OHIO LEGISLATIVE SERVICE COMMISSION

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| H.B. 296
134th General Assembly | **Bill Analysis** |

Version: As Introduced

Primary Sponsors: Reps. Lepore-Hagan and Liston

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SUMMARY

Voter registration

- Requires the Secretary of State and the boards of elections to automatically update an elector's registration whenever the National Change of Address Service provided by the U.S. Postal Service indicates that the elector has moved within the state.

- Allows the elector, upon receiving notice of the update, to decline the update and have the elector's registration restored to its previous contents.

- Permits an elector whose address is updated erroneously to cast a provisional ballot using the elector's correct address and have the ballot counted.

- Requires the Secretary and the boards to send an elector a confirmation notice if the National Change of Address Service indicates that the elector has moved out of Ohio.[1]

- Allows an elector to register as a member of a recognized political party and to change that affiliation at any time, including on the day of a primary election.[2]

- Permits an elector to provide a telephone number or email address when the elector registers to vote or updates the elector's registration.[3]

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[1] R.C. 3501.05, 3503.111, 3503.30, 3505.183; and conforming changes in R.C. 3503.12, 3503.13, 3503.15, 3503.19, 3503.21, 3503.33, 3599.11, and 3599.18.

[2] R.C. 3501.01, 3503.14, 3503.20, 3503.23; conforming changes in R.C. 111.44, 3501.22, 3503.09, 3503.10, 3503.11, 3503.15, 3503.16, 3503.19, 3503.28, 3509.03, 3513.05, 3513.18, 3513.191, 3513.192, 3517.013, 3599.02, 3599.11, 3599.18, and 4507.06; and repeal of R.C. 3513.19, 3513.20, 3517.014, and 3517.016.

[3] R.C. 3503.14.

- Consolidates and clarifies statutory language regarding voter registration, acknowledgment notices, and confirmation notices.[4]

Mail ballots

- Generally requires elections to be conducted entirely by mail and changes references to absent voter's ballots to refer to mail ballots.[5]

- Requires a board of elections to automatically mail ballots to every active elector not earlier than the 20th day and not later than the 14th day before Election Day, or not later than the 18th day before Election Day if the board determines that the elector does not receive daily mail service.

- Requires the board to continue to send ballots to uniformed services and overseas voters beginning on the 46th day before Election Day.[6]

- Allows electors who wish to receive mail ballots at a different address, who are not active electors, who need to update their voter registrations, or who need replacement ballots to apply to the board for those ballots.

- Requires an applicant for mail ballots to provide ID only in the form of the applicant's signature.

- Requires the board to mail ballots to an elector who has applied to receive ballots at an address outside Ohio not earlier than the 29th day and not later than the 14th day before Election Day.[7]

- Allows an elector who is in jail to apply to cast mail ballots with the assistance of election officials through 3:00 p.m. on Election Day, the same as allowed for an unexpectedly hospitalized elector under continuing law.[8]

- Requires a mail voter to provide ID only in the form of the voter's signature, and allows the board to use signature matching software to confirm a match, but not to reject a ballot.[9]

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[4] R.C. 3501.01, 3501.18, 3503.14, 3503.15, 3503.16, 3503.19, 3503.21, 3505.11, 3505.18, and 3505.181 and repeal of R.C. 3503.111.

[5] R.C. 3501.01 and 3501.05 and Chapters 3509 and 3511; repeal of R.C. 111.31; conforming changes in R.C. 111.44, 149.43, 3501.90, 3503.16, 3503.28, 3504.01, 3504.02, 3504.04, 3504.05, 3505.03, 3505.21, 3505.27, 3513.15, 3515.01, 3517.08, 3599.12, and 3599.20; and repeal of R.C. 3509.02, 3509.051, 3509.09, 3509.10, 3511.06, 3511.07, 3511.10, and 3511.13.

[6] R.C. 3509.01.

[7] R.C. 3509.01, 3509.03, 3511.02, and 3511.08.

[8] R.C. 3509.08.

[9] R.C. 3509.04, 3509.05, 3509.06, and 3511.05.

- Allows a mail voter to provide the board with a telephone number or email address.[10]

- Requires the board to prepay the return postage on all mail ballots.[11]

- Requires the board to establish a minimum number of ballot drop boxes in the county during the 15 days before Election Day, based on the number of active electors in the county, for the return of voted mail ballots without the payment of postage.

- Prescribes security procedures for the emptying of drop boxes and the storage and handling of ballots at the office of the board.[12]

- Allows a person to return voted mail ballots to a polling place on Election Day, as well as to a voter service and polling center, a drop box, or the office of the board.[13]

- Allows any person to return mail ballots on behalf of another, and requires that person to do so within two days after receiving them or not later than 7:30 p.m. on Election Day, whichever is earlier.[14]

- Requires regular mail ballots to arrive at the office of the board by 7:30 p.m. on Election Day in order to be counted, but allows uniformed services and overseas mail ballots to arrive up to ten days after Election Day, as under current law.[15]

- Requires the board to contact a mail voter within two days after the election if the voter must provide additional information in order for the ballot to be counted, and allows that contact to be by telephone or email.

- Extends the cure period for a deficient mail ballot from seven to ten days after Election Day.

- Allows a mail voter to file an addendum in person or by mail, providing the additional information required for the voter's ballot to be counted.

- Requires a mail voter who files an addendum to provide ID in the manner required under current law for an absent voter.[16]

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[10] R.C. 3509.04 and 3511.05.

[11] R.C. 3509.04 and 3511.05.

[12] R.C. 3501.01, 3501.29, 3505.261, 3505.262, and 3505.27.

[13] R.C. 3505.18 and 3509.05.

[14] R.C. 3509.05.

[15] R.C. 3509.05 and 3511.11.

[16] R.C. 3509.06 and 3509.07.

- Requires the board to implement an online ballot tracking system with a unique tracking number assigned to each mail ballot that allows the voter to determine the ballot's status.[17]

- Requires the Secretary of State to establish a pilot program to allow a uniformed services voter who is stationed overseas to return voted ballots by electronic means using encrypted blockchain technology.[18]

- Shortens certain election-related deadlines in order to accommodate the fact that most ballots must be printed earlier because they are to be cast by mail.[19]

In-person voting

- Requires the board of elections to establish a minimum number of voter service and polling centers in the county during the 15 days before an election, based on the number of active electors in the county, where electors may obtain or return mail ballots or cast ballots in person.[20]

- Allows a board of elections to decide to permanently discontinue providing precinct polling places on Election Day, and requires precinct polling places to be discontinued statewide once less than 50% of ballots are cast at precinct polling places on Election Day.[21]

- Requires all voting to be by paper ballot marked by hand or by a marking device, and eliminates references to voting machines, including by renaming the Board of Voting Machine Examiners as the Board of Voting Equipment Examiners.[22]

- Clarifies that an in-person voter must sign the pollbook, instead of writing the voter's name and address, in accordance with long standing practice.[23]

- Adds new security procedures for managing ballots and election results at locations where in-person voting is held.[24]

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[17] R.C. 3509.051 and conforming changes in R.C. 3509.04, 3511.021, and 3511.05.

[18] R.C. 3511.021.

[19] R.C. 3505.01, 3505.21, 3509.01, 3513.17, 3513.30, 3513.31, 3513.311, and 3513.32.

[20] R.C. 3501.29.

[21] R.C. 3501.291.

[22] R.C. Chapter 3506; conforming changes in R.C. 111.26, 3501.05, 3501.11, 3501.17, 3501.29, 3505.18, 3505.23, 3505.31, 3505.331, and 3599.27; and repeal of R.C. 3506.08, 3506.09, 3506.10, 3506.11, 3506.13, 3506.18, and 3506.22.

[23] R.C. 3505.18 and 3505.22.

[24] R.C. 3505.26.

- Eliminates certain references to polling places and to election officials being assigned to specific precincts, and adds references to voter service and polling centers and voting at the office of the board of elections.[25]

Provisional ballots

- Permits a provisional voter to provide a telephone number or email address.

- Requires the board of elections to contact the provisional voter within two days after the election if the voter must provide additional information in order for the ballot to be counted, and allows that contact to be by telephone or email.

- Extends the cure period for a deficient provisional ballot from seven to ten days after Election Day.

- Allows a provisional voter to file an addendum in person or by mail, providing the additional information required for the voter's ballot to be counted.

- Requires a provisional voter who files an addendum to provide ID in the manner required under current law for a provisional voter.

- Permits the board of elections to use signature matching software to validate provisional ballots and addenda, but requires a human examination to invalidate a ballot based on a signature mismatch.

- Requires each provisional ballot to include a unique tracking number that can be traced through the same electronic ballot tracking system used for mail ballots.[26]

Audits of election results

- Eliminates a requirement that a board of elections audit the official results of a primary election held in an even-numbered year, meaning that only general election results must be audited.

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[25] R.C. 124.57, 302.041, 718.01, 3501.01, 3501.05, 3501.051, 3501.11, 3501.13, 3501.15, 3501.18, 3501.21, 3501.22, 3501.221, 3501.27, 3501.28, 3501.29, 3501.30, 3501.31, 3501.32, 3501.33, 3501.34, 3501.35, 3501.36, 3501.37, 3501.382, 3501.90, 3503.01, 3503.02, 3503.12, 3503.13, 3503.15, 3503.16, 3503.23, 3503.24, 3503.26, 3504.04, 3505.03, 3505.06, 3505.08, 3505.10, 3505.11, 3505.12, 3505.16, 3505.17, 3505.18, 3505.181, 3505.183, 3505.20, 3505.21, 3505.22, 3505.23, 3505.24, 3505.26, 3505.28, 3505.30, 3505.31, 3505.32, 3506.04, 3506.07, 3506.12, 3506.19, 3506.21, 3509.06, 3513.052, 3513.22, 3513.30, 3599.06, 3599.07, 3599.17, 3599.19, 3599.20, 3599.24, 3599.25, 3599.26, 3599.31, 4109.06, 4301.353, and 4301.354; and repeal of R.C. 3501.23, 3501.26, 3505.29, and 3513.21.

[26] R.C. 3505.181, 3505.182, and 3505.183.

- Requires the board to use a risk-limiting audit protocol, instead of allowing it to choose a percentage-based audit protocol or another protocol approved by the Secretary of State.[27]

Election-related offenses

- Increases the penalty for election falsification and other types of election fraud from a fifth degree felony to a fourth degree felony.[28]

- Increases the penalty for a second offense under the Election Law from a fourth degree felony to a third degree felony.[29]

- Prohibits any election official from recklessly disclosing the count or any portion of the count of any ballots before 7:30 p.m. on Election Day, except as is necessary for the administration of the election, and makes that offense a fifth degree felony.[30]

Technical changes

- Repeals provisions of law that prescribe certain requirements for compensated voter registration workers, as these provisions have been ruled unconstitutional and are not being enforced.[31]

- Modifies a provision of law regarding the manner in which election officials may challenge a prospective voter on the basis that the voter is not a U.S. citizen, as this provision has been ruled unconstitutional and is not being enforced.[32]

- Updates references to federal election laws to reflect their current locations in the United States Code.[33]

- Removes an incorrect cross-reference and restores a definition of "journalist" for purposes of access to a polling place to match its previous definition in law.[34]

- Adds a reference to the Space Force as being part of the uniformed services for purposes of mail voting, consistent with federal law.[35]

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[27] R.C. 3503.331.

[28] R.C. 303.12, 519.12, 3501.38, 3504.02, 3505.182, 3509.04, 3511.05, 3513.07, 3513.13, 3513.261, 3519.05, 3599.11, 3599.24, 3599.26, 3599.27, 3599.28, 3599.29, 3599.33, 3599.34, and 3599.36.

[29] R.C. 3599.39.

[30] R.C. 3599.19.

[31] R.C. 3503.14 and 3599.11; and repeal of R.C. 3503.29.

[32] R.C. 3505.20.

[33] R.C. 3501.01.

[34] R.C. 3501.35.

[35] R.C. 3511.01.

HISTORY

Action	Date
Introduced	05-11-21