

**As Introduced**

**132nd General Assembly**

**Regular Session**

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**H. B. No. 274**

**Representative Clyde**

**Cosponsors: Representatives Fedor, Leland, Ingram, Boyd, Bocchieri, Miller,  
Sykes, Galonski, West, O'Brien, Sheehy**

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

(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;

(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:

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

(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;

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

(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;

(X) Ensure that all directives, advisories, other instructions, or decisions issued or made during or as a result of any conference or teleconference call with a board of elections to discuss the proper methods and procedures for

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 or the secretary of state, on 246  
a form prescribed by the secretary of state and signed by the 247  
elector, that the registration be canceled. The filing of such a 248  
request does not prohibit an otherwise qualified elector from 249  
reregistering to vote at any time. 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
<del>(7) The failure of the registered elector, after having been mailed a confirmation notice, to do either of the following:—</del>	270 271 272
<del>(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;—</del>	273 274 275
<del>(b) Update the elector's registration and vote at least once during a period of four consecutive years, which period shall include two general federal elections.—</del>	276 277 278

(8) The receipt by the board of elections of a 279  
cancellation notice or request pursuant to section 111.44 of the 280  
Revised Code. 281

(B) (1) The secretary of state shall prescribe procedures 282  
to identify and cancel the registration in a prior county of 283  
residence of any registrant who ~~changes the registrant's voting~~ 284  
~~residence to a location outside the registrant's current~~ 285  
~~registers to vote in another county of registration in this~~ 286  
state. Any procedures prescribed in this division shall be 287  
uniform and nondiscriminatory, and shall comply with the Voting 288  
Rights Act of 1965. ~~The secretary of state may prescribe~~ 289  
~~procedures under this division that include the use of the~~ 290  
~~national change of address service provided by the United States~~ 291  
~~postal system through its licensees. Any program so prescribed~~ 292  
~~shall be completed not later than ninety days prior to the date~~ 293  
~~of any primary or general election for federal office.~~ 294

(2) (a) The secretary of state shall prescribe a process to 295  
use the national change of address service provided by the 296  
United States postal service system through its licensees to 297  
identify and cancel the registration of any registrant who 298  
changes the elector's voting residence to a location outside 299  
this state. That process shall be uniform and nondiscriminatory, 300  
shall comply with the Voting Rights Act of 1965, and shall be 301  
completed not later than ninety days before the date of any 302  
primary or general election for federal office. 303

(b) The registration of any elector identified as having 304  
changed the elector's voting residence to a location outside ~~the~~ 305  
~~elector's current county of registration~~ this state shall not be 306  
canceled unless the registrant is sent a confirmation notice on 307  
a form prescribed by the secretary of state and the registrant 308

fails to respond to the confirmation notice or otherwise update 309  
the registration and fails to vote in any election during the 310  
period of two federal elections subsequent to the mailing of the 311  
confirmation notice. The registration shall be canceled not 312  
later than one hundred twenty days after the date of the second 313  
general federal election in which the elector fails to vote or 314  
not later than one hundred twenty days after the expiration of 315  
the four-year period in which the elector fails to vote or 316  
respond to a confirmation notice, whichever is later. 317

(c) The secretary of state or a board of elections shall 318  
not mail a confirmation notice to an elector or cancel an 319  
elector's registration under division (B)(2) of this section 320  
unless the secretary of state or the board possesses reliable 321  
evidence from the national change of address service that the 322  
elector has changed the elector's voting residence to a location 323  
outside this state. 324

(C) The registration of a registered elector shall not be 325  
canceled except as provided in this section, section 111.44 of 326  
the Revised Code, division (Q) of section 3501.05 of the Revised 327  
Code, division (C)(2) of section 3503.19 of the Revised Code, or 328  
division (C) of section 3503.24 of the Revised Code. 329

(D) Boards of elections shall send their voter 330  
registration information to the secretary of state as required 331  
under section 3503.15 of the Revised Code. The secretary of 332  
state may prescribe by rule adopted pursuant to section 111.15 333  
of the Revised Code the format in which the boards of elections 334  
must send that information to the secretary of state. In the 335  
first quarter of each year, the secretary of state shall send 336  
the information to the national change of address service 337  
described in division (B) of this section and request that 338

service to provide the secretary of state with a list of any 339  
voters sent by the secretary of state who have moved to a 340  
location outside this state within the last twelve months. The 341  
secretary of state shall transmit to each appropriate board of 342  
elections whatever lists the secretary of state receives from 343  
that service. The board shall send a notice to each person on 344  
the list transmitted by the secretary of state requesting 345  
confirmation of the person's change of address, together with a 346  
postage prepaid, preaddressed return envelope containing a form 347  
on which the voter may verify or correct the change of address 348  
information. 349

~~(E) The registration of a registered elector described in 350  
division (A) (7) or (B) (2) of this section shall be canceled not 351  
later than one hundred twenty days after the date of the second 352  
general federal election in which the elector fails to vote or 353  
not later than one hundred twenty days after the expiration of 354  
the four year period in which the elector fails to vote or 355  
respond to a confirmation notice, whichever is later. 356~~

~~(F) (1) When a registration is canceled pursuant to 357  
division (A) (2) or (3) of this section, the applicable board of 358  
elections shall send a written notice, on a form prescribed by 359  
the secretary of state, to the address at which the elector was 360  
registered, informing the recipient that the elector's 361  
registration has been canceled, of the reason for the 362  
cancellation, and that if the cancellation was made in error, 363  
the elector may contact the board of elections to correct the 364  
error. 365~~

~~(2) (F) If ~~the~~ an elector's registration is canceled 366  
pursuant to division (A) (2) ~~or~~ , (3), (6), or (7) of this 367  
section in error, it shall be restored, effective on the date of 368~~

the cancellation, and treated as though it were never canceled. 369  
If the elector casts a ballot during the time the registration 370  
was canceled, the elector shall be considered to have been 371  
registered at the time the elector cast that ballot. 372

**Section 2.** That existing sections 3501.05 and 3503.21 of 373  
the Revised Code are hereby repealed. 374

**Section 3.** The General Assembly, applying the principle 375  
stated in division (B) of section 1.52 of the Revised Code that 376  
amendments are to be harmonized if reasonable capable of 377  
simultaneous operation, finds that the following sections, 378  
presented in this act as composites of the sections as amended 379  
by the acts indicated, are the resulting versions of the 380  
sections in effect prior to the effective date of the sections 381  
as presented in this act: 382

Section 3501.05 of the Revised Code as amended by both Am. 383  
Sub. S.B. 109 and Sub. S.B. 205 of the 130th General Assembly. 384

Section 3503.21 of the Revised Code as amended by both 385  
Sub. H.B. 359 and Sub. S.B. 63 of the 131st General Assembly. 386