing out in Washington County before this election. Washington County had a township trustee resign during the summer, but the resignation letter did not make it to the Board of Elections until September 15. The resignation date on the form was September 8. When Washington County started to delve in to this matter, we discovered that we have to have our ballots ready 45 days before the election for the military and overseas voters, but there is revised code that references 40 days. Mia Yaniko informed Washington County that the 40 day reference is actually a part of the constitution. In the usual manner, the Secretary of State's office told us to talk to our prosecuting attorney. In the meantime, we started to hear of several other counties who were experiencing a similar situations. As we talked to other counties, we discovered we were getting different instructions on how to handle these situations. There is no clear instruction on how to proceed in these situations. UOCAVA has occurred since this amendment to the constitution. Ken Terry moved a motion that we take this matter to the constitutional modernization committee that Aaron suggested we take this matter to. Tim Ward seconded the motion. The motion passed. Aaron will do this.

PERS is introducing a new rule that threatens anyone who works part-time in a PERS job with losing health insurance if they are employed in a job that pays in to PERS after retirement. This is of particular concern to poll workers and Board members. The county commissioners have approached our organization on this matter. The limit is \$600 before you have to start paying in to PERS. Aaron asked where would our group have to go to get poll workers exempted from this rule. Aaron was seeking feedback from our group today. Aaron will be seeking more information on this matter and reporting back to us.

Ken then led us in discussing address confidentiality legislation on the table right now:

LSC 131_1199 Review
6/5/15

- Definitions of Address, Confidential address, governmental entity, guardian, incompetent, parent and ward (Line 16)
- A person may apply to SOS to have an address designated by SOS to serve as the person's address and refers to "Subject to division (E) of this Section" but there is no division (E) (Line 34)
- The application must contain the following: (Line 41)
 - Sworn statement that the applicant fears for their safety because they are a victim of domestic violence, stalking or human trafficking.
 - Designation of SOS as agent for the purposes of the process and receipt of mail
 - The mailing address and telephone number of the applicant
 - The address the applicant does not want disclosed
 - Signature & date
- Application must be filed with SOS (line 62)
- SOS certifies the application issues a unique program ID number and info on how to register to vote and vote as a program participant. (Line 65)
- Certificate is valid for 4 years. (line 76)
- Program participant may renew the certification via a renewal procedure put in place by SOS. (line 81)
- Participant may request that a government entity other than BOE use the address designation provided by SOS (line 88)
- Participant may use the address as the address for their place of employment (line 96)
- SOS shall forward all mail sent to that address daily in a separate package. (line 99)
- SOS may contract with USPS for special rate (line 106)
- Address use does not apply to municipal-owned public utility. Those addresses are not public record and shall not be released (Line 110)

- Program participant may apply to BOE to request that the address be kept confidential. (Line 116)
- Program participant may only vote by absentee or provisional (no in person or mail requirement in this section) (Line 137)
- If participant signs a petition, may provide ID number instead of address. (line 145)
- When an app is received by BOE, the Director shall contact SOS and verify ID number, application shall be stored so that only the director, deputy director and members of the board have access to the application. (Line 152)
- Participants ID number goes in place of address in SWVRDB. (Line 162)
- If participant already registered, address shall be removed from VR record, SWVRDB, any poll book, poll list or signature book (Line 166)
- ID number shall appear in place of address in participants record in VR and SWVRDB (Line 194)
- No info of participant shall be included in any poll book, list, or a signature book. (line 200)
- No info, even the name, shall be available to public via SWVRDB (Line 203)
- Process to change name/address (Basically same as to apply) (line 212)
- SOS shall cancel certification of participation in program if the Application had a false statement, the participant filed a written request to ease being a participant, or the certification has expired. (line 276)
- If participant moves or changes name they may vote provisionally on election day at the new precinct (line 1323)
- Changes to provisional ballot form to include program ID number (Line 1800)
- If provisional voter a program participant, address does not need to be included on provisional form (Line 1924)
- Observers not allowed to witness the determination of eligibility of provisional ballots of program participants. (line 2118)
- Changes absentee application to include space to write program participant ID number (Line 2177)
- If absentee voter a participant address does not need to be on absentee form (Line 2203)
- Absentee requests still sent to BOE, BOE sends to SOS who sends to voter.
- Address not pre-printed on ID envelope of participant's absentee (Line 2287)
- Absentees from program participants required to be centrally counted (line 2298)
- Absentee ID envelope not incomplete if it does not contain address of program participant (Line 2399)
- Observers not permitted to witness the examination of absentees cast by program participants (Line 2442)

Tim Ward says he prefers this Senate version over HB 193. This version requires a notarized statement that the person fears for their safety. Amy was concerned that this bill would require more time and effort before a victim to get protection. She worried about their safety and security. Amy likes the flexibility of HB 193. Aaron reported the bill was being introduced today. Aaron said he had been asked for comments or concerns from our group. Did we have any opposition? Ken Terry likes this bill better. We have taken a neutral position in the past. We just want to watch this bill. Our group just wants to be sure any version takes care of the concerns Election Officials would have. We want to be able to take care of every voter.

The leadership of our organization will be meeting with Secretary Husted asking that funding be included in the next budget for the acquisition of voting machines.

Amy spoke to HB 309 (postmarks). Aaron asked that we all review this legislation and he would formally put it back on the agenda for the next meeting. Kathleen Clyde brought this legislation forward. It

basically follows UOCAVA. If the voter signed inside on a legitimate date, but there is no postmark, the vote may count. It gives the benefit of the doubt to the voter.

Aaron then brought up the matter of health or travel that prevents Board of Election members from being physically present in the critical periods when decisions have to be made. Aaron is going to talk to the Attorney General to see if there is any telephonic means or whatever that would be permissible by law to remedy this situation.

Jocelyn reminded Aaron of the want to increase the number of days before an election when Boards may start opening absentee ballots. Senator Blessing's bill would allow for immediate opening and scanning of mailed absentee ballots. The hope is that in-person absentees will no longer have to fill out the envelope. Our organization wishes voters could run their absentee through the scanner rather than place it in an envelope to wait to be opened. Aaron reminded us that there is no appetite to move on this matter until after all of the pending Federal lawsuits work their way through the system.

Penny Brooks made a motion that the group adjourn. Paul Adams seconded the motion. The motion passed.

Respectfully submitted,

Peggy Byers

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