

Ohio Association of Election Officials

Legislative Committee Meeting

January 13, 2016

The legislative committee of the Ohio Association of Election Officials met on Wednesday, January 13, 2016 at 1:00 PM at the Winter Elections Conference at the Downtown Hilton, 401 N. High St, Columbus, Ohio. Tim Ward presided. Ken Terry was also present. 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, Penny Brooks, Jocelyn Bucaro, Peggy Byers, Judith Craig, Amy Grubbe, Steve Harsman, Sharon Locke, Lyn McCoy, Debbie Reiter, Brian Sleeth, Ken Terry, Curt Braden, Kathi Creed, Rob Frost, Karla Herron, Jan Kelley, Carla Patton, Debbie Quivey, Julia Leathers, Shantiel Soeder, Tim Ward, Lisa Welch and Kay Wick.

Cheryl Browning was a guest today.

The minutes had been sent out by email. Ranae Lentz moved a motion the minutes be accepted. Julie Leathers seconded the motion. The motion passed.

SB 63 was the first item on our agenda. Ken Terry had prepared this review before our meet in October:

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)

Aaron updated us today that this bill had passed the Senate in June 2015. The bill has now had its first reading in the house with a generally positive response. There were many questions about the provision that would allow a voter to declare their party affiliation on a voter registration or change of address form. There were some questions about whether a driver's license or state identification would be required for these changes.

There have been some extensive conversations about getting some money for new voting equipment from the state budget. The OAEO is also hoping for some state pricing to help counties with new equipment. About 2 months ago, there was a meet with Tim Keen, Director of Budget Management for Governor Kasich, and several other people including some employees from the Secretary of State's office. There is some understanding of the need for new equipment. We (OAEO) have been tasked to work with the Secretary of State's office to outline a program to take back to the legislature. Part of the request for funds will include a provision that counties who have already purchased new equipment can be reimbursed. The percentage the state will pay is still up in the air at this point as several plans have been mentioned. Our OAEO committee was meeting with the County Commissioners' Association this evening. Aaron stated there is an acknowledgement of need.

Paul Adams had presented these statements concerning unnecessary primary elections at the last meeting:

Paul Adams wanted our group to discuss a joint effort on our part to have unnecessary primary elections eliminated. Paul told us of a situation in his county where a candidate withdrew before the 70th day before the election, but they still had to have a primary even though that person's name did not appear on that ballot. That election cost the city \$12,000. Hamilton County has had a similar situation. The wording in the code ties the hands of the county to eliminate the election when there is not a competitive race. Many on the call expressed that something similar had occurred in their county. This creates lots of expense for an unnecessary cause. Paul has had conversations with Carrie Kuruc at the Secretary of State's office. Paul Adams will work on a solution and Aaron will help Paul draft legislation to remedy this situation.

This situation comes up more often in counties that have partisan primary elections. Several of our members stated in our last conference call that they had encountered this situation. This costs our entities lots of money when there often is no choice on the ballot. The law has no way around holding these primaries at this point. The law needs to offer an option to eliminate a primary election when there is no competition. Aaron offered to work with the Legislative Service Commission to draft some language to take care of this problem. Aaron hopes to bring something back to our legislative committee soon. The group feels this is a legitimate request. Cities and counties are trying to save money. Paul Adams made a motion to proceed. Penny Brooks seconded the motion. The motion passed.

Aaron said that Representative Gary Scherer has introduced legislation that would allow a village to dissolve a little more easily using a petition process. The suggested number of signatures is 30% of those village residents who voted in the last gubernatorial election. We would be certifying the signatures, not the fact that the village wants to dissolve. Ken Terry spoke to the fact that this has happened in Allen County and the problems they encountered with the ambiguity in the law. Aaron was asking if our group had further concerns in this matter.

Ron Knight from Trumbull County wanted our group to address 3501.21 which talks about the mailings required when there is movement in a precinct. Ron talked about absorbing precinct B in to Precincts A and C. It is understood that all those being moved in Precinct B need to be notified as they are being moved. A mailing to the voters in Precincts A and C at this point only confuses them as their precinct is not moving. Someone in the group raised the question about Central Committee people who may be affected when there are new voters added to their precinct. The elimination of Precinct B may mean the Central Committee

person in Precincts A and C may have new competition in future elections. Someone else raised the point that when Precinct B was eliminated, that may mean those voters in Precinct C must now be renamed to Precinct B to keep their sequential lettering in tact. Even though these voters did not get a change of location, their precinct name may be changing. Costs were the purpose for this conversation. Ron is asking for legislation that clarifies the law to say only those who actually have a move be sent a mailing. It was moved by Debbie Reiter that we make efforts to get this language cleaned up. Ken Terry seconded the motion. The motion passed. Aaron agreed to work with the Legislative Services Commission to get some language drafted in this matter.

These are the lines brought forth from our last meeting concerning postmarks:

Amy Grubbe, Erie County, spoke to HB 309 (postmarks) at our October meeting. Kathleen Clyde brought this legislation forward. Amy says this legislation basically follows UOCAVA. If the voter signed inside envelope with a legitimate date, but there is no postmark, the vote may count. The legislation would give the benefit of the doubt to the voter. Aaron gave us this summary:

1. The return envelope does not have to have the postmark to count.
2. If we received an absentee from the post office in the 10 days after the election, these envelopes would not require the postmark to count. The identification envelope inside could not have a date after the election and still count.
3. Anything received after the 10th day would not count

Aaron indicated he felt Rep. Clyde is intentionally trying to give voters an additional day. There was some discussion about the possibility of people trying to perpetuate fraud by dropping in ballots to something like a drop box where they knew the envelope was not going to be postmarked. Tim Ward expressed concern that this could allow people who procrastinated the ability to cancel out someone's vote who had followed all the rules. Jan Kelley from Montgomery County expressed that this is a slippery slope we are headed down and we should not give a knee jerk reaction to this problem. Some wanted us to hammer on the post office to do their job. Amy took time to remind us that this legislation is fashioned after the present UOCAVA rules. Dale Fellows told us that when they first had a big problem with this in Lake County, Jan Clair talked with the post office and was able to nearly eliminate this problem. Dale mentioned Brian Williams' report that said there have been many changes in the Akron post office that may have contributed to the problem that resulted in the 900 votes not being counted in Summit County in the November 2015 election. Tim Ward furthered with postal workers can affect the return and the results. Paul Adams reported they had 17 rejects in Lorain County this time because of postmarks. Debbie Reiter furthered with legislation needs to address this. We don't control the post office. The post office would not appreciate a visit from each of the 88 counties. We would then have to worry about the differences in the solution in the 88 counties. Aaron tried to get us to wrap up this conversation with a plea that we need to be responsive. Aaron wants us to think about our wants and wishes on this matter, email him, and he wants to go back to Representative Clyde with ideas.

Aaron said our group just had a meeting with Secretary Husted. Secretary Husted plans to address this matter in his opening remarks today at the conference. Aaron suggested we wait to hear what Secretary Husted has to say and we would proceed after hearing his remarks.

Amy Grubbe wanted our group to support legislation that would allow a passport be added to the list of acceptable identification. The discussion indicated our group does support such legislation. Such legislation has been introduced many times in the past. Ken Terry reminded our group that the legislature is nervous

about anything related to voter identification laws just now. This item was tabled today with the thought we will discuss again when the timing is better.

Karla Herron reported she had a request from her auditor that our group support House Bill 302. Aaron sent this so I would have something to describe this bill in the minutes:

To amend section 709.023 of the Revised Code to provide that, beginning five years after a type-II annexation is approved, the annexed territory is subject to a fire, police, or EMS tax levy only if the levy is imposed by the subdivision that provides the fire, police, or EMS service to the territory.

Karla reported the bill would help us in our resolutions. Aaron said he would track down a copy of the bill, get it out to the group, and it will be placed on our next agenda.

Aaron reminded us that there will be a reorganization of the legislative committee for this year. Tim Ward and Penny Brooks will get that out to us. Aaron will then try to get a calendar out to all of us so we can plan accordingly. Ken Terry raised the possibility that we meet in person when we have a large agenda. This suggestion appeared to have a favorable response. Tim Ward reminded us that this will probably not be the year for large agendas.

Ken Terry made a motion that the group adjourn. Penny Brooks seconded the motion. The motion passed.

Respectfully submitted,

Peggy Byers

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