

Ohio Association of Election Officials
Legislative Committee Meeting
March 5, 2018

The legislative committee of the Ohio Association of Election Officials met on Monday, March 5, 2018 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 Bucaro, Peggy Byers, Beth Goldenfield, Joyce Kale-Pesta, Sally Krisel, Ed Leonard, Jeanette Mullane, Tony Perlatti, Carol Perry, Debbie Reiter, Luke Scott, Bill Rich, Michelle Wilcox, John Welker, Cecili Blevins, Terry Burton, Stephanie Clase, Kathi Creed, Karla Herron, Julia Leathers, Carla Patton, Sherry Poland, Shantiel Soeder, Olga Thomas, Tim Ward, and Lisa Welch.

Curt Braden was a guest today.

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

On the legislative update for Senate Bill 10 (unnecessary primaries) was amended to include House Bill 237 (overlap bill). This bill has passed the Senate and has received a couple of hearings in the house. Aaron and Carla Patton met with Rep. Dorothy Pelanda. Carla says some of the big changes were removal of the requirement that the subdivision file in each county, some of the GIS requirements, and just cleaned up the ballot templates so this would be consistent throughout the bill. Carla says the Secretary of State's office will take care of this purchase so there should not be a further charge to the counties. Aaron spent some time clarifying the primaries this bill would include. He will get back to us on that. Carla Patton brought up the matter of candidates that withdraw. Aaron said the bill did not address this issue.

Senate Bill 21 (reduce the number of poll workers in multiple precinct locations if you use electronic poll books), this bill did pass out of the Senate and is on to the House. We will testify on this topic. The question is when it will pass so we can then use county discretion to reduce poll workers. Aaron says the bill is moving through the process so it is a matter of how fast it moves.

Senate Bill 44 (local campaign finance/recall reform) would allow local candidates to file their campaign finance reports electronically with the Secretary of State. There was some concern about specific deadlines. It has passed the Senate, is now out of the House Committee and is just waiting on a floor vote in the House. At that point, it will be headed to the Governor for a signature. There was some language inserted to clarify the timeframes. Passage of this bill and a signature by the Governor is eminent.

House Bill 41 (early in-person voting procedures, makes its look more like Election Day voting) has passed the House, is pending in the Senate. Aaron expects this will be talked about in the caucuses and will get done this year.

There was then an extensive discussion on our ongoing endeavor to secure money for new voting equipment. Aaron reported that a new version of House Bill 135 was introduced by Senator LaRose. It now asks for \$114.5 million for new voting equipment. It is neutral on the type of voting equipment. As long as selections come through the Department of Administrative Services, counties can select the equipment they want. Ten million of this money is for reimbursement for those counties who have already updated equipment. Tim Ward expressed that the committee has really been working on a process that would be more equitable for all counties. Tim reminded us that the 80/20 split on the electronic poll books really ended up being more

like 50/50 after all things were taken into account. The larger counties spent some time expressing that one DS850 scanner would not be enough machinery for them to take care of their absentees. Much discussion followed on various county needs. There was concern that all the numbers on Tim Ward's prepared chart were based on E S & S pricing. Aaron was going to send the chart again to be sure everyone in our group has the chart. There were differences in opinion. Jocelyn asked that Tim make an estimate on what each county would get since he put together the spreadsheet and might best understand the numbers. The threshold for deciding what kind of money your county will get is January 1, 2014. After this date, this group will get capital money. Before that date, you will get the reimbursement money. Aaron asked if there were other ways counties would like to see the money distributed. Aaron wanted to see other formulas if anyone wanted to offer new formulas. Aaron suggested we have conversations with candidates for governor and the Secretary of State to be sure everyone is in the loop. Money will be an ongoing pursuit. Aaron also suggested the pricing might get better depending on what the Department of Administrative Services is able to negotiate. Aaron suggested there will be strings attached to this money to be sure it is spent on election equipment. There was an implication that the Secretary of State might forbid the implementation of new equipment during the Presidential Year of 2020. Timeframes and types of machines were given a considerable amount of discussion. Aaron anticipates a bi-partisan advisory committee will be formed as this matter moves forward. We left this discussion with everyone waiting for more news on this topic.

On the BMV non-citizen license issue, there were no definitive reports today as the State is in a transition period where all of our drivers' licenses are going to be issued differently. We are all to be aware there will be changes for all of us for our manuals and training in the very near future.

The League of Women's Voter approached Aaron asking for our support for an expansion of the online voter registration so groups that do registration drives could use the system. There have been discussions around the state. These groups want to track how those they registered voted; whether that be absentee or on Election Day. Security issues, accuracy, and the linking of databases came in to this discussion. The Secretary of State has expressed that they are busy with other issues with the Voter Registration System. Aaron will have further discussion with those who approached him and get back to us.

We then moved on to discussion on a couple of new bills. House Bill #466:

SYNOPSIS OF BILL:

1. Appoint a director of elections cybersecurity
2. Establish an independent elections cybersecurity council to advise, consult with and otherwise assist the Director of Elections Cybersecurity
3. Council shall consist of the following members
 - a. Election official of the same party as SOS
 - b. Election official of opposite party as SOS
 - c. Three remaining members – one with academic background in elections, one with background in law enforcement, and one with background in IT systems (private or public sector)

Luke Scott did move a motion that we support HB 466 with amendments after much discussion. Jocelyn Bucaro seconded the motion. The discussion continued and Luke was asked to withdraw his motion. Luke did not agree with the debate for his withdrawal of his motion. Luke wanted this to be taken to a vote. Tim Ward said that the motion to postpone would "Over Ride" Luke's motion. Bill Rich moved the motion we postpone this matter till the next meet. Joyce Kale-Pesta seconded this motion. This motion passed. Of concern is the sure change of administrations, what is Homeland Security doing for us, what will be the role of the Secretary of State, and lastly what the county role is going to be on this issue. It is really our job to secure elections. Are we knowledgeable enough? Aaron expressed we will be having another legislative meeting very soon and will continue to address this matter. Our group does want input to the process, but

Jocelyn pointed out that we probably need more members other than just from our group. We would need more expertise added to this discussion. It was agreed we need to do something on cybersecurity. Aaron wants us to share by email on this issue so we don't slow down the process too much. We will take this issue up at the next meeting.

We then moved on to House Bill #467:

SYNOPSIS OF BILL:

Requires either risk-limiting or percentage-based audits be performed for every General Election and the Presidential Primary. Allows for observers, press and members of the general public to be present at audits – requires public notice of audit.

Beginning January 1, 2019, no county shall use DRE, marking device or automatic tabulating equipment that does not require voter verified paper ballot. Each polling location must have ADA ballot marking device.

Counties currently with DRE's that do not purchase paper ballot systems by January 1, 2019 will hold to current formula using registration and absentee voter figures from 2012.

Julie Leathers opposes the section about DREs because she likes the DRE. Her voters are used to them so there would be a learning curve. She said the paper ballot system would demand they find more space for storage.

Ed Leonard talked about the risk-limiting audit. One of his suggestions was that when you do a recount, the audit should be reduced by these races. He suggested we modify the section about DREs be modified to allow the voter to inspect before they put their vote through the scanner. The hybrid machines we are learning about offer this feature. The group continued to give Ed and Julie some thoughts. Ed and Julie were going to put together some amendments on this bill that we would like to see. We instead decided to ask Aaron to go back to Representative Clyde to say the bill would have to change in some ways for our group to support the bill. We will talk about this again at our next meeting. Joyce Kale-Pesta also serves on the ballot board and shared the Secretary of State does not want any DREs certified. The Hybrids (touchscreens) that have been certified provide a printout while the voter is still there. The voter can then verify their ballot and then run the ballot through the tabulator.

Joyce Kale-Pesta made a motion that the group adjourn. Jocelyn Bucaro seconded the motion. The motion passed.

Respectfully submitted,

Peggy Byers

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