



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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Sub. H.B. 41*

132nd General Assembly

(As Reported by S. Government Oversight and Reform)

Reps. Pelanda, Becker, Hambley, Seitz, Sprague, Blessing, Brenner, Green, Kick, Landis, LaTourette, Perales, Retherford, Rezabek, Riedel, Ryan, Scherer, Stein

BILL SUMMARY

Challenges to voter registrations

- Requires an elector to file an application to correct a precinct registration list or to challenge an elector's right to vote with the board of elections not later than the 30th day before the day of an election.
- Eliminates the procedure to postpone a hearing on such an application or challenge until after the election if the challenge is filed after the 30th day before the election.

Absent voting

- Requires the boards of elections to have uniformed services and overseas absent voter's ballots printed and ready for use (other than in person) on the 46th day, instead of the 45th day, before the day of an election.
- Creates a new procedure for casting absent voter's ballots in person that is similar to the procedure for Election Day voting.
- Requires an in-person absent voter either (1) to show the same identification (ID) as on Election Day or (2) to submit the voter's driver's license or state ID card number or the last four digits of the voter's Social Security number on a written application.

* This analysis was prepared before the report of the Senate Government Oversight and Reform Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

- Permits a board of elections to process absent voter's ballots before the polls close on Election Day, provided that the board does not tabulate or count the votes on those ballots before that time, and allows observers to be present for that processing.

Voting machine reimbursements

- Allows a county that acquired or leased voting or tabulation equipment between January 1, 2014, and July 30, 2018, to use the General Revenue Fund moneys allocated to the county under S.B. 135 of the 132nd General Assembly to acquire additional equipment using those moneys.

CONTENT AND OPERATION

Challenges to voter registrations

The bill shortens the period before an election during which an elector may apply to correct a precinct registration list or challenge an elector's right to vote. Under the bill, the application or challenge must be filed with the board of elections not later than the 30th day before an election. Existing law generally requires such an application or challenge to be filed not later than the 20th day before the day of the election, although a separate section of law allows a challenge to be filed not later than the 19th day before the election.

As a result, the bill eliminates the current procedure that allows a board of elections to postpone a hearing on an application or challenge until after the election if the challenge is filed after the 30th day before the election. Under that procedure, the board must mark the challenged elector's name in the official registration list and in the pollbook, and the elector must cast a provisional ballot. The board then must hold the hearing within ten days after the election and decide at that time whether the provisional ballot should be counted.¹

Absent voting

Availability of uniformed services and overseas absent voter's ballots

The bill requires the boards of elections to have uniformed services and overseas absent voter's ballots printed and ready for use (other than in person) on the 46th day, instead of the 45th day, before the day of an election.

Federal law requires each state to transmit a validly requested absentee ballot to a uniformed services or overseas absent voter not later than 45 days before an election if

¹ R.C. 3503.24 and 3505.20; conforming changes in R.C. 3505.181 and 3505.183.



the request is received by that day. Because Election Day is always a Tuesday, the 45th day before the election is always a Saturday. Under the bill, uniformed services and overseas absent voter's ballots must be available beginning on a Friday.²

Procedure for casting absent voter's ballots in person

The bill creates a new procedure for casting absent voter's ballots in person that is similar to the procedure for Election Day voting. Under the bill, a person who appears at the office of the board of elections must either (1) show identification (ID) in the same manner as a voter who casts a ballot in person on the day of an election, or (2) submit a completed written application for an absent voter's ballot. Under continuing law, a person must provide one of the following forms of ID in order to cast a regular ballot in person on Election Day:

- A current and valid photo ID;
- A military ID;
- A copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration, that shows the elector's name and current address.

A written application for absent voter's ballots requires the same types of ID, except that an elector instead may provide the elector's driver's license or state ID card number or the last four digits of the elector's Social Security number. Consequently, if an in-person absent voter does not have the ID required to cast a regular ballot on Election Day, the bill allows the person to vote absentee using one of those alternative forms of identification, as such a person currently may do.

After providing ID, the bill requires an in-person absent voter to sign a pollbook and then proceed to vote. The bill clarifies that an election official may challenge the right to vote of an in-person absent voter in the same manner as on Election Day, but that no other person may challenge in-person absent voters. And, under the bill, an absent voter may not receive a replacement ballot after the original ballot has been scanned or entered into automatic tabulating equipment.

Existing law does not specify different procedures for casting absent voter's ballots in person or by mail. Under the current statute, a voter must submit a written application for absent voter's ballots, fill out the ballots, place them in an identification envelope, complete the statement on the envelope, and return it to the board of

² R.C. 3509.01 and 3511.04. See also 52 U.S.C. 20302(a)(8).



elections. The statute does not contemplate challenges of in-person absent voters, and it does not specify whether or when an absent voter may request a replacement ballot.³

Processing absent voter's ballots

The bill allows a board of elections to process absent voter's ballots before the polls close on Election Day, provided that the board does not tabulate or count the votes on those ballots before that time. Current law prohibits counting absent voter's ballots before the polls close, but does not specify whether the board may perform other administrative tasks with respect to the ballots before then. The bill defines processing an absent voter's ballot as any of the following:

- Examining the identification envelope statement of voter to verify that the ballot is eligible to be counted;
- Opening the identification envelope if the ballot is eligible to be counted;
- Determining the validity of the ballot;
- Preparing and sorting the ballot for scanning by automatic tabulating equipment;
- Scanning the ballot by automatic tabulating equipment if the equipment permits a ballot to be scanned without tabulating or counting the votes on the ballot.

Under the bill, the board must determine whether to process absent voter's ballots in each precinct, at the office of the board, or at some other location, just as the board must do under continuing law for the counting of absent voter's ballots.⁴

Additionally, the bill allows observers to be present for the processing of absent voter's ballots in the same manner as they currently may observe in-person absent voting, Election Day voting, and the counting of all types of ballots.⁵

Voting machine reimbursements

The bill amends some uncodified provisions of S.B. 135 of the 132nd General Assembly to allow a county that acquired or leased voting or tabulation equipment between January 1, 2014, and July 30, 2018, to use the General Revenue Fund moneys

³ R.C. 3509.051.

⁴ R.C. 3509.06; conforming change in R.C. 3511.11.

⁵ R.C. 3505.21. See also R.C. 3505.183 and 3509.06 and R.C. 3505.26 and 3505.27, not in the bill.



allocated to the county under the act's funding formula to acquire additional equipment using those moneys. A county that does so must follow the act's procedures to acquire the equipment through the Secretary of State in the same manner as any other county that acquires equipment under the act.

Currently, under S.B. 135, a county that acquired or leased voting or tabulation equipment between January 1, 2014, and July 30, 2018 (the act's effective date), is entitled to reimbursement for that equipment but is not entitled to acquire additional equipment using the remainder of the funds allocated to the county under the act's funding formula. For example, a county that purchased replacements for half of its voting equipment during that period may be reimbursed for that purchase, but if the reimbursement does not use up the county's entire allocated amount, the county cannot use the remainder of the allocation to replace the rest of its equipment.⁶

HISTORY

ACTION	DATE
Introduced	02-07-17
Reported, H. Gov't Accountability & Oversight	04-26-17
Passed House (64-30)	06-21-17
Reported, S. Gov't Oversight & Reform	---

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⁶ Sections 3 and 4 of the bill.

