



Jon Husted

Ohio Secretary of State

180 East Broad Street, 16th Floor
Columbus, Ohio 43215
Tel: (877) 767-6446 Fax: (614) 644-0649
www.OhioSecretaryofState.gov

ADVISORY 2014-01

February 26, 2014

To: All County Board of Elections
Re: Am. Sub. S.B. No. 109 (130th General Assembly)

SUMMARY

This Advisory alerts boards of elections to changes in the administration of elections resulting from the recent passage of Amended Substitute Senate Bill Number 109.

EXPLANATION

[Am. Sub. S.B. No. 109](#) was signed by the Governor on November 26, 2013. The law took effect on February 25, 2014. Presented below is a list of new requirements under the bill.

Petitions

- A political subdivision or other entity certifying a question or issue to the ballot must submit resolutions and certifications in paper form. A board of elections may not accept electronic certifications.¹

Election Administration

- The Secretary of State must adopt rules regarding the placement and supervision of a board of elections under official oversight of the Secretary of State's Office.²

Board of Election Member Appointments

- Beginning in 2017, board member appointments to a 4-year term will be made on March 1st in **odd-numbered years**. In order to make the transition to odd-numbered year appointments, the Secretary of State will appoint two board members of opposite major political parties to 3-year terms in 2014 and 2016.³

¹ RC 3501.021

² RC 3501.05(DD)

³ RC 3501.06

Candidate Names

- When two or more candidates in a primary election have identical names, the Board must send notification by certified mail to each candidate regarding the need to differentiate names.⁴ For purposes of notification under R.C. 3505.021, boards of elections should also use certified mail.

Precinct Election Officials

- In the case of a special election, if a board of elections determines that four precinct election officials are not necessary, the Board may select two of the precinct's election officials to serve for that special election.⁵
- Throughout Revised Code Title 35, references to “judges of election” are changed to “precinct election official,” and references to “presiding judge” are changed to “voting location manager.”

Polling Place Accessibility Compliance

- The director of a board of elections may send the form verifying polling place compliance with ADA accessibility standards by certified mail or electronically.⁶

Observers

- Any political party or group of candidates may continue to appoint observers to serve at the board office during the in-person absentee voting period. Notifications of observer appointments must be made by the 11th day before the day absentee ballots are required to be ready for use and may be amended until 4:00 p.m. the day before the observer is appointed to serve. Observers may file their certificates of appointment with the Director of the Board of Elections the day before or on the day that the observer is scheduled to serve.⁷ For more information on observers, see [Directives 2012-21](#) and [2012-21-2](#), which remain in full effect.

Ballots

- Signatures of board of elections members required to appear on the ballot may appear at the end of the ballot⁸, as opposed to on “the back of the ballot.”
- Throughout Title 35, references to “punch card ballots” and “chads” are eliminated.

⁴ RC 3513.131

⁵ RC 3501.22

⁶ RC 3501.29(E)

⁷ RC 3505.21(C)

⁸ RC 3505.08

E-Pollbooks

- The Board of Voting Machine Examiners must certify electronic pollbooks for use by county boards of elections.⁹
- The Secretary of State's Office must issue instruction regarding the examination, testing, and use of electronic pollbooks.¹⁰
- Boards are permitted to use electronic pollbooks that have been certified by the Board of Voting Machine Examiners after notifying the Secretary of State's Office of the Board's intention.¹¹

Campaign Finance Statements

- A board of elections may send copies of paper campaign finance statements filed with its office to the Secretary of State's Office by certified mail or electronically.¹²

If you have any questions concerning this Advisory, please contact the Secretary of State's elections counsel assigned to your county at (614) 466-2585.

Sincerely,



Jon Husted

⁹ RC 3506.05

¹⁰ RC 3506.021(B)

¹¹ RC 3506.021(A)

¹² RC 3517.106