

As Introduced

132nd General Assembly

Regular Session

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S. B. No. 305

Senator LaRose

**Cosponsors: Senators Eklund, Beagle, Wilson, Sykes, Schiavoni, Terhar,
Hoagland, Huffman**

A BILL

To amend sections 3501.05 and 5913.01 and to enact 1
section 3511.17 of the Revised Code to create 2
the office for the uniformed services absent 3
voter. 4

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

Section 1. That sections 3501.05 and 5913.01 be amended 5
and section 3511.17 of the Revised Code be enacted to read as 6
follows: 7

Sec. 3501.05. The secretary of state shall do all of the 8
following: 9

(A) Appoint all members of boards of elections; 10

(B) Issue instructions by directives and advisories in 11
accordance with section 3501.053 of the Revised Code to members 12
of the boards as to the proper methods of conducting elections. 13

(C) Prepare rules and instructions for the conduct of 14
elections; 15

(D) Publish and furnish to the boards from time to time a 16

sufficient number of indexed copies of all election laws then in force;	17 18
(E) Edit and issue all pamphlets concerning proposed laws or amendments required by law to be submitted to the voters;	19 20
(F) Prescribe the form of registration cards, blanks, and records;	21 22
(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;	23 24 25 26
(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;	27 28 29
(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;	30 31 32 33 34
(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;	35 36 37 38 39
(K) Receive all initiative and referendum petitions on state questions and issues and determine and certify to the sufficiency of those petitions;	40 41 42
(L) Require such reports from the several boards as are provided by law, or as the secretary of state considers	43 44

necessary; 45

(M) Compel the observance by election officers in the 46
several counties of the requirements of the election laws; 47

(N) (1) Except as otherwise provided in division (N) (2) of 48
this section, investigate the administration of election laws, 49
frauds, and irregularities in elections in any county, and 50
report violations of election laws to the attorney general or 51
prosecuting attorney, or both, for prosecution; 52

(2) On and after August 24, 1995, report a failure to 53
comply with or a violation of a provision in sections 3517.08 to 54
3517.13, 3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, or 55
3599.031 of the Revised Code, whenever the secretary of state 56
has or should have knowledge of a failure to comply with or a 57
violation of a provision in one of those sections, by filing a 58
complaint with the Ohio elections commission under section 59
3517.153 of the Revised Code. 60

(O) Make an annual report to the governor containing the 61
results of elections, the cost of elections in the various 62
counties, a tabulation of the votes in the several political 63
subdivisions, and other information and recommendations relative 64
to elections the secretary of state considers desirable; 65

(P) Prescribe and distribute to boards of elections a list 66
of instructions indicating all legal steps necessary to petition 67
successfully for local option elections under sections 4301.32 68
to 4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 69

(Q) Adopt rules pursuant to Chapter 119. of the Revised 70
Code for the removal by boards of elections of ineligible voters 71
from the statewide voter registration database and, if 72
applicable, from the poll list or signature pollbook used in 73

each precinct, which rules shall provide for all of the 74
following: 75

(1) A process for the removal of voters who have changed 76
residence, which shall be uniform, nondiscriminatory, and in 77
compliance with the Voting Rights Act of 1965 and the National 78
Voter Registration Act of 1993, including a program that uses 79
the national change of address service provided by the United 80
States postal system through its licensees; 81

(2) A process for the removal of ineligible voters under 82
section 3503.21 of the Revised Code; 83

(3) A uniform system for marking or removing the name of a 84
voter who is ineligible to vote from the statewide voter 85
registration database and, if applicable, from the poll list or 86
signature pollbook used in each precinct and noting the reason 87
for that mark or removal. 88

(R) Prescribe a general program for registering voters or 89
updating voter registration information, such as name and 90
residence changes, by boards of elections, designated agencies, 91
offices of deputy registrars of motor vehicles, public high 92
schools and vocational schools, public libraries, and offices of 93
county treasurers consistent with the requirements of section 94
3503.09 of the Revised Code; 95

(S) Prescribe a program of distribution of voter 96
registration forms through boards of elections, designated 97
agencies, offices of the registrar and deputy registrars of 98
motor vehicles, public high schools and vocational schools, 99
public libraries, and offices of county treasurers; 100

(T) To the extent feasible, provide copies, at no cost and 101
upon request, of the voter registration form in post offices in 102

this state;	103
(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;	104 105 106 107 108
(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:	109 110 111
(1) Assist the secretary of state with ensuring that there is equal access to polling places for persons with disabilities;	112 113
(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;	114 115 116 117
(3) Advise the secretary of state in the development of standards for the certification of voting machines, marking devices, and automatic tabulating equipment.	118 119 120
(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;	121 122 123 124 125
(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, or to discuss the interpretation of directives, advisories, or	126 127 128 129 130 131

other instructions issued by the secretary of state are posted 132
on a web site of the office of the secretary of state as soon as 133
is practicable after the completion of the conference or 134
teleconference call, but not later than the close of business on 135
the same day as the conference or teleconference call takes 136
place. 137

(Y) Publish a report on a web site of the office of the 138
secretary of state not later than one month after the completion 139
of the canvass of the election returns for each primary and 140
general election, identifying, by county, the number of absent 141
voter's ballots cast and the number of those ballots that were 142
counted, and the number of provisional ballots cast and the 143
number of those ballots that were counted, for that election. 144
The secretary of state shall maintain the information on the web 145
site in an archive format for each subsequent election. 146

(Z) Conduct voter education outlining voter 147
identification, absent voters ballot, provisional ballot, and 148
other voting requirements; 149

(AA) Establish a procedure by which a registered elector 150
may make available to a board of elections a more recent 151
signature to be used in the poll list or signature pollbook 152
produced by the board of elections of the county in which the 153
elector resides; 154

(BB) Disseminate information, which may include all or 155
part of the official explanations and arguments, by means of 156
direct mail or other written publication, broadcast, or other 157
means or combination of means, as directed by the Ohio ballot 158
board under division (F) of section 3505.062 of the Revised 159
Code, in order to inform the voters as fully as possible 160
concerning each proposed constitutional amendment, proposed law, 161

or referendum; 162

(CC) Be the single state office responsible for the 163
implementation of the "Uniformed and Overseas Citizens Absentee 164
Voting Act," Pub. L. No. 99-410, 100 Stat. 924, ~~42 U.S.C. 1973ff-~~ 165
52 U.S.C. 20301, et seq., as amended, in this state. The 166
secretary of state may delegate to the boards of elections 167
responsibilities for the implementation of that act, including 168
responsibilities arising from amendments to that act made by the 169
"Military and Overseas Voter Empowerment Act," Subtitle H of the 170
"National Defense Authorization Act for Fiscal Year 2010," Pub. 171
L. No. 111-84, 123 Stat. 3190. 172

(DD) Adopt rules, under Chapter 119. of the Revised Code, 173
to establish procedures and standards for determining when a 174
board of elections shall be placed under the official oversight 175
of the secretary of state, placing a board of elections under 176
the official oversight of the secretary of state, a board that 177
is under official oversight to transition out of official 178
oversight, and the secretary of state to supervise a board of 179
elections that is under official oversight of the secretary of 180
state.; 181

(EE) Appoint a director for the office for the uniformed 182
services absent voter under section 3511.17 of the Revised Code; 183

(FF) 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. 3511.17. (A) There is created in the office of the 243
secretary of state the office for the uniformed services absent 244
voter. The secretary of state shall appoint a director. 245

(B) The office shall do both of the following, as 246
practicable, before a uniformed services voter becomes absent 247
from the voter's residence as a result of active duty of the 248
voter: 249

(1) Conduct training for uniformed services voters to 250
provide information about any programs available to assist in 251
voting while absent; 252

(2) Notwithstanding section 3503.10 of the Revised Code, 253
provide and assist in completing a required application or form 254
under section 3511.02 of the Revised Code for a uniformed 255
services voter to vote in an election while absent. 256

(C) The office shall receive information from the adjutant 257
general under section 5913.01 of the Revised Code informing the 258
office when a uniformed services voter may become absent from 259
the voter's residence as a result of active duty, as 260
practicable. 261

(D) The office shall conduct training once a year, 262
provided by the secretary of state, to voting assistance 263
officers provided under 10 U.S.C. 1566(f) and 52 U.S.C. 20305. 264

Sec. 5913.01. (A) The adjutant general is the commander 265
and administrative head of the Ohio organized militia. The 266
adjutant general shall: 267

(1) Be provided offices and shall keep them open during 268
usual business hours; 269

(2) Have and maintain custody of all military records, 270
correspondence, and other documents of the Ohio organized 271
militia; 272

(3) Superintend the preparation of all returns and reports 273
required by the United States from the state on military 274
matters; 275

(4) Keep a roster of all officers of the Ohio organized 276
militia, including retired officers; 277

(5) Whenever necessary, cause the military provisions of	278
the Revised Code and the orders, regulations, pamphlets,	279
circulars, and memorandums of the adjutant general's department	280
to be printed and distributed to the organizations of the Ohio	281
organized militia;	282
(6) Prepare and issue all necessary Ohio organized militia	283
forms and attest to all commissions issued to officers of the	284
Ohio organized militia;	285
(7) Have a seal, and all copies of orders, records, and	286
papers in the adjutant general's office certified and	287
authenticated with that seal shall be competent evidence in like	288
manner as if the originals were produced. All orders issued from	289
the adjutant general's office shall bear a duplicate of the	290
seal.	291
(8) Keep and preserve the arms, ordnance, equipment, and	292
all other military property belonging to the state or issued to	293
the state by the federal government and issue any regulations	294
necessary to keep, preserve, and repair the property as	295
conditions demand;	296
(9) Issue adjutant general's property to the units of the	297
Ohio organized militia as the necessity of the service or	298
organizational or allowance tables requires;	299
(10) Submit an annual report to the governor at such time	300
as the governor requires of the transaction of the adjutant	301
general's department, setting forth the strength and condition	302
of the Ohio organized militia and other matters that the	303
adjutant general chooses;	304
(11) Command the joint force headquarters of the Ohio	305
national guard;	306

(12) Establish a process for determining when a uniformed services voter will be absent from the voter's residence as a result of active duty and provide that information to the office for the uniformed services absent voter under section 3511.17 of the Revised Code, as practicable.

(B) The adjutant general shall issue and distribute all orders issued in the name of the governor as the commander in chief of the Ohio organized militia and perform the duties that the governor directs and other duties prescribed by law.

(C) The adjutant general may enter into cooperative agreements, contractual arrangements, or agreements for the acceptance of grants with the United States or any agency or department of the United States, other states, any department or political subdivision of this state, or any person or body politic, to accomplish the purposes of the adjutant general's department. The adjutant general shall cooperate with, and not infringe upon, the rights of other state departments, divisions, boards, commissions, and agencies, political subdivisions, and other public officials and public and private agencies when the interests of the adjutant general's department and those other entities overlap.

The funds made available by the United States for the exclusive use of the department shall be expended only by the department and only for the purposes for which the federal funds were appropriated. In accepting federal funds, the department agrees to abide by the terms and conditions of the grant or cooperative agreement and further agrees to expend the federal funds in accordance with the laws and regulations of the United States.

Section 2. That existing sections 3501.05 and 5913.01 of

the Revised Code are hereby repealed. 337

Section 3. Section 3501.05 of the Revised Code is 338
presented in this act as a composite of the section as amended 339
by both Am. Sub. S.B. 109 and Sub. S.B. 205 of the 130th General 340
Assembly. The General Assembly, applying the principle stated in 341
division (B) of section 1.52 of the Revised Code that amendments 342
are to be harmonized if reasonably capable of simultaneous 343
operation, finds that the composite is the resulting version of 344
the section in effect prior to the effective date of the section 345
as presented in this act. 346