

Ohio Association of Election Officials

Legislative Committee Meeting

December 15, 2016

The legislative committee of the Ohio Association of Election Officials met on Thursday, December 15, 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, Cheryl Browning, Peggy Byers, Andrea Eastman, Amy Grubbe, Sally Krisel, Lyn McCoy, Ross McDonald, Kathy Meyer, Debbie Reiter, Michelle Wilcox, Joyce, Kale-Pesta, Stephanie Slifko, Carolyn Adams, Stephanie Clase, Kathi Creed, Sue Donohoe, Karla Herron, Sarah Kneuss, Julia Leathers, Ranae Lentz, Carla Patton, Olga Thomas, Tim Ward, Lisa Welsh, and Debbie Quivey.

Guests today: Curt Braden, Jan Commers and Beth Ann Snyder.

The minutes had been sent out by email, but we did take a minute so everyone could read again. Julie Leathers moved a motion the minutes be accepted. Sarah Kneuss seconded the motion. The motion passed.

Aaron and Karla Herron brought us up to date on the Voting Machine purchases. State funding for the acquisition of new voting machines is one of the hottest topics in the state at this time. These are the notes from our August 8, 2016 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.

The report today stated the RFP should be ready before the end of the year. Vendors will supply pricing and that information will be made available to all the counties. Each county is to review and respond to the Secretary of State before the end of January with an informal request for the type of machines you would like to use... The Secretary of State will be issuing a directive to lead us through the process. All of this will be done in consultation with the Commissioner's Association. All of this information will be used to give a concrete number to the legislature on how much money will be needed. The hope is to get the funding in chunks over the next few years. The SOS did put money in their budget request to the Office of Budget Management for new machines. Cheryl Browning raised the question about whether the new E S & S tabulating machine would be approved in time. This gave Aaron the opportunity to explain that any newly

certified equipment could be added to the list during the process. The Secretary of State will have oversight over how the money will be distributed. Aaron explained there will be a panel at the January conference with commissioners and OAEO members to explain how the process is going to work and to take any questions at that time.

This was the recap on campaign finance Ken Terry's did for us some time ago (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 has been amended to make filing electronically an option for local candidates. Paul Adams testified in our behalf at the hearing and did an excellent job per Aaron. Paul says he expects the bill to be approved in the next session.

The next item on our agenda was SB 347/HB591. SB 347 would expand when primary election not held. The short title on House Bill 591 is to eliminate special election to fill Congressional vacancy.

These lines were from our January 2016 meet where Paul Adams brought this issue to us:

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.

These are the lines from our August 2016 meeting on this issue:

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.

Paul Adams testified on our behalf on these bills also. The language is now very similar in SB347 and HB 591. HB 591 does address other elections. Aaron said that went to so well that the Senate passed the bill that afternoon with bi-partisan support. The bill did not make it to the House during this session, but is expected to be dealt with early in the next session. There were some minor concerns from the Secretary of State's office about partisan gamesmanship with the way the bill was written. Paul and Aaron expect to get with them now that there is more time and make sure all concerns are dealt with.

Recall language was the next item on our agenda today. There were a couple of points Aaron made today:

1. Any municipal election recall has to go on the next regular primary or general election. Then language was expanded to add special elections.
2. The language was expanded to add county offices.

Legislators were very supportive on this issue. This language did make it in to a piece of legislation and is now awaiting the governor's signature. Aaron was excited to tell us we can continue to have an opportunity to refine and tweak this language. This item will stay on our agenda.

In the matter of constitutional review language, the referred to some language that was inserted in to a bill that would allow the local Board of Elections and the Secretary of State to review the constitutionality of a referendum or ordinance. Municipalities and counties have made attempts to regulate medical marijuana question and fracking, among other questions. Aaron believed there had heard a case from Mahoning or Athens. The Supreme Court has ruled this is not in the purview of these jurisdictions to handle these kinds of issues. The Supreme Court says the Board of Elections and the Secretary of State are able to make these determinations and not place these items on the ballot. Joyce Kale-Pesta said their case was a little different and the Supreme Court had ruled against them in a fracking matter. Aaron asked us to review that language and Aaron will try to get us some more information.

Aaron says he just found out in the last week about an urgent email from the Commissioner's Association concerning concealed carry in government offices and who will have the final say about whether this will be permitted. Our group is particularly concerned about polling places. Aaron will take another look at the language and get back with us.

The legislature is now shut down and will not likely come back in to session until January.

The next legislative meeting will be at conference. Aaron wants us to come prepared to set an agenda for the New Year. We should come with some proactive ideas that will improve elections in Ohio. Aaron says the Association has already booked Pierce Rooms A and B in the Hilton for the legislative meeting at our January conference. There should be plenty of room for anyone who wants to attend. The firm schedule of events should be coming out very soon per Penny Brooks.

Both the Republicans and Democrats want to know who is no longer interested in serving on the legislative committee. Peggy was to send the attendance sheets to the co-chairs so they can make an educated decision about who to keep on the committee or newly appoint to the committee.

Tim Ward took a moment at the end of the meeting to say how thankful we should all be for Aaron Ockerman's talents. Tim said he remembers a time when our Association could not get an audience with the legislators. As a direct influence of Aaron's leadership, Tim says he and Susan Bloom recently have been seeing legislation before it goes to the legislature. Tim and Susan can review and offer thoughts beforehand. This is a vast improvement over the years for our Association.

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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