

Ohio Association of Election Officials

Legislative Committee Meeting

October 5, 2017

The legislative committee of the Ohio Association of Election Officials met on Thursday, October 5, 2017 at 1:30 PM on a conference call. Tim Ward and Joyce Kale-Pesta presided. 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 today. Present were: Penny Brooks, Cheryl Browning, Jocelyn Bucard, Peggy Byers, Beth Goldenfield, Steve Harsman, Joyce Kale-Pesta, Sally Krisel, Ed Leonard, Sharon Locke, Lyn McCoy, Ross McDonald, Jeanette Mullane, Tony Perlatti, Carol Perry, Debbie Reiter, Luke Scott, Brian Sleeth, Stephanie Slifko, Michelle Wilcox, Terry Burton, Stephanie Clase, Kathy Creed, Sue Donohoe, Jane Hanley, Karla Herron, Jan Kelley, Sarah Kneuss, Julia Leathers, Brian Mead, Carla Patton, Sherry Poland, Kristen Ross, Olga Thomas, Tim Ward, Lisa Welch, and Tonya Wichman.

Guest today: Pam Miller

The minutes had been sent out by email. Jocelyn Bucaro moved a motion the minutes be accepted. Cheryl Browning seconded the motion. The motion passed.

The County Commissioners Association of Ohio funding update was the first item on the agenda today. Our group has been meeting actively with this group and the legislative leadership. The capital budget guidelines released last week did have this item in the budget which Aaron says is very good news. Luke asked about Senate Bill 135 and Aaron said it did get a reading. Aaron said the dollars in this bill are not set in stone at this point. Jocelyn asked how we could help Aaron get our numbers more solidified. There was some confusion in the responses of county boards to the Secretary of State survey on this matter. Aaron also reported there has been some drop in prices from the vendors so it is just difficult at this point to supply a concrete number for what we need. Aaron says this item has been kicked back to the Secretary of State to get more clarification from specific counties. Some counties are talking about bundling to get better prices from vendors.

Jocelyn Bucaro reported for the absentee subcommittee. Here is a final draft of the recommendation from this committee:

September 18, 2017

To: Legislative Committee of the Ohio Association of Election Officials

From: Absentee Task Force Members

Subject: Recommendation

Recommendation

The Members of the Absentee Task Force recommend unanimously that the Ohio Association of Election Officials support legislation to make absentee applications available for submission online.

Background

The Absentee Task Force was formed in February to take a closer look at proposed legislative changes impacting vote-by-mail and in-person absentee voting. The Task Force was chaired by Tim Ward (Madison Co.) and Jocelyn Bucaro (Butler Co.). Three members from each party also served, each representing a large, medium and small county.

Republican members include Carla Patton (Franklin Co.), Karla Herron (Delaware Co.), and Lisa Welch (Holmes Co.). Democrat members include Luke Scott (formerly Franklin Co.), Brian Sleeth (Warren Co.), and Peggy Byers (Washington Co.).

The Task Force discussed and researched two legislative initiatives:

- Permanent vote-by-mail option
- Online absentee applications

Permanent Vote-by-Mail

The Task Force spent several months researching how a permanent vote-by-mail option has worked in other states, including California, Colorado, Minnesota, and Utah. The Task Force then discussed the pros and cons of a permanent vote-by-mail option for Ohio.

Pros

- Less confusion regarding absentee applications for voters who question why they must resubmit an application for each election;
- Enable easier polling place consolidation;
- Save the state money on mailing absentee applications during federal election years;
- Reduces staff time and saves personnel costs on entering applications and processing problem letters on applications;
- Helps voters know when an election is occurring for which they are eligible to vote; and
- Potential savings in new voting equipment in the future – Boards can better plan how many voters will vote on Election Day if they have a certain percentage of their registered voters enrolled in permanent vote-by-mail voting.

Cons

- Vote-by-mail voting is more expensive than Election Day voting;
- Increased cost of new equipment to process higher volumes of vote-by-mail ballots;
- Potential implementation costs with VR system vendors;
- Increased voter mistakes on absentee ballots;
- Voters who move within the same precinct and don't update their registration might be flagged provisional if they vote on Election Day because they were issued a vote-by-mail ballot;
- USPS issues; and
- Potential equal protection issue for voters who are not enrolled in vote-by-mail and are not similarly notified when they are eligible to vote in an election.

Weighing the pros and cons, the Task Force did not agree to recommend pursuing a permanent vote-by-mail option in Ohio at this time.

Online Absentee Application

The Task Force researched how online absentee applications work in other states, including Louisiana, Maryland, Minnesota, and California. Each state has its own variation of roughly the same practice:

1. Voter submits application for an absentee ballot through an online system managed either at the county or state level.
2. Voter must use a Driver's License or State ID number to use the online system.
3. All fields must match the statewide voter registration database, including first and last name, address, date of birth, and ID, or the online submission will be rejected and the voter must submit a paper form.
4. The voter must also enter CAPTCHA characters to ensure a live human is entering the application.
5. The application is submitted to the county and automatically entered into the VR database.
6. The voter's signature is not captured on the application; rather, the signature verification is only required when the voted ballot is returned.

The Task Force agreed that online submission would be a win-win for voters and counties, making absentee applications easier for voters to submit by using the State's online voter registration system. It would similarly make processing absentee applications easier for Boards. It would greatly reduce the data entry time as online submissions would be automatically entered. Similarly, it would reduce the number of errors on applications, such as missing information, reducing problem letters and postage.

For these reasons, the Task Force recommends that the Ohio Association of Election Officials endorse legislation to make online absentee applications available for voters.

The Task Force also agreed to ask the SOS if the Statewide Voter Registration Database can include all absentee requests. In this way, absentee status would follow the voter, preventing two ballots being mailed for the same voter and ensuring the new county receives the voter's absentee request.

After some discussion, it was decided to send this on to the trustees and the officers for review. Tim asked that we get a motion to move forward on the online absentee application. Jocelyn Bucaro moved a motion that we go forward. Jane Hanley seconded the motion. The motion passed. Aaron will attach this item to the next trustee agenda.

Discussion then moved to House Bill 342. Aaron said his understanding was that this bill precludes tax levies from appearing on Special Elections. Aaron said this bill had not had a reading yet but he was seeking the comments from this committee so he would know what to say when asked. There was an extensive discussion, especially about the valuation language. There was some discussion about the language that was stricken from this bill also. There was question about whether this was really supposed to get rid of an August Election. Many felt the bill should just say that. Aaron was asked to go back to the sponsor and get this clarified. Aaron will keep us updated.

House Bill 364 designates the fourth Tuesday of September as Voter Registration Day in Ohio. The group felt every day should be Voter Registration Day. This bill would make this day standard and make Ohio match a Federal Voter Registration Day. Luke Scott moved a motion to support Voter Registration Day. Debbie Reiter seconded the motion. The motion passed. This will move on to the trustees.

Senate Bill 200 requires that Bureau of Motor Vehicle lists be included in the jury pool. Many on the Committee thought this was the way this process already worked. Kathy Meyer explained that Federal Jury Pools came from the Bureau of Motor Vehicles. Kathy stated that local juries come from local Voter Registration lists. Carla Patton moved a motion we support this legislation. Cheryl Browning seconded the motion. The motion passed. Aaron will take this recommendation on to the trustees.

Luke Scott asked that we talk about Senate Bill 204 that talked about the placement of uncontested races on the ballot. Carla kept reminding that the name on the ballot is all about name recognition. We would lose a lot of consistency across the state. I think it was Steve Harsman's voice that made a motion that we not support this legislation. Carla Patton seconded the motion. The motion passed.

Sherry Poland had asked for a discussion on the amending of recall statutes. Sherry updated us on a situation that came up in Hamilton County. Thinking about filing deadlines, conflicts with other laws, and after much discussion, Sherry agreed to draft something and send it out to the Legislative Committee. It was noted we do need action sooner rather than later so we do not find ourselves in impossible situations.

Aaron needed to get off the call, so we moved to consideration of a bill review form before Aaron got off the call. Aaron said he had another client that uses such a form and he thought the form might work well for us. This would be a template for discussion. No one person had to review every bill. Tim thought this was a good idea as we have some members who are more interested in some forms of legislation over another. Carla added that it would be a member of each party doing the reviewing. It could be a different form from

each party as we don't always totally agree on every bill. Aaron will send the next bill to Tim and Joyce and they will select representatives who will review the bill.

3513.30 requires that candidates withdraw before the 70th day in order for their name not to appear on the ballot. Jocelyn Bucaro was suggesting we change this to the 60th day before the election. This would make our ballots more accurate, we would have to print fewer notices that candidates have withdrawn. Carla Patton was not in favor of this change as their ballot is so big and they needed the extra days. Things start to shift and you have to do the whole layout again. Joyce pointed out how difficult this was when working with absentees. Tim pointed out all the notifications that have to be made. At the end of the discussion, the group did not want to move the deadline. No motion was made.

Joyce Kale-Pesta says she has recently had complaints about the addresses appearing on the 11 and 4 lists. Lisa Welch suggested we go after a change that we only do one list instead of two. Tim Ward said it would be great if we could transmit this data back to the Board of Elections and the Board of Elections would then post this information on their website. There were those who said they have locations where they can't get hot spots or cell service. These locations would still do the posting. Tim suggested as an organization, we make this recommendation to the Secretary of State. We would add the weekend absentees to this also. Carla Patton and Joyce will work on a proposal and we will review at the next meeting

Adam Booth wanted to talk about Financial Disclosure Forms. In section 102.09, when someone gets appointed, we are supposed to give them a Financial Disclosure Form. Aaron thinks this responsibility should fall on the appointing authority rather than the Board of Elections. Joyce Kale-Pesta moved a motion to support this. Penny Brooks seconded the motion. The motion passed. This will move on to the trustees. Adam Booth is to send Peggy the exact verbage.

Jerry Amick says that Arkansas has changed their UOCAVA deadline to Friday. Peggy found an election attorney in Arkansas that Aaron Ockerman will contact. Aaron will make that call and we will see what we can do.

Penny Brooks made a motion that the group adjourn. Lyn McCoy seconded the motion. The motion passed.

Respectfully submitted,

Peggy Byers
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