

Ohio Association of Election Officials

Legislative Committee Meeting

February 8, 2016

The legislative committee of the Ohio Association of Election Officials met on Monday, February 8, 2016 at 2:30 PM via a conference call. Tim Ward presided. Susie Bloom, our new Democratic chairperson, 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: Susan Bloom, Penny Brooks, Cheryle Browning, Peggy Byers, Andrea Eastman, Amy Grubbe, Steve Harsman, Sally Krisel, Sharon Locke, Carol Perry, Brian Sleeth, Michelle Wilcox, Kathi Creed, Jan Kelley, Julia Leathers, Ranae Lentz, Carla Patton, Shantel Soeder, Tim Ward, Lisa Welch, and Kay Wick.

The minutes had been sent out by email. Sue Donahoe moved a motion the minutes be accepted. Cheryl Browning 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 says he expects this legislation to be up for a vote next week. He also reported a very positive response on both sides of the aisle on this legislation. The objective now is to be sure it passes in a timely manner so it can be in effect for November 2016.

We then moved on to campaign finance issues. Here is Ken's recap (Senate Bill 206):

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)

This bill had a hearing in December and needs to be scheduled for a second hearing. There is an amending bill, Senate Bill 266. Jeff Matthews stated he hopes 266 dies. Jeff told us about a Democratic commissioner who saw an opportunity to run for mayor as an independent. He disaffiliated from the Democratic Party to run as an Independent. He won the mayoral race so the question was who gets to fill the vacancy. The party did not get to fill the vacancy. The attorney general saw the person was most recently elected as an Independent. There is no Independent Party. The remaining commissioners got to fill the vacancy. Aaron says there is a fix in the making. This is a real exception and the law does not anticipate this predicament.

This was Ken's recap for SB 212 (reduction of number of poll workers and addresses the death notice):

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

Aaron has been conversing with Senator Uecker who is the sponsor on this bill. There have been 2 amendments proposed by the League of Women Voters. One of the amendments asks for a formula on the reduction of poll workers. The second would codify a method for handling the erroneous removals of voters and how they will be provided a provisional ballot. The hope is to provide some consistency from county to county. Aaron will keep us updated.

Karla Herron had brought this matter to our attention. The auditor's association wants our support for House Bill 302 with several amendments to the Resolution of Necessity. 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.

Some members explained they have experienced situations where the language does not follow through consistently. It was the consensus of the group that we should support this legislation. Penny Brooks moved a motion that we support this legislation. Carla Patton seconded the motion. The motion passed. Aaron will add this to the trustees' agenda for their ratification.

From last month's minutes, 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. Susie Bloom led our discussion today. This gives the voters in a village the opportunity to dissolve their village if they cannot maintain their village. If they do not want to take it to their commissioners, the voters can do the dissolution through this method. We are supportive of this legislation. Until we have a House Bill, we will not make a motion to approve this.

Representative Pelanda has introduced a bill on party affiliation. Susie Bloom says the legislation says all party affiliation changes need to be made at least 30 days before the election. Tim Ward's concern was that 30 days before the election is not enough timeframe to make the adjustment when ordering paper ballots. If this law goes in to effect, who is going to notify the voters? Many counties cannot afford this. Susie asked us how we are going to deal with voters who did not know about the law change. When they show up on Election Day, they cannot make that change. Susie sees some positives to this legislation: no one can make the change on Election Day. This will allow us to order paper ballots more accurately. Tim mentioned UOCAVA voters who request a ballot for one party, but within the new timeframe change their party. This was his reasoning for making the timeframe longer than 30 days. Petitions would be another matter where the changing of parties could create problems. Carla Patton mentioned maybe we should move this to 90 days so it follows the filing deadlines. Aaron reminded us this is just a legislative idea at this point. Aaron says he knows Representative Pelanda was thinking about people who move from county to county and then lose their party affiliation. There was concern about this. Amy Grubbe says the 2 year cycle is too short to lose party affiliation. Aaron says the Representative just wanted our feedback so everyone is to take some

time to make ourselves more familiar with this legislation. Aaron suggested we just email back and forth as the comments are helpful to him.

Representative Becker is getting ready to move on legislation that would allow voters to change their party affiliation on their voter registration form. Tim Ward will put together a comparison sheet on the Pelanda and Becker plans and send this out to each of us. Aaron says there is actually a third bill on this. All will be compared.

Amy Grubbe wanted a discussion about what each of the counties are going to do with the directive on postmarks. Amy questioned what really is the plan. How will we provide consistency? The envelope size is to meet the Secretary of State recommendations before November 2016. Another concern of the group is the postcard material we were sent from the Secretary of State's office moves us to the next higher postage category because of the added weight.

Penny Brooks made a motion that the group adjourn. Carla Patton seconded the motion. The motion passed.

Respectfully submitted,

Peggy Byers

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