

# Ohio Association of Election Officials

## Legislative Committee Meeting

### August 8, 2016

The legislative committee of the Ohio Association of Election Officials met on Monday, August 8, 2016 at 2:30 PM via a conference call. Susan Bloom and Tim Ward were both on the call today. Aaron Ockerman, executive director of the Ohio Association of Election Officials was with us and led some of the discussion.

Peggy Byers called the roll. Present were: Paul Adams, Susan Bloom, Penny Brooks, Jocelyn Buccaro, Peggy Byers, Judith Craig, Andrea Eastman, Amy Grubbe, Sharon Locke, Lyn McCoy, Ross McDonald, Debbie Reiter, Brian Sleeth, Michelle Wilcox, Joyce, Kale-Pesta, Carolyn Adams, Stephanie Clase, Karla Herron, Jan Kelley, Sarah Kneuss, Julia Leathers, Ranae Lentz, Carla Patton, Tim Ward, Lisa Welsh, Kay Wick and Debbie Quivey.

Guests today: Jan Commers, Denise Percival, Jody O'Brien and Craig Allen.

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

Aaron Ockerman spoke to the legislative update. The House and Senate are out for the summer. The Senate does have some dates scheduled for the fall. There is no election matter on the schedule for fall. The House is not scheduled back until after the election. We will then be in a lame duck session. Aaron did suspect the campaign finance legislation might be on the agenda:

This was Ken Terry'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)

Aaron also believes Senate Bill 212 may get some action:

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

*Here is a bit of our discussion from an earlier meeting:*

*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.*

Aaron believes Special Congressional Elections will get some attention, but we talked about this later in the meeting.

There has been a committee from the Ohio Association of Election Officials meeting regularly with the County Commissioners Association to work on a plan for securing new voting equipment in the State of Ohio. It is hoped there will be a plan for sharing the cost. These have been very positive conversations. Brandie Seskes from the Secretary of State's office has taken part in the discussions and she has now developed a RFP (Request for Proposal). Several vendors are already on board. Many vendors are in different stages of certification, but the proposal is being written in a way that they can come on board during the process. Procurement services is now involved. The hope is to have a plan in place by late fall or winter. There have been alternative plans introduced for funding. There could be a sliding scale based on

county needs or the plan could look like that adopted for the electronic poll books where the money will be based on the number of registered voters in the county. All counties will get a list of the equipment and pricing. Aaron stated the committee is focused on getting a plan together. Someone spoke to the need to have info for our budgets which will soon be due. For those counties who have already purchased equipment, there will be a reimbursement plan in the final draft. Per unit price includes everything: software, maintenance, license, etc. for five years. Aaron asked us to speak to our representatives as we see them at county fairs and other social events this summer. Aaron says the county commissioners are already banging on the legislators.

We then moved on to the mailing that the League of Women Voters wants to do to promote registering 16 and 17 year olds. Jeff Matthew had voiced this concern in an email to all of us, "Look at the data that's being captured on this pledge form and stored on a "secure, private database". (Haven't we heard similar phrases lately about secure, private servers?) I am not convinced that BOE's should be advocating for ANY organization to have this kind of data collection capabilities. There was a time when the individual school districts provided students the opportunity to register to vote as part of a curriculum instead of some quasi-sanctioned mass effort by some group." The emails in reply appeared to support Jeff's thoughts. Aaron said he found the replies very helpful. The League has made changes based on our recommendations.

Peggy Byers shared this email about truck rentals with the group just before the meeting:

**From:** Day, Dennis (Penske)  
**Sent:** Friday, March 25, 2016 10:14 AM  
**Subject:** Ohio Government Run Entities

Team,

Effective today, we can no longer rent to any entity affiliated with the State of Ohio due to the inability of the state to indemnify Penske. The Ohio Constitution specifically identifies that no business entity doing business with any state run organization can be indemnified by the State of Ohio. The lack of indemnification opens Penske to liability risk that cannot be afforded. This can affect our doing business with Ohio public universities (OSU, OU, Kent State, UC, Miami of Ohio, etc.), cities (Hilliard, Grove City, Delaware, Gahanna, Upper Arlington, etc.) and counties (Franklin, Delaware, Licking, Auglaize, etc.) as well any organization that would fall under the Ohio Constitution. It doesn't matter if the state run entity can supply private insurance since all matters involving insurance that elevate to the courts would default to the State Constitution. If you have doubt about a prospect or a current renter, please ask the question if the entity involved is affiliated with the State of Ohio. If you are still unsure please get me involved.

Additional examples:  
OSU Marching Band  
OSU Athletics  
OU Athletics  
Ohio Parks and recreation  
Columbus Parks and recreation  
City of Columbus  
City of Reynoldsburg  
City of Reynoldsburg High School  
City of Upper Arlington

Outside of the State of Ohio affiliations, it's okay to say yes to all other truck rental inquires. Keep up the great work on utilization!

Thanks,  
Dennis

Washington County Assistant Prosecutor, Allison Cauthorn, was working with us and told us we had to watch the language in the rental contract to be sure we would be allowed to sign the contract. We have a State Farm agent on our board who thought he knew someone who could help us on the rental. Once the State Farm Board member showed the truck rental company the language we could not sign, the truck rental company stopped calling our board member back. Peggy then asked Penske if they would rent to Washington County if we used their insurance. That avenue appears to be moving Washington County forward. We are awaiting approval from Ms. Cauthorn at this time. Peggy will continue to keep the committee informed on this issue.

The committee then went in to a lengthy discussion on the Director and Deputy Director Pay and the new federal overtime rules that will be going in to effect on December 1, 2016. Several Directors and Deputy Directors had gone to their prosecutors already and tried to share extensively in this discussion. There are questions about whether Directors and Deputy Directors are exempt or non-exempt. Does your county pay overtime? Do you get comp or flex time? Is that time paid hour for hour or at time and one-half? Should our organization be seeking a standardized procedure for overtime pay for like-sized counties? With the disparity in resources from county to county, would standardization be opening a Pandora's Box? Can we allow counties to still have flexibility on this issue? Aaron was going to try to find some free resources for advice in this matter and then get the info out to the counties as soon as possible.

Jocelyn Bucaro from Butler County made us aware that they have a special election coming up with only one candidate for the 8th Congressional District on the ballot. Their candidate from the March Primary withdrew two weeks ago so the only candidate on the ballot for this special election is the one appointed by their party. It is clear the statute needs to be revised.

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 70<sup>th</sup> 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.

Aaron mentioned we need to couple the legislation on Jocelyn's and Paul's issues. There are some legislators planning to introduce some legislation on this matter during the lame duck session. Jocelyn said Senator Bill Coley was willing to start this ball rolling. Aaron asked that Jocelyn get hold of a copy of Senator Coley's bill so it can be reviewed to make sure it covers all of our issues.

Aaron had a mailing from the Voter Protection Coalition on the agenda. Paul Adams suggested he might mean the Voter Participation Center as we had all received registrations from that group this summer. The discussion surrounded the fact that their list was not clean and created confusion and issues for many voters. The mailing stated they should send their registration to the County Board of Election and supplied the address. The address and phone number for the Voter Participation Center was not on the mailing so the local Boards of Election got all the complaints. The discussion resulted in our asking that some legislative language be put together demanding that future groups go through the Secretary of State's office. The group must provide their address and phone number and there must be a disclaimer on the piece that says this mailing is not affiliated with the Board of Elections or the Secretary of State's office. Amy Grubbe made a motion that we pass this on to our Trustees so they could think about this legislation and Carla Patton seconded the motion. The motion passed.

Ranae Lentz made a motion that the group adjourn. Susie Bloom seconded the motion. The motion passed.

Respectfully submitted,

*Peggy Byers*

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