

As Introduced

132nd General Assembly

Regular Session

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H. B. No. 683

Representative Barnes

A BILL

To amend sections 3501.05 and 3503.21 of the
Revised Code to prohibit the cancellation of an
elector's registration under a database
maintenance program if the elector has a current
and valid Ohio driver's license or state
identification card and to require that this act
be known as the Ohio Voting Rights Act for
Licensed Voters.

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

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

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

(A) Appoint all members of boards of elections;

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

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

(D) Publish and furnish to the boards from time to time a sufficient number of indexed copies of all election laws then in force; 19 20 21

(E) Edit and issue all pamphlets concerning proposed laws or amendments required by law to be submitted to the voters; 22 23

(F) Prescribe the form of registration cards, blanks, and records; 24 25

(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; 26 27 28 29

(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; 30 31 32

(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; 33 34 35 36 37

(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; 38 39 40 41 42

(K) Receive all initiative and referendum petitions on state questions and issues and determine and certify to the sufficiency of those petitions; 43 44 45

(L) Require such reports from the several boards as are 46

provided by law, or as the secretary of state considers 47
necessary; 48

(M) Compel the observance by election officers in the 49
several counties of the requirements of the election laws; 50

(N) (1) Except as otherwise provided in division (N) (2) of 51
this section, investigate the administration of election laws, 52
frauds, and irregularities in elections in any county, and 53
report violations of election laws to the attorney general or 54
prosecuting attorney, or both, for prosecution; 55

(2) On and after August 24, 1995, report a failure to 56
comply with or a violation of a provision in sections 3517.08 to 57
3517.13, 3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, or 58
3599.031 of the Revised Code, whenever the secretary of state 59
has or should have knowledge of a failure to comply with or a 60
violation of a provision in one of those sections, by filing a 61
complaint with the Ohio elections commission under section 62
3517.153 of the Revised Code. 63

(O) Make an annual report to the governor containing the 64
results of elections, the cost of elections in the various 65
counties, a tabulation of the votes in the several political 66
subdivisions, and other information and recommendations relative 67
to elections the secretary of state considers desirable; 68

(P) Prescribe and distribute to boards of elections a list 69
of instructions indicating all legal steps necessary to petition 70
successfully for local option elections under sections 4301.32 71
to 4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 72

(Q) Adopt rules pursuant to Chapter 119. of the Revised 73
Code for the removal by boards of elections of ineligible voters 74
from the statewide voter registration database and, if 75

applicable, from the poll list or signature pollbook used in 76
each precinct, which rules shall provide for all of the 77
following: 78

(1) A process for the removal of voters who have changed 79
residence, which shall ~~be~~ do all of the following: 80

(a) Be uniform, nondiscriminatory, and in compliance with 81
the Voting Rights Act of 1965 and the National Voter 82
Registration Act of 1993, ~~including;~~ 83

(b) Include a program that uses the national change of 84
address service provided by the United States postal system 85
through its licensees; 86

(c) Prohibit the cancellation of an elector's registration 87
under that process if, according to the records maintained by 88
the bureau of motor vehicles, the elector has a current and 89
valid driver's license or state identification card. 90

(2) A process for the removal of ineligible voters under 91
section 3503.21 of the Revised Code; 92

(3) A uniform system for marking or removing the name of a 93
voter who is ineligible to vote from the statewide voter 94
registration database and, if applicable, from the poll list or 95
signature pollbook used in each precinct and noting the reason 96
for that mark or removal. 97

(R) Prescribe a general program for registering voters or 98
updating voter registration information, such as name and 99
residence changes, by boards of elections, designated agencies, 100
offices of deputy registrars of motor vehicles, public high 101
schools and vocational schools, public libraries, and offices of 102
county treasurers consistent with the requirements of section 103
3503.09 of the Revised Code; 104

(S) Prescribe a program of distribution of voter 105
registration forms through boards of elections, designated 106
agencies, offices of the registrar and deputy registrars of 107
motor vehicles, public high schools and vocational schools, 108
public libraries, and offices of county treasurers; 109

(T) To the extent feasible, provide copies, at no cost and 110
upon request, of the voter registration form in post offices in 111
this state; 112

(U) Adopt rules pursuant to section 111.15 of the Revised 113
Code for the purpose of implementing the program for registering 114
voters through boards of elections, designated agencies, and the 115
offices of the registrar and deputy registrars of motor vehicles 116
consistent with this chapter; 117

(V) Establish the full-time position of Americans with 118
Disabilities Act coordinator within the office of the secretary 119
of state to do all of the following: 120

(1) Assist the secretary of state with ensuring that there 121
is equal access to polling places for persons with disabilities; 122

(2) Assist the secretary of state with ensuring that each 123
voter may cast the voter's ballot in a manner that provides the 124
same opportunity for access and participation, including privacy 125
and independence, as for other voters; 126

(3) Advise the secretary of state in the development of 127
standards for the certification of voting machines, marking 128
devices, and automatic tabulating equipment. 129

(W) Establish and maintain a computerized statewide 130
database of all legally registered voters under section 3503.15 131
of the Revised Code that complies with the requirements of the 132
"Help America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 133

1666, and provide training in the operation of that system; 134

(X) Ensure that all directives, advisories, other 135
instructions, or decisions issued or made during or as a result 136
of any conference or teleconference call with a board of 137
elections to discuss the proper methods and procedures for 138
conducting elections, to answer questions regarding elections, 139
or to discuss the interpretation of directives, advisories, or 140
other instructions issued by the secretary of state are posted 141
on a web site of the office of the secretary of state as soon as 142
is practicable after the completion of the conference or 143
teleconference call, but not later than the close of business on 144
the same day as the conference or teleconference call takes 145
place. 146

(Y) Publish a report on a web site of the office of the 147
secretary of state not later than one month after the completion 148
of the canvass of the election returns for each primary and 149
general election, identifying, by county, the number of absent 150
voter's ballots cast and the number of those ballots that were 151
counted, and the number of provisional ballots cast and the 152
number of those ballots that were counted, for that election. 153
The secretary of state shall maintain the information on the web 154
site in an archive format for each subsequent election. 155

(Z) Conduct voter education outlining voter 156
identification, absent voters ballot, provisional ballot, and 157
other voting requirements; 158

(AA) Establish a procedure by which a registered elector 159
may make available to a board of elections a more recent 160
signature to be used in the poll list or signature pollbook 161
produced by the board of elections of the county in which the 162
elector resides; 163

(BB) Disseminate information, which may include all or 164
part of the official explanations and arguments, by means of 165
direct mail or other written publication, broadcast, or other 166
means or combination of means, as directed by the Ohio ballot 167
board under division (F) of section 3505.062 of the Revised 168
Code, in order to inform the voters as fully as possible 169
concerning each proposed constitutional amendment, proposed law, 170
or referendum; 171

(CC) Be the single state office responsible for the 172
implementation of the "Uniformed and Overseas Citizens Absentee 173
Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 174
1973ff, et seq., as amended, in this state. The secretary of 175
state may delegate to the boards of elections responsibilities 176
for the implementation of that act, including responsibilities 177
arising from amendments to that act made by the "Military and 178
Overseas Voter Empowerment Act," Subtitle H of the "National 179
Defense Authorization Act for Fiscal Year 2010," Pub. L. No. 180
111-84, 123 Stat. 3190. 181

(DD) Adopt rules, under Chapter 119. of the Revised Code, 182
to establish procedures and standards for determining when a 183
board of elections shall be placed under the official oversight 184
of the secretary of state, placing a board of elections under 185
the official oversight of the secretary of state, a board that 186
is under official oversight to transition out of official 187
oversight, and the secretary of state to supervise a board of 188
elections that is under official oversight of the secretary of 189
state. 190

(EE) Perform other duties required by law. 191

Whenever a primary election is held under section 3513.32 192
of the Revised Code or a special election is held under section 193

3521.03 of the Revised Code to fill a vacancy in the office of 194
representative to congress, the secretary of state shall 195
establish a deadline, notwithstanding any other deadline 196
required under the Revised Code, by which any or all of the 197
following shall occur: the filing of a declaration of candidacy 198
and petitions or a statement of candidacy and nominating 199
petition together with the applicable filing fee; the filing of 200
protests against the candidacy of any person filing a 201
declaration of candidacy or nominating petition; the filing of a 202
declaration of intent to be a write-in candidate; the filing of 203
campaign finance reports; the preparation of, and the making of 204
corrections or challenges to, precinct voter registration lists; 205
the receipt of applications for absent voter's ballots or 206
uniformed services or overseas absent voter's ballots; the 207
supplying of election materials to precincts by boards of 208
elections; the holding of hearings by boards of elections to 209
consider challenges to the right of a person to appear on a 210
voter registration list; and the scheduling of programs to 211
instruct or reinstruct election officers. 212

In the performance of the secretary of state's duties as 213
the chief election officer, the secretary of state may 214
administer oaths, issue subpoenas, summon witnesses, compel the 215
production of books, papers, records, and other evidence, and 216
fix the time and place for hearing any matters relating to the 217
administration and enforcement of the election laws. 218

In any controversy involving or arising out of the 219
adoption of registration or the appropriation of funds for 220
registration, the secretary of state may, through the attorney 221
general, bring an action in the name of the state in the court 222
of common pleas of the county where the cause of action arose or 223
in an adjoining county, to adjudicate the question. 224

In any action involving the laws in Title XXXV of the
Revised Code wherein the interpretation of those laws is in
issue in such a manner that the result of the action will affect
the lawful duties of the secretary of state or of any board of
elections, the secretary of state may, on the secretary of
state's motion, be made a party.

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

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

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

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

(1) The filing by a registered elector of a written
request with a board of elections or the secretary of state, on

a form prescribed by the secretary of state and signed by the 254
elector, that the registration be canceled. The filing of such a 255
request does not prohibit an otherwise qualified elector from 256
reregistering to vote at any time. 257

(2) The filing of a notice of the death of a registered 258
elector as provided in section 3503.18 of the Revised Code; 259

(3) The filing with the board of elections of a certified 260
copy of the death certificate of a registered elector by the 261
deceased elector's spouse, parent, or child, by the 262
administrator of the deceased elector's estate, or by the 263
executor of the deceased elector's will; 264

(4) The conviction of the registered elector of a felony 265
under the laws of this state, any other state, or the United 266
States as provided in section 2961.01 of the Revised Code; 267

(5) The adjudication of incompetency of the registered 268
elector for the purpose of voting as provided in section 269
5122.301 of the Revised Code; 270

(6) The change of residence of the registered elector to a 271
location outside the county of registration in accordance with 272
division (B) of this section; 273

(7) The failure of the registered elector, after having 274
been mailed a confirmation notice, to do either of the 275
following: 276

(a) Respond to such a notice and vote at least once during 277
a period of four consecutive years, which period shall include 278
two general federal elections; 279

(b) Update the elector's registration and vote at least 280
once during a period of four consecutive years, which period 281

shall include two general federal elections. 282

(8) The receipt by the board of elections of a 283
cancellation notice or request pursuant to section 111.44 of the 284
Revised Code. 285

(B) (1) The secretary of state shall prescribe procedures 286
to identify and cancel the registration in a prior county of 287
residence of any registrant who changes the registrant's voting 288
residence to a location outside the registrant's current county 289
of registration and who, according to the records maintained by 290
the bureau of motor vehicles, does not have a current and valid 291
driver's license or state identification card. Any procedures 292
prescribed in this division shall be uniform and 293
nondiscriminatory, and shall comply with the Voting Rights Act 294
of 1965. The secretary of state may prescribe procedures under 295
this division that include the use of the national change of 296
address service provided by the United States postal system 297
through its licensees. Any program so prescribed shall be 298
completed not later than ninety days prior to the date of any 299
primary or general election for federal office. 300

(2) 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~~ under division (B) (1) 303
of this section shall not be canceled unless the registrant is 304
sent a confirmation notice on a form prescribed by the secretary 305
of state and the registrant fails to respond to the confirmation 306
notice or otherwise update the registration and fails to vote in 307
any election during the period of two federal elections 308
subsequent to the mailing of the confirmation notice. 309

(3) An elector who, according to the records maintained by 310
the bureau of motor vehicles, has a current and valid driver's 311

license or state identification card shall not be sent a 312
confirmation notice under this section, and the elector's 313
registration shall not be canceled except as provided in 314
division (A) (1), (2), (3), (4), (5), (6), or (8) or (C) of this 315
section. 316

(C) The registration of a registered elector shall not be 317
canceled except as provided in this section, section 111.44 of 318
the Revised Code, division (Q) of section 3501.05 of the Revised 319
Code, division (C) (2) of section 3503.19 of the Revised Code, or 320
division (C) of section 3503.24 of the Revised Code. 321

(D) Boards of elections shall send their voter 322
registration information to the secretary of state as required 323
under section 3503.15 of the Revised Code. The secretary of 324
state may prescribe by rule adopted pursuant to section 111.15 325
of the Revised Code the format in which the boards of elections 326
must send that information to the secretary of state. In the 327
first quarter of each year, the secretary of state shall send 328
the information to the national change of address service 329
described in division (B) of this section and request that 330
service to provide the secretary of state with a list of any 331
voters sent by the secretary of state who have moved within the 332
last twelve months. The secretary of state shall transmit to 333
each appropriate board of elections whatever lists the secretary 334
of state receives from that service, except that those lists 335
shall not include the name of any person who, according to the 336
records maintained by the bureau of motor vehicles, has a 337
current and valid driver's license or state identification card. 338
The board shall send a notice to each person on the list 339
transmitted by the secretary of state requesting confirmation of 340
the person's change of address, together with a postage prepaid, 341
preaddressed return envelope containing a form on which the 342

voter may verify or correct the change of address information. 343

(E) The registration of a registered elector described in 344
division (A) (7) or (B) (2) of this section shall be canceled not 345
later than one hundred twenty days after the date of the second 346
general federal election in which the elector fails to vote or 347
not later than one hundred twenty days after the expiration of 348
the four-year period in which the elector fails to vote or 349
respond to a confirmation notice, whichever is later. 350

(F) (1) When a registration is canceled pursuant to 351
division (A) (2) or (3) of this section, the applicable board of 352
elections shall send a written notice, on a form prescribed by 353
the secretary of state, to the address at which the elector was 354
registered, informing the recipient that the elector's 355
registration has been canceled, of the reason for the 356
cancellation, and that if the cancellation was made in error, 357
the elector may contact the board of elections to correct the 358
error. 359

(2) If the elector's registration is canceled pursuant to 360
division (A) (2) or (3) of this section in error, it shall be 361
restored and treated as though it were never canceled. 362

Section 2. That existing sections 3501.05 and 3503.21 of 363
the Revised Code are hereby repealed. 364

Section 3. This act shall be known as the Ohio Voting 365
Rights Act for Licensed Voters. 366

Section 4. Section 3501.05 of the Revised Code is 367
presented in this act as a composite of the section as amended 368
by both Am. Sub. S.B. 109 and Sub. S.B. 205 of the 130th General 369
Assembly. The General Assembly, applying the principle stated in 370
division (B) of section 1.52 of the Revised Code that amendments 371

are to be harmonized if reasonably capable of simultaneous 372
operation, finds that the composite is the resulting version of 373
the section in effect prior to the effective date of the section 374
as presented in this act. 375

Section 3503.21 of the Revised Code is presented in this 376
act as a composite of the section as amended by both Sub. H.B. 377
359 and Sub. S.B. 63 of the 131st General Assembly. The General 378
Assembly, applying the principle stated in division (B) of 379
section 1.52 of the Revised Code that amendments are to be 380
harmonized if reasonably capable of simultaneous operation, 381
finds that the composite is the resulting version of the section 382
in effect prior to the effective date of the section as 383
presented in this act. 384