

As Introduced

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Representative Clyde

**Cosponsors: Representatives Ramos, Reece, Boyd, Antonio, Strahorn,
Celebrezze, Sheehy, Ashford, Smith, K., Rogers, Fedor, Sykes, Lepore-Hagan,
Leland, Phillips, Boyce, O'Brien, M.**

A BILL

To amend sections 3501.05 and 3503.21 of the 1
Revised Code to modify the circumstances under 2
which a voter registration may be canceled. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3501.05 and 3503.21 of the 4
Revised Code be amended to read as follows: 5

Sec. 3501.05. The secretary of state shall do all of the 6
following: 7

(A) Appoint all members of boards of elections; 8

(B) Issue instructions by directives and advisories in 9
accordance with section 3501.053 of the Revised Code to members 10
of the boards as to the proper methods of conducting elections. 11

(C) Prepare rules and instructions for the conduct of 12
elections; 13

(D) Publish and furnish to the boards from time to time a 14
sufficient number of indexed copies of all election laws then in 15

force;	16
(E) Edit and issue all pamphlets concerning proposed laws or amendments required by law to be submitted to the voters;	17 18
(F) Prescribe the form of registration cards, blanks, and records;	19 20
(G) Determine and prescribe the forms of ballots and the forms of all blanks, cards of instructions, pollbooks, tally sheets, certificates of election, and forms and blanks required by law for use by candidates, committees, and boards;	21 22 23 24
(H) Prepare the ballot title or statement to be placed on the ballot for any proposed law or amendment to the constitution to be submitted to the voters of the state;	25 26 27
(I) Except as otherwise provided in section 3519.08 of the Revised Code, certify to the several boards the forms of ballots and names of candidates for state offices, and the form and wording of state referendum questions and issues, as they shall appear on the ballot;	28 29 30 31 32
(J) Except as otherwise provided in division (I) (2) (b) of section 3501.38 of the Revised Code, give final approval to ballot language for any local question or issue approved and transmitted by boards of elections under section 3501.11 of the Revised Code;	33 34 35 36 37
(K) Receive all initiative and referendum petitions on state questions and issues and determine and certify to the sufficiency of those petitions;	38 39 40
(L) Require such reports from the several boards as are provided by law, or as the secretary of state considers necessary;	41 42 43

(M) Compel the observance by election officers in the 44
several counties of the requirements of the election laws; 45

(N) (1) Except as otherwise provided in division (N) (2) of 46
this section, investigate the administration of election laws, 47
frauds, and irregularities in elections in any county, and 48
report violations of election laws to the attorney general or 49
prosecuting attorney, or both, for prosecution; 50

(2) On and after August 24, 1995, report a failure to 51
comply with or a violation of a provision in sections 3517.08 to 52
3517.13, 3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, or 53
3599.031 of the Revised Code, whenever the secretary of state 54
has or should have knowledge of a failure to comply with or a 55
violation of a provision in one of those sections, by filing a 56
complaint with the Ohio elections commission under section 57
3517.153 of the Revised Code. 58

(O) Make an annual report to the governor containing the 59
results of elections, the cost of elections in the various 60
counties, a tabulation of the votes in the several political 61
subdivisions, and other information and recommendations relative 62
to elections the secretary of state considers desirable; 63

(P) Prescribe and distribute to boards of elections a list 64
of instructions indicating all legal steps necessary to petition 65
successfully for local option elections under sections 4301.32 66
to 4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 67

(Q) Adopt rules pursuant to Chapter 119. of the Revised 68
Code for the removal by boards of elections of ineligible voters 69
from the statewide voter registration database and, if 70
applicable, from the poll list or signature pollbook used in 71
each precinct, which rules shall provide for all of the 72

following: 73

(1) A process for ~~the removal of~~ using information 74
obtained from the national change of address service provided by 75
the United States postal service system through its licensees to 76
remove voters who have changed residence, ~~which~~ to a location 77
outside this state. That process shall be uniform, 78
nondiscriminatory, and in compliance with the Voting Rights Act 79
of 1965 and the National Voter Registration Act of 1993, 80
~~including a program that uses the national change of address~~ 81
~~service provided by the United States postal system through its~~ 82
~~licensees.~~ 83

(2) A process for the removal of ineligible voters under 84
section 3503.21 of the Revised Code; 85

(3) A uniform system for marking or removing the name of a 86
voter who is ineligible to vote from the statewide voter 87
registration database and, if applicable, from the poll list or 88
signature pollbook used in each precinct and noting the reason 89
for that mark or removal. 90

(R) Prescribe a general program for registering voters or 91
updating voter registration information, such as name and 92
residence changes, by boards of elections, designated agencies, 93
offices of deputy registrars of motor vehicles, public high 94
schools and vocational schools, public libraries, and offices of 95
county treasurers consistent with the requirements of section 96
3503.09 of the Revised Code; 97

(S) Prescribe a program of distribution of voter 98
registration forms through boards of elections, designated 99
agencies, offices of the registrar and deputy registrars of 100
motor vehicles, public high schools and vocational schools, 101

public libraries, and offices of county treasurers;	102
(T) To the extent feasible, provide copies, at no cost and upon request, of the voter registration form in post offices in this state;	103 104 105
(U) Adopt rules pursuant to section 111.15 of the Revised Code for the purpose of implementing the program for registering voters through boards of elections, designated agencies, and the offices of the registrar and deputy registrars of motor vehicles consistent with this chapter;	106 107 108 109 110
(V) Establish the full-time position of Americans with Disabilities Act coordinator within the office of the secretary of state to do all of the following:	111 112 113
(1) Assist the secretary of state with ensuring that there is equal access to polling places for persons with disabilities;	114 115
(2) Assist the secretary of state with ensuring that each voter may cast the voter's ballot in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters;	116 117 118 119
(3) Advise the secretary of state in the development of standards for the certification of voting machines, marking devices, and automatic tabulating equipment.	120 121 122
(W) Establish and maintain a computerized statewide database of all legally registered voters under section 3503.15 of the Revised Code that complies with the requirements of the "Help America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666, and provide training in the operation of that system;	123 124 125 126 127
(X) Ensure that all directives, advisories, other instructions, or decisions issued or made during or as a result	128 129

of any conference or teleconference call with a board of 130
elections to discuss the proper methods and procedures for 131
conducting elections, to answer questions regarding elections, 132
or to discuss the interpretation of directives, advisories, or 133
other instructions issued by the secretary of state are posted 134
on a web site of the office of the secretary of state as soon as 135
is practicable after the completion of the conference or 136
teleconference call, but not later than the close of business on 137
the same day as the conference or teleconference call takes 138
place. 139

(Y) Publish a report on a web site of the office of the 140
secretary of state not later than one month after the completion 141
of the canvass of the election returns for each primary and 142
general election, identifying, by county, the number of absent 143
voter's ballots cast and the number of those ballots that were 144
counted, and the number of provisional ballots cast and the 145
number of those ballots that were counted, for that election. 146
The secretary of state shall maintain the information on the web 147
site in an archive format for each subsequent election. 148

(Z) Conduct voter education outlining voter 149
identification, absent voters ballot, provisional ballot, and 150
other voting requirements; 151

(AA) Establish a procedure by which a registered elector 152
may make available to a board of elections a more recent 153
signature to be used in the poll list or signature pollbook 154
produced by the board of elections of the county in which the 155
elector resides; 156

(BB) Disseminate information, which may include all or 157
part of the official explanations and arguments, by means of 158
direct mail or other written publication, broadcast, or other 159

means or combination of means, as directed by the Ohio ballot 160
board under division (F) of section 3505.062 of the Revised 161
Code, in order to inform the voters as fully as possible 162
concerning each proposed constitutional amendment, proposed law, 163
or referendum; 164

(CC) Be the single state office responsible for the 165
implementation of the "Uniformed and Overseas Citizens Absentee 166
Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 167
1973ff, et seq., as amended, in this state. The secretary of 168
state may delegate to the boards of elections responsibilities 169
for the implementation of that act, including responsibilities 170
arising from amendments to that act made by the "Military and 171
Overseas Voter Empowerment Act," Subtitle H of the "National 172
Defense Authorization Act for Fiscal Year 2010," Pub. L. No. 173
111-84, 123 Stat. 3190. 174

(DD) Adopt rules, under Chapter 119. of the Revised Code, 175
to establish procedures and standards for determining when a 176
board of elections shall be placed under the official oversight 177
of the secretary of state, placing a board of elections under 178
the official oversight of the secretary of state, a board that 179
is under official oversight to transition out of official 180
oversight, and the secretary of state to supervise a board of 181
elections that is under official oversight of the secretary of 182
state. 183

(EE) Perform other duties required by law. 184

Whenever a primary election is held under section 3513.32 185
of the Revised Code or a special election is held under section 186
3521.03 of the Revised Code to fill a vacancy in the office of 187
representative to congress, the secretary of state shall 188
establish a deadline, notwithstanding any other deadline 189

required under the Revised Code, by which any or all of the 190
following shall occur: the filing of a declaration of candidacy 191
and petitions or a statement of candidacy and nominating 192
petition together with the applicable filing fee; the filing of 193
protests against the candidacy of any person filing a 194
declaration of candidacy or nominating petition; the filing of a 195
declaration of intent to be a write-in candidate; the filing of 196
campaign finance reports; the preparation of, and the making of 197
corrections or challenges to, precinct voter registration lists; 198
the receipt of applications for absent voter's ballots or 199
uniformed services or overseas absent voter's ballots; the 200
supplying of election materials to precincts by boards of 201
elections; the holding of hearings by boards of elections to 202
consider challenges to the right of a person to appear on a 203
voter registration list; and the scheduling of programs to 204
instruct or reinstruct election officers. 205

In the performance of the secretary of state's duties as 206
the chief election officer, the secretary of state may 207
administer oaths, issue subpoenas, summon witnesses, compel the 208
production of books, papers, records, and other evidence, and 209
fix the time and place for hearing any matters relating to the 210
administration and enforcement of the election laws. 211

In any controversy involving or arising out of the 212
adoption of registration or the appropriation of funds for 213
registration, the secretary of state may, through the attorney 214
general, bring an action in the name of the state in the court 215
of common pleas of the county where the cause of action arose or 216
in an adjoining county, to adjudicate the question. 217

In any action involving the laws in Title XXXV of the 218
Revised Code wherein the interpretation of those laws is in 219

issue in such a manner that the result of the action will affect 220
the lawful duties of the secretary of state or of any board of 221
elections, the secretary of state may, on the secretary of 222
state's motion, be made a party. 223

The secretary of state may apply to any court that is 224
hearing a case in which the secretary of state is a party, for a 225
change of venue as a substantive right, and the change of venue 226
shall be allowed, and the case removed to the court of common 227
pleas of an adjoining county named in the application or, if 228
there are cases pending in more than one jurisdiction that 229
involve the same or similar issues, the court of common pleas of 230
Franklin county. 231

Public high schools and vocational schools, public 232
libraries, and the office of a county treasurer shall implement 233
voter registration programs as directed by the secretary of 234
state pursuant to this section. 235

The secretary of state may mail unsolicited applications 236
for absent voter's ballots to individuals only for a general 237
election and only if the general assembly has made an 238
appropriation for that particular mailing. Under no other 239
circumstance shall a public office, or a public official or 240
employee who is acting in an official capacity, mail unsolicited 241
applications for absent voter's ballots to any individuals. 242

Sec. 3503.21. (A) The registration of a registered elector 243
shall be canceled upon the occurrence of any of the following: 244

(1) The filing by a registered elector of a written 245
request with a board of elections, on a form prescribed by the 246
secretary of state and signed by the elector, that the 247
registration be canceled. The filing of such a request does not 248

prohibit an otherwise qualified elector from reregistering to vote at any time.	249 250
(2) The filing of a notice of the death of a registered elector as provided in section 3503.18 of the Revised Code;	251 252
(3) The filing with the board of elections of a certified copy of the death certificate of a registered elector by the deceased elector's spouse, parent, or child, by the administrator of the deceased elector's estate, or by the executor of the deceased elector's will;	253 254 255 256 257
(4) The conviction of the registered elector of a felony under the laws of this state, any other state, or the United States as provided in section 2961.01 of the Revised Code;	258 259 260
(5) The adjudication of incompetency of the registered elector for the purpose of voting as provided in section 5122.301 of the Revised Code;	261 262 263
(6) <u>The registration of the registered elector to vote in another county in this state in accordance with division (B)(1) of this section;</u>	264 265 266
<u>(7) The change of residence of the registered elector to a location outside the county of registration this state in accordance with division (B)(2) of this section;</u>	267 268 269
(7) The failure of the registered elector, after having been mailed a confirmation notice, to do either of the following:	270 271 272
(a) Respond to such a notice and vote at least once during a period of four consecutive years, which period shall include two general federal elections;	273 274 275
(b) Update the elector's registration and vote at least	276

~~once during a period of four consecutive years, which period~~ 277
~~shall include two general federal elections.~~ 278

(B) (1) The secretary of state shall prescribe procedures 279
to identify and cancel the registration in a prior county of 280
residence of any registrant who ~~changes the registrant's voting~~ 281
~~residence to a location outside the registrant's current~~ 282
registers to vote in another county of registration in this 283
state. Any procedures prescribed in this division shall be 284
uniform and nondiscriminatory, and shall comply with the Voting 285
Rights Act of 1965. ~~The secretary of state may prescribe~~ 286
~~procedures under this division that include the use of the~~ 287
~~national change of address service provided by the United States~~ 288
~~postal system through its licensees. Any program so prescribed~~ 289
~~shall be completed not later than ninety days prior to the date~~ 290
~~of any primary or general election for federal office.~~ 291

(2) (a) The secretary of state shall prescribe a process to 292
use the national change of address service provided by the 293
United States postal service system through its licensees to 294
identify and cancel the registration of any registrant who 295
changes the elector's voting residence to a location outside 296
this state. That process shall be uniform and nondiscriminatory, 297
shall comply with the Voting Rights Act of 1965, and shall be 298
completed not later than ninety days prior to the date of any 299
primary or general election for federal office. 300

(b) The registration of any elector identified as having 301
changed the elector's voting residence to a location outside ~~the~~ 302
~~elector's current county of registration~~ this state shall not be 303
canceled unless the registrant is sent a confirmation notice on 304
a form prescribed by the secretary of state and the registrant 305
fails to respond to the confirmation notice or otherwise update 306

the registration and fails to vote in any election during the 307
period of two federal elections subsequent to the mailing of the 308
confirmation notice. The registration shall be canceled not 309
later than one hundred twenty days after the date of the second 310
general federal election in which the elector fails to vote or 311
not later than one hundred twenty days after the expiration of 312
the four-year period in which the elector fails to vote or 313
respond to a confirmation notice, whichever is later. 314

(c) The secretary of state or a board of elections shall 315
not mail a confirmation notice to an elector or cancel an 316
elector's registration under division (B) (2) of this section 317
unless the secretary of state or the board possesses reliable 318
evidence from the national change of address service that the 319
elector has changed the elector's voting residence to a location 320
outside this state. 321

(C) The registration of a registered elector shall not be 322
canceled except as provided in this section, division (Q) of 323
section 3501.05 of the Revised Code, division (C) (2) of section 324
3503.19 of the Revised Code, or division (C) of section 3503.24 325
of the Revised Code. 326

(D) Boards of elections shall send their voter 327
registration information to the secretary of state as required 328
under section 3503.15 of the Revised Code. The secretary of 329
state may prescribe by rule adopted pursuant to section 111.15 330
of the Revised Code the format in which the boards of elections 331
must send that information to the secretary of state. In the 332
first quarter of each year, the secretary of state shall send 333
the information to the national change of address service 334
described in division (B) of this section and request that 335
service to provide the secretary of state with a list of any 336

voters sent by the secretary of state who have moved to a 337
location outside this state within the last twelve months. The 338
secretary of state shall transmit to each appropriate board of 339
elections whatever lists the secretary of state receives from 340
that service. The board shall send a notice to each person on 341
the list transmitted by the secretary of state requesting 342
confirmation of the person's change of address, together with a 343
postage prepaid, preaddressed return envelope containing a form 344
on which the voter may verify or correct the change of address 345
information. 346

~~(E) The registration of a registered elector described in 347
division (A) (7) or (B) (2) of this section shall be canceled not 348
later than one hundred twenty days after the date of the second 349
general federal election in which the elector fails to vote or 350
not later than one hundred twenty days after the expiration of 351
the four year period in which the elector fails to vote or 352
respond to a confirmation notice, whichever is later. 353~~

~~(F) (1) When a registration is canceled pursuant to 354
division (A) (2) or (3) of this section, the applicable board of 355
elections shall send a written notice, on a form prescribed by 356
the secretary of state, to the address at which the elector was 357
registered, informing the recipient that the elector's 358
registration has been canceled, of the reason for the 359
cancellation, and that if the cancellation was made in error, 360
the elector may contact the board of elections to correct the 361
error. 362~~

~~(2) (F) If ~~the~~ an elector's registration is canceled 363
pursuant to division (A) (2) ~~or, (3), (6), or (7)~~ of this 364
section in error, it shall be restored, effective on the date of 365
the cancellation, and treated as though it were never canceled. 366~~

If the elector casts a ballot during the time the registration 367
was canceled, the elector shall be considered to have been 368
registered at the time the elector cast that ballot. 369

Section 2. That existing sections 3501.05 and 3503.21 of 370
the Revised Code are hereby repealed. 371

Section 3. Section 3501.05 of the Revised Code is 372
presented in this act as a composite of the section as amended 373
by both Am. Sub. S.B. 109 and Sub. S.B. 205 of the 130th General 374
Assembly. The General Assembly, applying the principle stated in 375
division (B) of section 1.52 of the Revised Code that amendments 376
are to be harmonized if reasonably capable of simultaneous 377
operation, finds that the composite is the resulting version of 378
the section in effect prior to the effective date of the section 379
as presented in this act. 380