

OAEO Legislative Committee Meeting Minutes
April 6, 2023

Co-Chair Jeff Rezabek called the meeting via the online platform Zoom to order at 2:35 pm.

Present were Isaac Arthur, Alisha Beeler, Cecilia Blevins, Shane Breckel, Laura Bruns, Chelsea Cline, Eric Corbin, Diana Dulebohn, Bill Freytag, Gail Garbrandt, Marlee Gibson, Bethe Goldenfield, Jane Hanley, Charlie Hardman, Karla Herron, Regine Johnson, Dee Keister-Smith, Ben Kline, David Koehl, Mollie Landefeld, Alex Linser, Jeff Matthews, Ross McDonald, Nicole Mickley, AJ Nowaczyk, Jeff Rezabek, Brett Riffle, Kirsten Ross, LaVera Scott, Brian Sleeth, Deb Sneddon, Jamie Snider, Nicole Unzicker, and Tonya Wichman.

Absent from the call were Randy Crites, Joyce Kale-Pesta,, Carla Patton, Stephanie Penrose, and Carol Perry.

Kirsten Ross made a motion to approve the minutes of meeting held on March 10, 2023, and AJ Nowaczyk seconded the motion. There was no discussion, and the motion passed via a voice vote.

OLD BUSINESS

Senate Bill 71

Jeff Rezabek introduced discussion on Senate Bill 71, the data transparency bill, as the committee had not yet made a recommendation to the Trustees. Co-Chair LaVera Scott stated that Tony Perlatti had addressed a number of concerns in an email to the whole committee, to which a number of members weighed in their responses, and asked if anyone had input other than that. Aaron Ockerman stated that Paul Adams had offered additional concerns after Democratic members met to discuss the issue. Sherry Poland noted that there had been no meeting of the Republicans as they were awaiting the concerns of the Democratic committee, which were received earlier in the day.

Paul Adams addressed general concerns as well as specific concerns that were discussed. The three general concerns were:

1. This legislation should not be explained to result in a one-on-one comparison of votes cast to voter history. There was concern that this might lead to even more confusion with people believing that because it changes how credit is given, there will be a one-on-one comparison.
2. The legislation improves data sharing between counties and the Secretary of State (SOS), but is not fixing any major problem that currently exists. There was a concern that this could be explained in such a way as it fixes some major problem that exists, but simply improves communication rather than fixing a problem.

3. There was concern about maintaining good communication with the legislature to ensure that this body has sufficient time to fully review legislation before we weigh in.

He also noted four specific concerns about the legislation itself:

1. The issue of using the postmark for the voter registration date.
2. Lines 227-230 appear to no longer allow a properly completed provisional ballot affirmation as a voter registration form. They believe the provisional affirmation should continue to be used as a registration document.
3. Line 253 has a requirement of a 4:00 p.m. data pull that could create a reconciliation discrepancy. They believe the data should be pulled after the close of business.
4. Line 439 permits the sharing of confidential data with “persons or organizations that are engaged in legitimate government purposes”. They believe this terminology is vague and should be narrowed.

Co-Chair LaVera Scott stated the date of birth issue was also included in documentation from the Democracy Group. Jeff Rezebek stated that he understood that the first issue related to the registration date was being addressed, as well as the issue with the date of birth.

Karla Herron asked if we as a committee know for certain that there are no problems to be fixed, and that no counties have had an issue with balancing with their reporting. Alisha Beeler noted that Greene County has had a call every day with the new daily reporting because their website does not update until later in the day and it appears to not match.

Jeff Rezebek stated that sometimes legislators get ahead of themselves, and that nothing in the 24-page bill says anything about 100% accuracy. He noted that he hoped we would be able to get to where we can explain the data and any discrepancies. He added that he explained to Amanda Grandjean that the rollout of the bill had not gone well, with this committee getting little time for review.

Deb Sneddon asked if the new daily reporting would solve data concerns, and why we need legislation to solve a problem the SOS already addressed. AJ Nowaczyk asked if this would serve to codify this in the event a new Secretary of State changed requirements. Aaron Ockerman stated that Amanda Grandjean had stated during the working group that the bill would replace many of the current surveys. Sherry Poland added that the working group was told that there would be no need for the additional surveys since the SOS would have the data already.

Deb Sneddon reviewed what Amanda Grandjean stated during the last Legislative Committee meeting, and noted that the new daily reporting already replaces the surveys. Jeff Rezebek agreed, and stated that the legislation would codify those procedures to make it permanent, and added that he believed the sponsors would be open to changing the time requirement for the daily pull of data.

Discussion on lines 227-230 followed, and Co-Chair LaVera Scott noted that clarification was needed regarding the use of a provisional envelope for registration. Jeff Rezebek noted that line 216 lists everything that determines a voter's registration date, and agreed that more clarification was needed.

Aaron Ockerman noted that the language related to the fourth concern about the sharing of confidential data was already in law, this bill merely moves the line to a different section, and this may be the section that allowed Ohio to participate in ERIC (Electronic Registration Information Center). Tonya Wichman asked if emails and phone numbers continued to be protected data, and Jeff Rezebek noted that nothing in the bill changes that.

Deb Sneddon noted that different vendors use different "language" and asked what those differences were and what the issue was with those differences. Sherry Poland responded that the best example she could cite from the working group was how different counties apply the registration date, and that sometimes it's not just the vendors, but variances among counties.

Jeff Rezebek then made a motion to recommend to the Trustees that we approve being named interested parties in the bill, however we may move to be proponent if the five concerns that were noted are either more fully developed and answered or are amended specifically in the bill. Karla Herron seconded the motion.

Diana Dulebohn requested that the motion be cleaner, and that it indicates that we are only interested parties at this point, since the members do not know which way they will eventually go. Brett Riffle made a motion to amend the motion to indicate that we are simply interested parties. Charlie Hardman suggested listing the five recommendations that would move the association from interested parties to proponents. Jeff Rezebek noted that he added that part of the motion to provide incentive to address the issues.

Beth Goldenfield seconded the motion to amend the initial motion. Jeff Rezebek clarified that the amendment was to change the motion to indicate that we are interested parties, and Beth Goldenfield stated that was correct, with the addition of the five items recommended for revision. Brett Riffle repeated his motion for clarity, stating his amendment was to say that we are an interested party and give our recommendations.

Roll call vote: Arthur, No; Beeler, Yes; Blevins, Yes; Breckel, Yes; Bruns, Yes; Cline, Yes; Corbin, Yes; Dulebohn, Yes; Freytag, Yes; Garbrant, Yes; Gibson, Yes; Goldenfield, Yes; Hanley, Yes; Hardman, Yes; Herron, No; Johnson, Yes; Keister-Smith, Yes; Kline, Yes; Koehl, Yes; Landefeld, Yes; Linser, Yes; Mathews, No; Mickley, Yes; Nowaczyk, No; Rezebek, No; Riffle, Yes; Ross, Yes; Scott, Yes; Sleeth, Yes; Sneddon, Yes; Snider, Yes; Unzicker, no response ; Wichman, Yes. Ross McDonald stated he entered the meeting at 3:00 p.m. and voted Yes. Motion carried.

Co-Chair Jeff Rezebek called for the vote on the motion as amended.

Roll call vote: Arthur, Yes; Beeler, Yes; Blevins, Yes; Breckel, Yes; Bruns, Yes; Cline, Yes; Corbin, Yes; Dulebohn, Yes; Freytag, Yes; Garbrant, Yes; Gibson, Yes; Goldenfield, Yes; Hanley, Yes;

Hardman, Yes; Herron, No; Johnson, Yes; Keister-Smith, Yes; Kline, Yes; Koehl, Yes; Landefeld, no response; Linsler, Yes; Mathews, No; McDonald, Yes; Mickley, Yes; Nowaczyk, No; Rezabek, No; Riffle, Yes; Ross, Yes; Scott, Yes; Sleeth, Yes; Sneddon, Yes; Snider, Yes; Unzicker, no response ; Wichman, Yes. Motion carried.

Co-Chair Jeff Rezebek thanked the member for the discussion and noted that the recommendation would be forwarded to the Trustees.

NEW BUSINESS

Senate Bill 92 Review

Aaron Ockerman summarized the bill that creates an August 8th Special Election for 2023 to contain one issue, a joint resolution passed by the General Assembly for purposes of amending the Constitution, and would appropriate \$20 million dollars for county boards of elections to conduct that election. He noted that there had been two hearings, sponsor testimony and proponent testimony, and that the legislature was on break for two weeks. He anticipated the bill would be up in the Senate the week of April 17, 2023 as the Senate leadership indicated this bill was a priority.

Co-Chair LaVera Scott asked if the bill limited the possibility of an election to only 2023. Aaron Ockerman noted that he would get that clarified.

Beth Goldenfield made a motion to take the position that we're against reinstating August elections unless in the fiscal emergency that was stipulated prior to this. Diana Dulebohn seconded the motion.

Ross McDonald asked how many times this committee and the Trustees had been opposed to August elections in the past, and Aaron Ockerman replied that the committee has consistently been opposed, though he could not state the number of times. Ross McDonald asked if that opposition reasoning was high cost and low voter turnout, and Aaron Ockerman replied in the affirmative.

Co-Chair Jeff Rezebek spoke of the analysis of the bill, which indicated funding for a 2023 August election only, and Aaron Ockerman added that the bill does create a new category for future August elections as well. He added that the current General Assembly cannot provide funding for future elections, so funding would have to be addressed at the time an August election is scheduled.

Deb Sneddon asked if the attachment of the \$20 million dollars to the bill made it so it could not be subject to a referendum, and Aaron Ockerman replied that it immediately becomes law upon signature if passed with the funding attached.

Brett Riffle stated that he found and shared an article that reported SOS LaRose supports this August election. Tonya Wichman asked if we had been asked to weigh in on this bill, and if our recommendation would be relevant. Jane Hanley expressed that they would not listen to our recommendation. Jeff Rezebek disagreed, and stated that he believes the legislators do look at what we support as an organization. He added that he believes these are political issues and taking a stance may hamper future work of the committee. He stated that he requested that any leftover funds not spent on the election should be left to the county boards for infrastructure or other needs.

LaVera Scott stated her belief that this committee should not open a can of worms related to the support received from the legislature, and called for a vote on the motion. Jeff Rezebek expressed that all opinions are important and should be heard. Bill Freytag then repeated the call for a vote on the motion. After further discussion on the support of the legislature, Bethe Goldenfield stated that it was the responsibility of the committee to make our position known.

Co-Chair Jeff Rezebek conducted a voice vote on calling the question, and determined the ayes had it. After a review of the exact language of the motion, including review of the meeting recording by Secretary Laura Bruns, the motion was repeated as “we take the position that we are against reinstating August elections except in fiscal emergency as was stipulated prior to this”.

Co-Chair Jeff Rezebek called for the vote on the motion.

Roll call vote: Arthur, No; Beeler, Yes; Blevins, Yes; Breckel, Yes; Bruns, Yes; Cline, Yes; Corbin, Yes; Dulebohn, Yes; Freytag, Yes; Garbrant, Yes; Gibson, Yes; Goldenfield, Yes; Hanley, No; Hardman, No; Herron, No; Johnson, Yes; Keister-Smith, Yes; Kline, Yes; Koehl, Yes; Landefeld, no response; Linser, Yes; Mathews, No; McDonald, Yes; Mickley, Yes; Nowaczyk, No; Rezabek, No; Riffle, Yes; Ross, Yes; Scott, Yes; Sleeth, Yes; Sneddon, Yes; Snider, Yes; Unzicker, No ; Wichman, Yes. Motion carried with 25 ayes and 8 nos.

Co-Chair Jeff Rezebek stated that recommendation would be passed on to the Trustees.

Chelsea Cline asked if the committee was aware of any work on accepting veteran’s service cards. Aaron Ockerman stated there was no current activity on the issue.

Ross McDonald moved to adjourn the meeting at 4:16 p.m. and Jeff Rezebek seconded the motion before the call was ended.

Respectfully submitted,
Laura Bruns
Secretary

Approved on