

House Bill 3 –Highlights of changes in Senate Sub Bill

The Senate’s proposed changes build upon the good work done by the Ohio House as part of HB 3, by providing additional protections and procedures that respond to the availability of new technology, the increasing use of the ballot to make legislative and constitutional changes and continued improvements in the operation of Ohio elections.

Fraud and Coercion Protections

→ Helps to prevent unscrupulous individuals from voting in a registered voter’s name, by requiring that all voters provide identification when voting. Identification may be a current and valid photo identification or one of the forms of identification allowed under the Help America Vote Act (HAVA) (copy of current utility bill, bank statement, government check, paycheck, or other government document that shows name and address of voter). If the voter does not submit one of these forms of identification, the voter may submit the last four digits of the voter’s Social Security number. If the voter is not able to provide the last four digits of the voter’s Social Security number, the voter may sign an affirmation under penalty of perjury. Voters who submit the last four digits of the voter’s SSN or sign an affirmation in place of any of the allowable forms of identification, must vote provisionally, thereby giving officials at boards of elections an opportunity to verify the identity of the voter, while protecting their privacy. Note: under the proposal, current and valid photo identification must include the voter’s name, address, photo, an expiration date that has not expired, and it must be issued by the US government or this state.

→ Prohibits local candidates from accepting contributions from their employees (SB 119 (Hagan)).

→ Establishes a process for a disabled voter who is unable to physically sign the voter’s own name or make a mark to execute a power of attorney for someone to sign election documents on the voter’s behalf.

→ Allows the AG to bring criminal actions based on fraud related to the conduct of election, voting or fraud occurring during initiative/referendum petition processes (but does not include campaign finance violations).

→ Helps to prevent increased chance of fraud with electronic voting machines, by expressly prohibiting voting machines from connecting to the Internet.

→ Clarifies the procedure for boards of elections that provide voting assistance to the home-bound and disabled, e.g. nursing home voting assistance, ensuring that one election official from both major political parties is present.

→ Bans (Florida-style) arrow and underling optical scan voting methods in Ohio.

→ Narrows the private right of action for election-related harassment (removes causes of action against boards of elections or the SOS).

→ Enhances voter fraud protections by prohibiting the use of “ballot on demand” if ballots do not have tracking numbers.

Initiative and Referendum Protections

Provides additional statewide initiative/referendum protections. The National Conference of State Legislatures’ Initiative and Referendum in the 21st Century Task Force has documented increasing use of the ballot for legislative and constitutional changes nationwide, and has recommended increased protections be put in place to prevent abuse of the process. (Note: these changes would not apply to petitions in process before the effective date of bill).

- Specifies that each proposed constitutional or initiated question must be petitioned. Once a petition is initially filed with the secretary of state (SOS), the ballot board must meet within 10 days to determine whether questions on a petition needs to be separated. If not, the Attorney General (AG) has 10 days after this meeting occurs to determine whether the summary is fair and accurate.
- Increases the signature requirement from 100 to 1000 in order to file a petition for initial verification that the summary of a proposed initiative is fair and accurate.
- Establishes a process for challenging the AG’s determination that a petition’s summary is fair and accurate. This challenge would be made directly to the Ohio Supreme Court.
- Requires proposed initiative and referendum petitions to include law or constitutional provisions that would be replaced or deleted if the initiative/referendum should be adopted.
- Ensures ballot campaign committees are organized as campaign committees for purposes of filing campaign finance reports before accepting any campaign contributions.
- Requires the SOS to request the fiscal statement for proposed ballot initiatives required under current law within two days of verification of amendment for ballot. The fiscal statement must be available and posted on SOS’s web site 30 days before the election.
- Requires the SOS to post the full text of law/constitutional amends, as well as ballot language, summary, arguments, etc. on SOS’s web site.
- Requires petition circulators to be Ohio residents and to give a permanent Ohio residence on the petition.
- Clarifies that it is the SOS’s responsibility to state in a standard format who prepared arguments and explanations for a proposed initiative.
- Revises timing requirements for the ballot board to certify ballot language and explanations, and ensure arguments are completed to match constitutional requirements.
- Requires initiative and referendum petitions to be filed with original signatures.
- Increases penalties for circulators who commit election fraud by violating laws governing the circulation of petitions from an M1 to an F5 to match the other penalties in HB 3.
- Prohibits felons from gathering signatures or from serving as a witness on registrations, petitions, etc.

→ Limits the SOS’s ability to participate in ballot issue committees. The SOS is prohibited from serving as a campaign treasurer, spokesperson or in any other official capacity or decision-making role for any campaign committee (other than the SOS’s own committee) or a ballot issue committee.

Streamlining Ohio's Elections Process

- Requires election reminder notifications be sent to voters already registered 60 days prior to the election. (HB 3 as passed by the House required this reminder to be sent 45 days before the election.)
- Codifies a formula for establishing, at a minimum, how many electronic voting machines must be used in each precinct (1 machine: 175 voters). Board of Elections members may vote to use more. In addition, the bill specifies that the voter verified paper audit trail is treated the same as other ballots for public record/retention purposes.
- Requires the SOS to post any directives or decisions made during conference calls with boards of elections on the SOS's web site as soon as practical but not later than close of business the same day as the call to ensure better communication across the state as it relates to the conduct of Ohio's elections.
- Eliminates boards of elections' authority to establish satellite offices to ensure equal access and uniform procedures from county to county.
- Maintains current law that allows voters to change political party affiliations when they vote in a primary, rather than at any time.
- Removes the burdensome requirement for random sampling recounts within two months after general election of any countywide elections using electronic machines. All results are already required to be verified and reported to the SOS.
- Removes the provision that allows split shifts for poll workers.
- Reduces the cost to boards of elections by reducing the number of advertising runs for local ballot issues from three times in current law to one time, but requires boards of elections to post ballot issue information for 30 days prior to the election on either locally-maintained web sites or through free web space provided by the SOS's office.
- Requires voter registration forms or absentee ballot applications collected by third parties to be submitted within 10 days of completion or the due date to the boards of elections, whichever is earliest.
- Removes changes to current law related to the election of certain municipal judges (but maintains uniform petition signature requirements).
- Adds technical and clarifying revisions requested by the boards of elections officials.

Campaign Finance Clarifications

→ Clarifies that candidates are permitted to utilize one campaign committee for purposes of reporting contributions/expenditures, etc. for multiple candidates (they must be candidates in a field race and the candidates must be running for the same office at the same election (and the terms have to be for the same time periods). However, the number of candidates utilizing the same committee cannot exceed the number of positions available for election and the candidates are jointly liable for any campaign violations or obligations.

→ Clarifies that PACs, LCFs, PCEs and political parties do not have to file a semi-annual campaign finance report in years the entity is required to file a post-primary election statement.

→ Requires, in addition to statewide, General Assembly and county candidates, local candidates raising more than \$10,000 in contributions during the reporting period to file semi-annual campaign finance reports during off-election years (same as statewide and county candidates). Exempts judges from this requirement because they are only permitted to raise contributions 120 days before an election.