

**Interested Party Testimony**  
**Ohio Association of Election Officials**  
**May 14<sup>th</sup>, 2025**  
**HB 96**

Chairman Schaffer, Vice Chair Koehler, and Ranking Member Hicks-Hudson:

My name is Terry Burton and I am Director of the Wood County Board of Elections and the current President of the Ohio Association of Election Officials (OAEO). OAEO is the nonprofit organization that represents Ohio's 88 county boards of elections and their staff. Our association is 100% bipartisan and we do not endorse or oppose legislation without a supermajority, bipartisan vote of our trustees.

We wish to share our thoughts on one provision of HB 96, that being the elimination of the Ohio Elections Commission (OEC) and the transfer of those responsibilities to the Ohio Secretary of State and the local board of elections. While we are sympathetic to the concerns expressed by members of the House who seek this change, we fundamentally disagree with the way those concerns are addressed in HB 96. Simply put, boards of elections are not funded or equipped to handle the work of the OEC and placing these responsibilities on boards of elections will create unintended consequences that will not serve the public well.

First, one of the concerns expressed by House members is that the OEC is comprised on non-lawyers who are tasked with making legal decisions. The same holds true for local boards of elections, who are by and large not attorneys. We will struggle with the same issues related to rules of evidence

and civil procedure. Ultimately, we will end up burdening our county prosecutors who will be tasked with this work which is why the Ohio Prosecuting Attorneys Association has also expressed concerns with these changes. The quasi-judicial nature of boards of elections hearings is distinctly different than the work contemplated under HB 96. In other words, the concerns of the House will merely be shifted from the OEC to local boards of elections.

Second, boards do not currently perform investigative work on campaign finance issues. While we audit campaign finance reports, those findings are forwarded to the OEC for investigation and possible action. At the least, boards would need to be funded to hire individuals with the skill set necessary to conduct forensic investigations. And even if that funding is made available, taxpayers will still be burdened as boards of elections will be meeting more frequently to hear cases, necessitating the retention of court recorders and legal assistance to try the cases in question. This is why the County Commissioners Association of Ohio has expressed concerns with this provision.

Finally, there will be unintended consequences to this change. Boards of elections are appointed by the Secretary of State upon recommendation by the local political parties. It is not uncommon for county party chairs and individuals active in local politics to be appointed to boards. What would happen when those individuals are legally required to become the arbiters of alleged violations by campaigns upon which they worked, endorsed or potentially funded? Would they be required to recuse themselves from the case? Who would replace them? What would happen if the board ties on a violation? Does the Secretary of State then break that tie? Additionally, decentralizing the duties of the OEC will inevitably lead to different counties interpreting the law different ways. Instead of having a clear interpretation from the OEC, candidates could now face 88 different interpretations of the

law. Clearly, the transfer of this authority creates myriad conflicts and questions that need to be answered before any policy such as the one contemplated in HB 96 could move forward. Interested parties should be consulted and feedback should be sought by the numerous entities impacted by this change.

The Secretary of State has put forward interesting ideas for reforming the OEC and OAEO strongly encourages this committee to consider those in lieu of the changes in HB 96. While the OEC certainly has issues that the legislature should address, the best way to do so is to reform the OEC itself rather than foist the current issues onto other entities while at the same time creating new problems that will end up needing to be resolved by future General Assemblies.

Mr. Chairman, I appreciate the opportunity to testify and share my association's thoughts on this matter.