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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 204  
133rd General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. Galonski

Abby McMahon, Attorney

### SUMMARY

- Prohibits a county from acquiring any direct recording election voting machine (DRE) or any marking devices or automatic tabulating equipment that does not require the use of a paper ballot.
- Specifies that the bill does not apply to a contract for the purchase or lease of voting machines, marking devices, or automatic tabulating equipment that does not require the use of a paper ballot if the contract was entered into before the bill's effective date.
- Specifies that the bill does not apply to a county that acquires additional voting machines, marking devices, or automatic tabulating equipment on or after the bill's effective date if certain conditions apply.
- Removes the specific requirement that a DRE must be the voting system used at a polling location and board of elections office at which in-person absent voting is being conducted to accommodate individuals with disabilities.

### DETAILED ANALYSIS

#### Voting systems to use paper ballots

The bill prohibits a county from acquiring any direct recording electronic voting machines (DRE) or any marking devices or automatic tabulating equipment that does not require the use of a paper ballot. A DRE is a voting machine that records votes by means of a ballot display provided with mechanical or electro-optical components that can be actuated by the voter, that processes the data by means of a computer program, and that records voting data and ballot images in internal and external memory components.

Under the bill, a "paper ballot" is a paper document on which a voter records the voter's choices and that serves as the official record of the voter's choices for counting purposes. A voter may record the voter's choices by hand or use a marking device that records the voter's choices on a paper ballot that the voter can later inspect for accuracy. A "paper ballot" does not

include a voter verified paper audit trail. A voter verified paper audit trail is a physical paper printout on which the voter's ballot choices, as registered by a DRE, are recorded. The voter is permitted to inspect the contents of the physical paper printout.

The bill does not apply to a contract for the purchase or lease of voting machines, marking devices, or automatic tabulating equipment that does not require the use of a paper ballot if the contract was entered into before the bill's effective date.

Additionally, the bill does not apply to a county that acquires additional voting machines, marking devices, or automatic tabulating equipment on or after the bill's effective date if all of the following apply:

- The voting machines, marking devices, or automatic tabulating equipment are the same as those used in that county before the bill's effective date;
- The acquisition of the voting machines, marking devices, or automatic tabulating equipment does not replace or change the primary voting system used in that county;
- The acquisition of the voting machines, marking devices, or automatic tabulating equipment is for the purpose of replacing inoperable machines, devices, or equipment or for the purpose of providing additional machines, devices, or equipment in order to meet the requirement of the minimum number of DREs for a county that continues to select DREs as its primary voting system.<sup>1</sup>

Under continuing law, a county can select the voting system to be used in all elections for that county. A county can select voting machines, marking devices, and automatic tabulating equipment through the county board of elections, the board of county commissioners upon the recommendation by that county's board of elections, or by an affirmative vote of a majority of the electors of a county voting upon the question of adopting voting equipment. However, a voting machine, marking device, or automatic tabulating equipment cannot be selected by a county unless it has been certified by the Board of Voting Machine Examiners appointed by the Secretary of State.

Additionally, the bill removes the specific requirement that a DRE must be the voting system used at a polling location and board of elections office at which in-person absent voting is being conducted to accommodate individuals with disabilities. Under continuing law, a polling location and board of elections office at which in-person absent voting is being conducted must have at least one voting machine or marking device that is accessible for individuals with disabilities.

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<sup>1</sup> R.C. 3506.01(F) and (H), not in the bill; 3506.02, 3506.022, 3506.05, not in the bill; 3506.19, and 3506.22.

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## HISTORY

Action	Date
Introduced	04-16-19

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