



Major Changes to Ohio Election Law (HB 194 & 224)*

Election Day: Nov. 8, 2011

Two bills have recently been passed that affect the time, place and manner Ohioans will be able to exercise their right to vote.

However, complicating the voter-education efforts is an initiative-petition effort by Fair Elections Ohio to repeal HB 194. The deadline for submitting the requisite petitions signatures for this referendum on HB 194 is September 29, 2011—and the Secretary of State will not know what set of election rules will guide the 2011 general election (those used in 2010 – or the recently passed changes) until that date. If the referendum garners enough valid signatures and is certified by Secretary Husted, the changes challenged by the referendum will not take effect in 2011 or 2012 (i.e., pending voter approval of the changes).

With the passage of these bills, the LWVO/EF is most concerned that:

- The severely reduced budget for the Ohio Secretary of State will hinder proper voter education and election administration.
- There will be increased crowding at the polls due to larger precinct sizes and reduced opportunities to vote absentee (both in-person and by mail) early.
- The potential for voter confusion as to precinct location and requirements of voting is heightened without mandated poll-worker assistance.

Due to these concerns, the LWVOEF will focus education on:

- (1) Educating voters about the importance of knowing BOTH their precinct and polling place;
- (2) Educating voters as to when and where polls are open during early in-person absentee voting and regular voting—and the timeframe for absentee voting; and
- (3) Educating voters about the importance of bringing the proper ID and information to the polling place to ensure they can cast a ballot and it will be counted.

Included is a summary of the most pertinent changes made by HB 194 and HB 224 that will affect voters before they vote, while they vote and after they vote.

*These changes will only be in effect if the referendum is unsuccessful in obtaining enough signatures by September 29, 2011.

Before You Vote:

Moves Presidential Primary from March to May

Establishes minimum precinct size

- Establishes a minimum precinct size of 500 electors for precincts located in a municipal corporation and can vary by 5% or less.
- Permits a board of elections to apply to the Secretary of State for a waiver from the minimum precinct size requirement, and requires a board that applies for a waiver to explain the reason for the waiver request.
- Requires a board of elections to rearrange and combine precincts as necessary to comply with the minimum precinct size requirements not later than December 31, 2011.

Eliminates poll-worker requirement to direct voters to the correct precinct

- Permits, instead of requires, an election official to direct a voter who is in the wrong precinct to the voter's correct precinct.
- Specifies that it is the duty of the individual casting the ballot to ensure that the individual is casting that ballot in the correct precinct.

Voter ID Requirements

<p><u>Current ID for Election Day Voting:</u> current and valid:</p> <ul style="list-style-type: none">• Photo identification,• Military identification, or• Copy of a current utility bill, bank statement, government check, paycheck, or other government document <p><u>Current ID for Early In-Person and Absentee Voting:</u></p> <ul style="list-style-type: none">• The last four digits of voter's Social Security number; or driver's license number; or• A copy of a current and valid photo identification, (i.e. Ohio driver's license, state ID card, government ID). Photo identification must show name and address; or• A copy of a current utility bill (including cell phone bill), bank statement, paycheck, government check, or other government document that shows the voter's name and current address (including from a public college or university).	<p><u>Updates to ID Law:*</u></p> <ul style="list-style-type: none">• Adds use of passport to current list of acceptable voter identification.• Specifies an in-person absentee voter must provide ID in the same manner as a person voting on Election Day.
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During Voting:

Absentee Voting

	<u>Was:</u>	<u>Now is:*</u>
Mail-In	<ul style="list-style-type: none"> • Ballots available 35 days prior to the election • Boards of Elections may send unsolicited absentee applications to voters 	<ul style="list-style-type: none"> • Ballots available 21 days prior to the election • Boards of Elections cannot send unsolicited absentee applications • Boards of Elections may not pay the return postage for absentee ballots
Overseas/Military	<ul style="list-style-type: none"> • Ballots available 45 days prior to the election 	<ul style="list-style-type: none"> • Ballots available 45 days prior to the election • Ballots may be requested and sent electronically
In-Person (Early Voting)	<ul style="list-style-type: none"> • Available 35 days prior to the election • May vote in person at a County Board of Elections office or satellite site during normal or posted hours up through the day before the election 	<ul style="list-style-type: none"> • Available 17 days before the election, ending the Friday before the election. Hours: 8am – 6pm M-F and 8am – Noon Sat. (Voters in line at the close of polling hours will be allowed to vote) • County Boards of Elections MAY open a satellite voting branch if: <ul style="list-style-type: none"> ○ At least 3 members of the Board determine that the BoE office lacks sufficient capacity -AND- vote a satellite site is necessary <p>** The reduction of availability to 17 days has removed “Golden Week,” the time when a voter could both register and vote in person on at the same time.</p>

Provisional Ballots

You must vote by provisional ballot if:

- Your name is not in the poll book.
- You are challenged and do not provide required documentation.
- You requested an absentee ballot and either did not receive it or did not return it.
- You do not present appropriate ID.

<u>Was:</u>	<u>Now Is:*</u>
<p>Voters without acceptable ID need only supply the last 4 digits of their Social Security number and do not need to supply further information. Voters without either acceptable ID or a Social Security number can sign an affirmation, and still cast a successful provisional ballot.</p> <p>Voters who can't or won't supply ID, last 4 digits of Social Security number, or a signed affirmation must go personally to the Board of Elections within 10 days of the election and supply one of these missing items.</p>	<p>Requires the provisional voter to provide all of the following information on the affirmation for the provisional ballot to be eligible to be counted:</p> <ol style="list-style-type: none"> (1) The elector's printed name; (2) The elector's signature; (3) The elector's date of birth; (4) The elector's last four numbers of the voter's Social Security Number, Ohio driver's license number, or state identification card number, or an affirmative notation that the elector provided the required identification to the election officials; (5) The elector's residence address; (6) A statement that the individual is a registered voter in the jurisdiction in which the provisional ballot is being voted; and (7) A statement that the individual is eligible to vote in the election in which the provisional ballot is being voted. <p>Voters who can't or won't provide the required information may go to the Board of Elections by the close of the polls to supply the missing items.</p> <p>Additionally, the law requires an individual who is casting a ballot after the time for the closing of the polls pursuant to a court order extending the time for the closing of the polls to cast a provisional ballot.</p> <p>The new law also allows a voter who changes their name or address to use their provisional ballot to both vote and register the change with the County BoE</p>

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After You Vote:

Overvotes*

- A ballot is considered overvoted if:
 - The voter marks more selections for a particular office, question, or issue than the number of selections that the voter is allowed by law to make, including if the voter marks the ballot for a candidate and also writes in the name of the candidate as a write-in vote.
- An overvoted ballot WILL NOT be counted unless all of the following apply:
 - (1) The voter marks the ballot for a candidate and writes in the identical candidate's name;
 - (2) The ballots are counted at a central location using automatic tabulating equipment; and
 - (3) At least three members of the board of elections agree that the candidate's name, as it appears on the ballot, and the name of the candidate written in by the voter are identical.
- Requires a voter's ballot to be invalidated for the overvoted office, question, or issue, but specifies that the ballot shall not be invalidated for any other office, question, or issue for which the voter has not marked an excess number of selections.