



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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H.B. 237

132nd General Assembly
(As Introduced)

Rep. Pelanda

BILL SUMMARY

Local elections database

- Requires the Secretary of State to establish and maintain an electronic local elections database to facilitate communication between the boards of elections and the Secretary concerning local elections.
- Requires the database to include a map of the boundaries of every congressional district, General Assembly district, political subdivision, ward, and precinct in Ohio, and requires the Tax Commissioner, county auditors, boards of elections, and other local government entities to provide that information to the Secretary of State.
- Specifies that the database must allow a board of elections to enter information concerning any valid filing it receives to place a local candidate, question, or issue on the ballot.
- Requires the database then to automatically notify the Secretary of State of the ballot item and, if the item is to appear on the ballot in more than one county, to automatically notify the board of elections of every relevant county.
- Specifies that the database must allow boards of elections and the Secretary of State to electronically transmit proposed and approved ballot language for questions and issues and must automatically transmit approved ballot language to each relevant board.
- Requires the Secretary of State to make the database available to each board of elections and to any other state or local agency or political subdivision in Ohio that requests access, as well as to the public, subject to exemptions in the Public Records Law.

- Appropriates \$300,000 from the General Revenue Fund in each of fiscal years 2018 and 2019 to the Secretary of State for the purpose of establishing and maintaining the database.

Political subdivision notices to boards of elections

- Requires a political subdivision that has territory in more than one county and that places a question or issue on the ballot to notify the board of elections of every affected county, in addition to filing its main documents with the board of elections of the county containing the most populous portion of the political subdivision.
- Eliminates an apparent requirement that when a school district board of education places a bond issue on the ballot, it must certify its resolution to the appropriate board of elections twice.

CONTENT AND OPERATION

Background

Under current law, if a political subdivision that has territory in more than one county holds an election, the board of elections of the county that contains the most populous portion of the political subdivision generally is responsible for conducting the election. The documents to place a candidacy, question, or issue on the ballot in the political subdivision are filed with that board, which then notifies the board of elections of every other affected county. The statute appears to operate on the premise that a board of elections knows the boundaries of every political subdivision in the county it serves. If the responsible board of elections is unaware of the boundaries of the political subdivision or fails to provide that notice, the other boards of elections that must place the candidacy, question, or issue on the ballot might not be informed of that fact.¹

Local elections database

Functions

The bill requires the Secretary of State to establish and maintain an electronic local elections database to facilitate communication between the boards of elections and the Secretary concerning local elections. The database must include a map of the boundaries of every congressional district, General Assembly district, political subdivision, ward, and precinct in Ohio. Under the bill, the Tax Commissioner, county

¹ See *State ex rel. Delaware Joint Vocational School District Board of Education v. Testa*, 2017-Ohio-796 (2017).

auditors, boards of elections, and any other state or local agency or political subdivision that has that boundary information must provide it to the Secretary upon request.

When a board of elections receives a valid filing to place a local candidate, question, or issue on the ballot, the database must allow the board to enter that information in the database, and the database then must notify the Secretary of State. If the local ballot item should appear on the ballot in more than one county, the database also must automatically send an electronic notice to the board of elections of every relevant county and allow the board to determine in which precincts the item should appear on the ballot. (The database's map feature enables it to determine automatically whether a political subdivision has territory in more than one county and which precincts are affected.)

Additionally, in the case of a local ballot question or issue, the database must allow the appropriate board of elections to submit proposed ballot language to the Secretary of State for approval and must allow the Secretary to transmit that approval, disapproval, or other information to the board. When the Secretary approves the ballot language for a question or issue that should appear on the ballot in more than one county, the database must automatically transmit the ballot language to the board of elections of every relevant county. Existing law requires the Secretary to approve local ballot language but does not specify a procedure to do so.²

Availability

Under the bill, the Secretary of State must make the local elections database available to each board of elections, to any other state or local agency or political subdivision in Ohio that requests access, and to the public. The version that is available to the public must exclude any information that is exempt from disclosure under the Public Records Law. (For example, if a candidate was a peace officer, the database might include the candidate's residence address, but peace officers' addresses are not considered public records.)³

Appropriation

The bill appropriates \$300,000 from the General Revenue Fund in each of fiscal years 2018 and 2019 to the Secretary of State for the purpose of establishing and maintaining the local elections database. Under the bill, the Director of Budget and Management must create an account for the appropriation. Expenditures from the

² R.C. 3501.05(EE), 3501.054, and 3501.11(BB) with conforming changes in R.C. 133.18, 3311.21, 3354.02, 3355.02, 3357.02, 3501.05(J), 3505.11(V), 3505.01, 3505.071, and 3513.05.

³ R.C. 3501.054(B). See also R.C. 149.43(A)(1)(p), not in the bill.



appropriation must be accounted for as though the appropriation were made in the 2018-2019 Main Operating Budget bill (H.B. 49 of the 132nd General Assembly), and the appropriation is subject to all provisions of that bill that are generally applicable to such appropriations.⁴

Political subdivision notices to boards of elections

Notice to all affected boards of elections

When the governing authority of a political subdivision with territory in more than one county decides to place a question or issue on the ballot and files the appropriate documents with the board of elections of the county containing the most populous portion of the political subdivision, the bill requires the authority to submit a notice of that fact, on a form prescribed by the Secretary of State, to the board of elections of every other county in which the political subdivision has territory not later than the deadline to file the main documents. Currently, such a political subdivision files documents only with the board of elections that is primarily responsible for conducting elections in the political subdivision.

Under continuing law, a candidate who wishes to run for an office of such a political subdivision, or a group of petitioners wishing to place an initiative or referendum on the ballot in the political subdivision, must file documents only with the board of elections of the county containing the most populous portion of the political subdivision. They are not responsible for notifying the other boards of elections.

The bill also makes technical changes to the wording of several sections of law governing the manner in which political subdivisions place issues on the ballot to make the language more consistent with the Election Law and to clarify the procedure for political subdivisions with territory in more than one county.⁵

Multiple certifications to a board of elections

The bill eliminates an apparent requirement that when a school district board of education places a bond issue on the ballot, it must certify its resolution to the appropriate board of elections twice: first, when it certifies the resolution to the county auditor for an estimate of the property tax levy that would be necessary to pay the debt charges on the bonds, and again after it decides to put the issue on the ballot. Instead,

⁴ Sections 3 and 4 of the bill.

⁵ R.C. 3505.071 with conforming changes in R.C. 133.01, 133.06, 133.18, 513.13, 718.01, 718.04, 718.09, 718.10, 731.01, 733.261, 733.262, 3311.21, 3318.01, 3318.06, 3318.061, 3318.063, 3318.07, 3318.361, 5705.01, 5705.03, 5705.19, 5705.191, 5705.195, 5705.199, 5705.21, 5705.211, 5705.212, 5705.213, 5705.217, 5705.218, 5705.219, 5705.2111, 5705.2112, 5705.23, 5705.25, 5705.251, 5705.252, 5705.55, and 5705.72.



under the bill, the school board must certify that resolution to the board of elections only if it decides to place the issue on the ballot, consistent with another section of continuing law that describes this process.⁶

HISTORY

ACTION	DATE
Introduced	05-23-17

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⁶ R.C. 133.06(F)(3)(b) and 133.18.

