

**Ohio Association of Election Officials**  
**Legislative Committee Meeting**  
**March 7, 2019**

The legislative committee of the Ohio Association of Election Officials met on Thursday, March 7, 2019 at 10:00 AM via conference call. Tim Ward and LaVera Scott 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. Present were: Penny Brooks, Peggy Byers, Diana Dulebohn, Beth Goldenfield, Sarah Greathouse, Joyce Kale-Pesta, Sally Krisel, Ross McDonald, Jeanette Mullane, Tony Perlatti, Carol Perry, Bill Rich, Brett Riffle, Lavera Scott, Michelle Wilcox, Cecili Blevins, Mike Bridinger, Chris Burnett, Terry Burton, Kathi Creed, Jane Hanley, Charlie Hardman, Jan Kelley, Sarah Kneuss, Ron Knight, Mark Munroe, Carla Patton, Kristen Ross, Shantiel Soeder, Olga Thomas, Tim Ward and Tonya Wichman.

Guests today were Beth Snyder, Meredith Bodie, Rob Frost, Cheryl Browning, Julie Leathers, Sherry Poland, Lisa Welch, and Brian Mead

The minutes had been distributed by email. Joyce Kale-Pesta moved we accept the minutes. Carla Patton seconded the motion. The motion passed.

Aaron led us on the Legislative updates:

HB 49- Concealed Carry License – to be an acceptable form of identification. Singling out the concealed carry license makes this a partisan issue. There is a recommended amendment that says any kind of government identification (state and county included) should be added. There was extensive discussion. Tim Ward moved a motion we stay neutral on this bill; with or without the amendment. Tony Perlatti seconded the motion. The motion failed. Later, Bill Rich moved a motion we support this bill with the amendments that allow federal, state and add any county identifications that meet all the requirements. Beth Goldenfield seconded the motion. This motion passed.

HB 76- Ballot language – Aaron deferred to Carla Patton on this one. The bill changes the way property values are expressed on the ballot. Carla was worried that the bill as written would be very confusing to voters. It refers to fair market value in one spot; then uses taxable value in another instance. After the discussion, Tim Ward moved we stay neutral on this bill. Jan Kelley seconded the motion. The motion passed.

HB 101- move presidential primary to May. As election workers, we do support this as it is sometimes difficult to meet the timelines when the Presidential Primary is held in March. Aaron says this would have to be passed in a timely manner in order to be effective for the 2020 Presidential Primary. Tim Ward moved a motion we support this bill. Kristen Ross seconded the motion. The motion passed.

SB 15- jury lists – this bill would add records from the Bureau of Motor Vehicles in all counties to the jury pool. The discussion was that we often hear people say they do not vote or register to vote because they do not want to get called for jury duty. The bill is meant to increase the prospective pool and to be

more inclusive. Joyce Kale-Pesta moved we stay neutral on this bill . Michelle Wilcox seconded the motion. The motion passed

SB 22- allows for two poll workers instead of four in a multi-precinct location. The bill asks for the majority of the board members to approve. Aaron said he believed this was added to keep the Secretary of State out of this county issue. LaVera raised the point about what would happen when there were only three board members making the decision. Since the bill says the majority of the board members, two could approve in this situation. The group wanted an amendment for this bill to be specific that this will be by polling location; not by precinct. After a lengthy discussion, Tim Ward moved a motion we support this bill with or without the amendment. Jane Hanley seconded the motion. The motion passed.

Majority vote amendment:

SB 42- uncontested races – This bill says that if we have an uncontested race, you move it to the end of the ballot. Aaron was afraid this was going to get shoved into the budget bill and we might just be stuck with it. Some speakers wondered if their software would even be able to handle this situation. Candidates would not be happy as they want the name recognition. As this discussion progressed, we realized we did not have enough info to make a decision on this topic. This topic was tabled. Aaron will meet with the sponsor and go to the Secretary of State to get more info.

SB 52- cybersecurity – The part of this that might impact us was the post-election audit. There are two amendments to this bill:

1. Audit in even-number years – we weren't sure if this amendment meant we did nothing in odd-numbered years. The concern was that we might not be doing enough audits. Audits do help us with public confidence. Tim mentioned we would want to keep the primary election in odd-numbered years eliminated from this requirement. If we have overlaps and my county does an audit, do the other counties affected have to do an audit also? The consensus was that we want an audit for the General in an odd year. Is the Secretary of State in agreement with this amendment? Another concern was that for counties that are rolling out new equipment this year might not be required to do an audit. It was the feeling of the group that we should audit in this case.
2. Has to do with county-wide recounts –Does this count for the audit? Tim said he understood this could qualify for one of the races to be audited if it was county wide. The secretary of state would select the other two races to be audited. Llyn McCoy reported she read that Secretary LaRose is in favor of an audit after every General Election.

Tim Ward moved a motion we would be supportive of the amendments as they stand with the General Election added for odd years to the audit. LaVera Scott seconded the motion. The motion passed.

As we moved to new business, we worked on the Legislative agenda for 2019-2020. We will use these 12 items as our agenda for the New Year.

Overlap/HB 237 – would require the Secretary of State to procure software to better regulate overlap items on our ballots. Carla Patton wants us to pursue this again. Carla says there is some positive movement on the Secretary of State’s side, it is just a matter of getting this requirement in to the budget. Tim Ward made a motion that we continue to support this item. Michelle Wilcox made the second. The motion passed.

SB 44/local campaign finance allows local candidates to file their Campaign Finance documents electronically. It does not require that they file electronically. Aaron says this is a priority for Secretary LaRose. LaVera made a motion that we remain supportive. Tim Ward seconded the motion. The motion passed. Aaron says he has had a couple of meetings with the Secretary of State on this issue. Aaron says he understands the IT work will remain with the Secretary of State. He believes the audit work will stay with the counties.

Fix pay raise issue – There was a proposal from the Legislative Service Commission to fix the pay raise issue for Board of Election personnel. Every board got raises except those who are making the statutory minimum. That was not the intent so they are willing to fix this with the budget bill. Michelle Wilcox moved a motion we support this issue. LaVera Scott seconded the motion. The motion passed.

Change address on absentee application to “home address” – Many counties shared there was confusion with the wording ‘the address at which you vote’. Many voters were writing down their polling location. Aaron believed we could get this done administratively. We would not need a legislative fix. Tonya Wichman made the motion we approach the topic this way. Penny Brooks seconded the motion. The motion passed.

SB 10/unnecessary primaries – The House Bill on this issue was HB18. When there was only one candidate on the ballot, we would not have to have a special election. This bill did not make it over the finish line. Deb Sneddon was part of one of the special congressional primaries. Deb says this exercise was a waste of time, money and resources. Deb made the motion to eliminate unnecessary primaries. Carla Patton seconded the motion. The motion passed.

Ability to sign provisional as well as write in the name – The first line on the Provisional Ballot envelope asks for the voter’s name. The name has to be there or it is a fatal flaw. Tim reminded us that this issue went to the Supreme Court and the name has to be printed on the top line. This discussion was to allow the name to be printed or written in cursive on that top line. The thought was the provisional could still be validated. There was much discussion about where the voter prints or writes their name. Tim Ward stated we may be opening Pandora’s Box by asking that cursive be allowed on the top line. Tim Ward made a motion we table this item until we can do some more research. Carla Patton seconded the motion. The motion passed. Aaron was going to get an email out to get statistics on how many provisionals were rejected for last November’s election.

On line absentee request – This is a priority for Secretary LaRose. He talked about this often on the campaign trail. Tim Ward moved we support the online absentee process. Michelle Wilcox seconded the motion. The motion passed. Mention was made the signature will come from the Bureau of Motor Vehicle record.

Statewide absentee mailing every year – This would require that the absentee application be mailed for every General Election for every year. The worry was that this might make it appear some elections are more important than others. Aaron stated this costs \$1.2 million for each election. The thought was that if we get the permanent absentee applications, these people with permanent absentees would be taken off the mailing list. Beth Goldenfield made a motion we support a mailing for every General Election. Tony Perlatti seconded the motion. The motion passed.

Allow postmarks on Election Day and do something in the code to deal with online postage – The discussion was about whether we could accept ballots postmarked on Election Day as we would know the ballot had to be in the mailed in a timely manner in this case. The worry with our group was for absentee ballots mailed just before noon on Saturday, we are setting the voter up for failure. As mail service has deteriorated, the arrival of the late ballot might not be the fault of the voter. The discussion suggested that any ballot postmarked on Election Day be accepted in the 10-day window. The second part of this discussion dealt with online postage. The issue is that voters can purchase postage online before Election Day and not mail the ballot until after the Election. LaVera Scott made a motion we table this issue until we can research all mechanisms with the post office that will tell us where and how people can get a postmark. Brett Riffle seconded the motion. The motion passed. Aaron will ask about online postage with the Secretary of State's office to see if they have any thoughts on this.

Permanent Absentee requests or yearly requests – Permanent absentees could save a lot of time and money. There was discussion about how to handle this for a Primary; how would we decide which ballot to send. The thought was that you would get the ballot for the party on your form unless you would get a form to change. What happens when the voter is marked for the permanent absentee and then they show up on Election Day? Will this significantly increase our provisionals. The question was raised about what happens when people do not update their address. Carla Patton said she knows that in Washington State, people are allowed to vote the ballot that is sent to them unless they make the effort to get the correct ballot. Another worry was voters who sign the form for the permanent absentee who don't even know what they are signing. Amber McDonald was our speaker at conference. Aaron volunteered to check with Amber to see if he could her to come to a legislative meeting. She could tell us how other states are handling this. We don't have to make these decisions in a vacuum because there are states out there that are already doing this. Carla Patton made a motion to table this matter until we can get more information. Beth Goldenfield seconded the motion. The motion passed.

Days and Hours of Voting – Aaron says he knows the Secretary of State is going to oppose any change to the days and hours of voting before the 2020 election. Aaron wants us to do a deep dive on this. The goal is to get this information written in to the revised code so it does not change with a change in administration. Aaron wants us to set up a workgroup on this topic. Tim Ward will appoint three Republicans and LaVera Scott will appoint three Democrats to work on this committee. Small, medium and large counties should be represented in this workgroup.

Cuyahoga Co. ballot printing suggestions – This came about as a result of the price increases they have experienced because of the way the Revised Code is written. Cuyahoga has to get a bid bond. They only get one vendor to come back now. The single vendor has jacked up their prices quite a bit. The Code makes this price prohibitive for many printers in their area. Tony Perlatti wants the bid bond taken down much lower like industry standards and then take the performance bond to 100% of the biggest

election in the time period. Tony Perlatti made a motion that the language that was drafted be passed on to the Trustees. We should then look for a sponsor who will champion this process for us. Carla Patton seconded the motion. The motion passed.

Other – Tony Perlatti asked that the Secretary of State forms be changed to add a place for a printed name on the petition form. That would really help election workers to know who is signing petition forms. Aaron says he was actually approached by a representative sometime earlier on this issue. Aaron says we might find some help if we ask. Tony made a motion that the trustees approach the Secretary of State’s office to add the additional field for the printed name. This would not be a required field. Jan Kelley seconded the motion. The motion passed.

Another problem Tony brought up had to do with the 10-day window to turn the petitions around and get them back to the SOS. Others agreed this tight timeline is really a problem. The question was whether this was in the statute or the Constitution. Tony asked that we research what other things could be done to improve the petition process. Tony made this motion. Jan Kelley seconded the motion. The motion passed.

HB 500/electronic filing – This bill passed last year and creates a requirement that Boards of Election accept electronic filings by 2021. Aaron suggested we create a task force to get with the Ohio Township Association to put some parameters around this. Tim and LaVera each agree to find 3 people from their party to work on this assignment.

Michelle Wilcox made a motion that the group adjourn. Mike Bridinger seconded the motion. The motion passed.

Respectfully submitted,

Peggy Byers

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