**Interested Party Testimony**

**Senate bill 194**

**Aaron Ockerman**

**Ohio Association of Election Officials**

Chairman Schuring, Vice-Chair Rulli, Ranking Member O’Brien and members of the Senate General Government and Agency Review Committee:

My name is Aaron Ockerman, and I am Executive Director of the Ohio Association of Election Officials (OAEO). I would like to offer interested party testimony on SB 194, particularly as it relates to the sections dealing with petition protests for candidates in a primary election.

OAEO is asking for one change that we believe enhances the bill and fits squarely within the intent of the legislation. Specifically, we are requesting that the changes which require boards of elections to hear and resolve petition protests “not later than the 10th day after the protest is filed” be amended to require protests to be resolved “not later than 64 days before the election.”

Please allow me to briefly explain current law, the proposed change in SB 194, and why we are seeking this amendment. Current law requires that protests to a candidate’s petitions must be resolved “promptly” by boards of elections. Once the protest has been decided by the board of elections, that decision may be challenged by mandamus action and the Supreme Court of Ohio is the court of original jurisdiction for resolving those challenges. It is imperative that protests be resolved quickly, because boards of elections must have ballots ready 46 days prior to elections for military and overseas voters and we cannot print them until we know who is on the ballot and who is off.

The change in SB 194 is well intended as it seeks to create a mechanism for protests to be quickly resolved. However, in seeking to tie the protest hearing to the filing of the protest, rather than setting the date based on the rest of the elections calendar, the bill could inadvertently lead to extra, and unnecessary board hearings. This is because boards of elections are required to meet and certify the validity of petitions 78 days before the election. This means that under the bill, any protest filed prior to 88 days before the election would trigger a mandatory hearing by the board before they have even determined the validity of the signatures. It is not uncommon for protests to be filed almost simultaneously with the petitions. Furthermore, as additional protests are filed, boards could be required to meet on a “rolling basis” to address them. In our opinion, it makes more sense to allow the board to hold one hearing to dispose of all protests and then allow any legal action to proceed. Incidentally, we believe that 64 days before the election is appropriate, because any protests must be filed 74 days before the election. Thus, the board would still have ten days to resolve them, and the Supreme Court would be given ample time to undertake their process.

The elections calendar is like a pond with any changes creating ripples that can affect other deadlines and create unintended consequences that are sometimes not readily apparent. After carefully reviewing the legislation, we believe our proposed amendment mitigates the ripples and unintended consequences of changing the calendar, while still upholding the intent of the legislation and Senator Rulli’s laudable goals.

I would be happy to answer any questions the committee might have.