

Overview of Substitute House Bill 3 – Elections Reform

As signed by the Governor, January 31, 2006

Substitute House Bill 3 seeks to boost voter confidence in the Ohio election process. The 2000 Presidential Election brought increased national attention to the state and brought the involvement of out-of-state special interests who wanted to affect the results.

In the 2004 Presidential Election, the media reported numerous instances of voter registration fraud that Ohio legislators addressed in order to protect the integrity of Ohio's system.

HB 3 implements federal Help America Vote Act (HAVA) requirements and seeks to improve Ohio's system of elections through:

- ✓ **Increased protections against fraud;**
- ✓ **Adapting to the availability of new technology;**
- ✓ **Adapting to the expanded use of initiative and referendum to change Ohio's laws and Constitution;**
- ✓ **Further streamlining the process to maintain the ease with which Ohio voters exercise their right; and**
- ✓ **Maintaining transparency of the system through clarifications to the state's campaign finance laws.**

Preventing fraud and ensuring the integrity of the process

New voter identification requirements

- Ensures the integrity of the one person – one vote principle by requiring all voters verify their identity when voting, beginning for some voters in the August 2006 special election and for all voters with the November 2006 election.

Permissible forms of identification include, but are not limited to a current and valid photo identification. To meet this requirement, voters may also provide copy of any of the following if it includes the current name and address:

- ✓ Utility bill,
- ✓ Bank statement,
- ✓ Government check,
- ✓ Paycheck,
- ✓ Military identification, or
- ✓ Other government document (excluding voter reminder card sent by the board of elections).

Note: photo identification must be issued by the US government or this state and must include a voter's name, current address, photo and an expiration date that has not yet expired. If it is a current Ohio's driver's license, it may include a voter's current or former address.

Voters who do not have any of the above forms of identification **will not be turned away.** As an alternative, they may provide the last four digits of their Social Security number and vote provisionally, allowing boards of elections to verify the number. Voters choosing this option will not have to provide their full Social Security numbers.

If voters do not have a Social Security number, they also have the option of signing a statement, under penalty of perjury, swearing to their identity and the fact that they do not have any other permissible forms of identification, and then vote provisionally.

- Requires the Secretary of State (SOS) to conduct voter education on the new identification requirements and county boards of elections to notify registered voters via mail prior to the special and general elections of 2006 and the primary and general elections of 2008, reminding them to bring identification with them to the polls.
- Establishes a procedure for voters to update their signatures on file with the boards of elections should the voter's signature change over time.
- Clarifies that homeless individuals may register to vote using the address of the shelter where they regularly reside.

Prosecution for elections fraud, private right of action for harassment:

- Allows the attorney general (AG) to bring criminal actions for elections fraud.
- Provides voters a private right of action to seek remedies in court against those who commit election-related harassment or intimidation.

Protections for home-bound and disabled Ohioans:

- Protects home-bound and disabled Ohio voters who require assistance to vote by clarifying that one election official from both major political parties be present.
- Provides a process for disabled voters who are physically to sign elections forms to designate someone to sign on the voter's behalf, either by executing a power of attorney or by making the designation in the presence of an elections official and providing a physician's verification.

Safeguards in boards of elections' procedures:

- 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. All those who register Ohioans to vote must also provide their own contact information when registrations are submitted.
- Requires those being compensated to register voters to register with the SOS's office.
- Creates a felony offense for those who knowingly fail to submit voter registrations or absentee ballot applications on time unless certain conditions are met.
- Ensures uniform procedures among counties to secure absentee and provisional ballots by eliminating boards of elections' authority to establish more than one location per county for purposes of early voting. (Note: County boards of elections may set up alternate locations to serve other purposes such as voter registration).
- Clarifies that no person, except authorized elections officials or observers may be present in areas of board of elections where ballots are being counted.

- Eliminates a potential source of conflict on Election Day by replacing Election Day challengers and witnesses with observers to monitor the precinct and the counting of votes without challenging an individual's ability to vote.

Protections for the use of electronic voting machines:

- Prohibits electronic voting machines from connecting to the Internet.
- Sets clear standards for what constitutes a valid optical scan ballot marking and bans use of Florida-style arrow and underlining optical scan voting methods, as well as the use of "ballot on demand" if ballots do not have tracking numbers.

Safeguarding Ohio's initiative and referendum procedures

Preventing any perception of bias:

- Helps eliminate any perception of bias by restricting the participation of the SOS and the AG in ballot issue committees, including serving as campaign treasurer or in any other official capacity.
- Establishes a clear process for challenging the AG's determination that a petition summary is fair and accurate via the Ohio Supreme Court.

Updating requirements:

- Increases the signature requirement from 100 to 1000 in order to file a petition for initial verification.
- Requires that petitions be filed with the original signatures.
- Ensures circulators be permanent Ohio residents, consistent with the requirements for those who sign petitions and prohibits felons from circulating petitions.

Promoting clarity in the process:

- Specifies that each proposed constitutional or initiated question must be petitioned. (To ensure this requirement is met, the bill provides that once the petition is initially filed with the SOS, the ballot board must meet within 10 days to determine whether questions on a petition need to be separated).
- Increases public disclosure of who contributes to ballot campaign committees, requires ballot campaign committees be organized as campaign committees for purposes of filing campaign finance reports before they can accept any contributions.
- Helps provide voters with the information they need to make an informed decision by requiring proposed initiative and referendum petitions to include law or constitutional provisions that would be replaced or deleted if the initiative or referendum should be adopted.
- Requires the SOS to post the full text of law or constitutional amendments, as well as ballot language summary, arguments, and fiscal statements on the SOS's website and to establish a standard format which clearly shows who prepared arguments for or against an issue.

Streamlining the operation of Ohio elections

Ensuring counties have adequate equipment to serve voters:

- Establishes a formula to ensure boards of elections have available for use one voting machine for every 175 voters and requires county boards of elections to vote on the allocation of voting machines to precincts.

Requiring accurate and timely information for elections officials and voters:

- Creates a new statewide voter registration database (in accordance with the Help America Vote Act) that allows boards of elections across the state to share voter information. The information must be updated on a daily basis and the SOS is required to conduct an annual audit of the database.
- Requires, for the benefit of the voting public, the SOS to post a portion of the information from the database, including the voter's name; address; precinct; voting history, and 30 days prior to the election, the location of the polling place where the voter will vote. The public database must be operational in time for the August 2006 special election and the November 2006 general election.
- Ensures boards of elections complete recounts in a timely and efficient manner, requiring the official canvass to be completed not later than 21 days after an election and requires any presidential recount to be completed within six days of the meeting of the Electoral College.
- Clarifies that absentee ballots may be counted on election night.
- Reduces costs to county boards of elections, while ensuring voters have increased information about local issues that will appear on the ballot, by setting the number of advertising runs boards of elections are required to purchase to once a week for two consecutive weeks and by requiring those boards of elections who maintain web sites to post election information 30 days prior to the election.
- Requires the SOS to report the number of absentee and provisional ballots cast and counted within each month of each primary and general election.
- Requires the SOS to post directives or instructions issued to county boards, whether by conference call or teleconference, on the SOS's website by the close of business on the day they are issued.
- Specifies that the voter verified paper audit trail is treated the same as other ballots for public record/retention purposes.
- Maintains current law that allows voters to change political party affiliations when they vote in a primary, rather than at any time.

Clarification for the use of provisional ballots:

- **Ensures that no voter may be turned away from voting** and clarifies in what cases voters may vote provisionally.
- Ensures that provisional voters may provide additional information to board of elections within 10 days of the election for purposes of verifying eligibility to vote.
- Requires boards of election to maintain a toll-free number that voters may call to track their provisional ballots.

- Establishes a clear process for counting and verifying provisional ballots at the county boards of elections.
- Helps to ensure voters are voting in the correct precincts, as has been mandated by Ohio law for more than 125 years, by requiring elections officials to provide a “precinct finder” to direct voters to the appropriate polling location.
- Requires that a reminder notification be sent to voters 60 days prior to the election for elections in 2006 and 2008. Should the notification be returned by the US Postal Service as non-deliverable, requires that the poll book be flagged for that voter and that the voter cast a provisional ballot, so that boards of elections have an opportunity to verify voters’ current information. A similar notification is sent to newly registered voters at the time of registration.

Ensuring transparency in the financing of campaigns

Protections for government employees:

- Prohibits local elected officials and their employees from soliciting campaign contributions from employees in the office.
- Extends “whistleblower” protections to employees who report violations of these prohibitions.