

Ohio Association of Election Officials

Legislative Committee Meeting

April 11, 2016

The legislative committee of the Ohio Association of Election Officials met on Monday, April 11, 2016 at 2:30 PM via a conference call. Susan Bloom presided. Tim Ward and Aaron Ockerman, executive director of the Ohio Association of Election Officials were tied up in another meeting but were with us before the end of the meeting.

Peggy Byers called the roll. Present were: Paul Adams, Susan Bloom, Penny Brooks, Cheryl Browning, Peggy Byers, Judith Craig, Andrea Eastman, Sally Krisel, Sharon Locke, Carol Perry, Brian Sleeth, Michelle Wilcox, Stephanie Clase, Sue Donahoe, Ranae Lentz, Olga Thomas, 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.

These lines were from our January 2016 meet. 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 had sent us out some language to look over. Paul pointed out that he was seeking this change for a primary election. The way the language is worded it would relate to any election. Paul and Aaron had discussed the language for any election. Paul said he did not necessarily see a problem and was seeking the advice of those on our committee who have more experience about whether this could create a problem. This would potentially eliminate another opportunity for voters to keep their party affiliation. This might further skew party affiliation numbers. Today, much of the discussion surrounded the voter's ability to keep party affiliation. It would save money, but it was the feeling of the group that we had to consider party affiliation. Cheryl Browning pointed to some newer legislation that would allow the party affiliation to stay with the voter for 3 years when they had not voted. Cheryl suggested we might want to push harder to get that legislation in to effect. Paul pointed out that the cost savings is very important but that we might want to watch closely what this will do to party affiliation. Paul and Aaron are looking for sponsors at this point.

We then moved on to campaign finance issues. This was 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)

Our discussion today relayed that everyone could file online. There was a comment that there might be an objection if someone does not have a computer and did not want to go to the county library to make their filing. Andrea Eastman pointed out that there was an article in the Columbus Dispatch today that said the bill:

- Delays filing of a post-general finance report until the first week of early January, instead of late December, so the report captures the full calendar year.
- No longer requires detailed reporting of income ore expenses for a single entity that total less than \$100.

- Allows, but not requires, use of bank statements to verify campaign spending. In 2013, after former state Rep. Clayton Luckie of Dayton was sentenced to three years in prison related to improper campaign spending, both Husted and Franklin County Prosecutor Ron O'Brien called for lawmakers to require the filing of bank records to verify spending reports.

Susan stated she would see that the article from the dispatch was forwarded to everyone. She was encouraging all of us to read the article as there were some good points. Susan questioned that maybe they will be asking for a mandatory year-end report for everyone.

There was an agenda item for 11 and 4 lists from the electronic poll book, but Susan was not sure where Aaron wanted this discussion to go. We understood there was some confusion and that some counties printed the full list each time. Some of our more seasoned users said they only printed those voters who actually voted at these times in the day. Susan will have a conversation Aaron to see if we need more conversation on this topic.

There was an agenda item for Board investigation powers, but Susan did not know what Aaron wanted here.

We then moved to a discussion on postal delivery times. It was pretty much a consensus that postal delivery has become a very serious issue for many of us as the service continues to deteriorate. Susan wondered if we should pursue a legislative change to allow the acceptance of a facsimile or email signature rather than a wet signature. Fulton County talked about a ballot that took 11 days to arrive just one county over. If we have a phone number or an email address, could we send a supplementary form that would allow the voter to remedy the problem in another form. Susan said she did not know that anything was started on this issue, but maybe it should be. Susan did note that not everyone would necessarily have email. If we want people to vote, we realize there will always be situations where the applications are incomplete. We need a solution that does not rely on the postal system. The phone and email solutions can save a lot of money and really move things along. Someone noted that the Boards of Election were considered a lot more accommodating when we were allowed to use the phone or email. Tim Ward came on the call at this point. Aaron Ockeman still was not on. It was noted that the letter we have to send now is considered less than user friendly, especially to people who are wintering in Arizona or Florida. The bottom line on this discussion was that we would need a legislative change on this issue.

Aaron came on the call. SB 63 was on the agenda for Aaron to update us. 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. Today, April 11, 2016, Aaron reported the biggest question is whether this will go in to effect before the Presidential Election. Tim Ward pointed out that the Secretary of State’s website is not notifying voters who update on their website that these updates are not going to be processed until after the election. This creates another issue when the voter shows up at their old precinct because the website told them to go there. Aaron said he would get with Matt Damschroder on this issue to see if something could be done.

We started a discussion the address confidentiality bill. This was Ken’s recap on the address confidentiality legislation:

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)

On Thursday, November 19, 2015 Aaron sent these updates:

The Sub Bill changes include language revisions with the following four issues:

- 1. Remove access to the CAP addresses through the court and replace with a process for any law enforcement agency chief and prosecuting attorney, and their designees, to have access through OHLEG. This will provide an audited trail of access.***
- 2. Specify that a person may only enter program when changing residences.***
- 3. Address concern that the proposed statute may conflict with the current general statute on specifying when "service is complete."***

4. How other states have drawn the line between keeping aggregate data public and protecting personally identifiable info from disclosure.

We had just started this discussion when it became difficult to hear as there was some kind of interference on the line.

Susan and Tim will get with Aaron and rework our agenda for another meeting.

Sue Donohoe made a motion that the group adjourn. Penny Brooks seconded the motion. The motion passed.

Respectfully submitted,

Peggy Byers

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