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SUMMARY

Voter Verification and Registration Program

- Creates an automated, electronic process called the Voter Verification and Registration Program to register eligible persons to vote or update their voter registrations when they interact with certain government agencies, unless those persons opt out.

- Requires the Secretary of State to adopt rules to develop, implement, and administer the program.

In-person BMV customers

- Requires that, when an eligible customer appears in person at a Bureau of Motor Vehicles (BMV) office, the customer be registered to vote or have the customer's registration updated, so long as the BMV possesses all of the required information about the person.

- Requires the BMV immediately to provide the customer with a written notice that the person may return in person or by mail if the person wishes to decline, to provide corrected registration information, or to establish or change the person's political party affiliation.

- Requires the BMV to follow procedures established by the Secretary of State to verify that the person is a U.S. citizen before submitting the person's voter registration to the Secretary.

- Requires the Secretary, upon receiving information about the person, to check the Statewide Voter Registration Database (SWVRD) to determine whether the person is registered at the person's current address and under the person's current name, and if not, requires the Secretary to transmit the person's information to the board of elections.

- Specifies that, if the Secretary determines that the person is a participant in the address confidentiality program, the Secretary instead must send a notice to the person explaining the process to register to vote or update the person's registration confidentially through the program.

- Requires the board of elections to determine whether the person is eligible to register or to update the person's registration and, if so, to process the registration or update and send the person a notice of voter registration.

- Provides that the electronic record transmitted to the board must be considered the person's voter registration form for recordkeeping purposes.

- Specifies that if the person later declines, the board must cancel the person's registration or restore the person's registration to its previous state, as applicable.

Remote automated voter registration updates

- Creates a process to conduct automated voter registration address updates using information submitted to the BMV other than in person and information submitted to the National Change of Address Service.

- Requires that when the BMV receives a notice of change of address from an elector who does not appear in person at the BMV, the BMV must transmit the elector's updated information electronically to the Secretary of State.

- Requires the Secretary to consult the SWVRD to determine whether the elector is registered at the elector's current address, and if not, to transmit the elector's information to the board of elections.

- Specifies that, if the Secretary determines that the person is a participant in the address confidentiality program, the Secretary instead must send a notice to the person explaining the process to register to vote or update the person's registration confidentially through the program.

- Requires the Secretary monthly to obtain a list from the National Change of Address Service of registered electors who have had a permanent address change and to transmit that information to the board of elections.

- Requires the board of elections, when it receives information from the Secretary based on BMV or National Change of Address Service records, to determine whether the elector is eligible to update the elector's registration, and if so, to conduct the update.

- Provides that the electronic record transmitted to the board must be considered the person's voter registration form for recordkeeping purposes.

- Requires the board to send the elector a notice of voter registration that also offers the person the opportunity to decline, to provide corrected registration information, or to establish or change the person's political party affiliation.

- Specifies that if the person declines, the board must refrain from conducting the update or restore the person's registration to its previous state, as applicable.

- Specifies that if the board determines that the elector has moved outside Ohio, the board instead must send the elector a confirmation notice at the elector's Ohio address.

Erroneous voter registration updates

- Requires the board of elections to correct an elector's registration if it is updated in error under the Voter Verification and Registration Program and the elector requests a correction and provides proof of the elector's true name and address.

- Allows an elector whose registration has been updated in error under the program to cast a provisional ballot, provide ID showing the elector's true name and address, and have the ballot counted.

Protection of persons who decline

- Requires that, when a person declines to be registered to vote or have the person's registration updated under the program, the person's information and the identity of the agency to which the person submitted the person's information must be kept confidential.

- Prohibits any person acting under color of law from discriminating against a person on the basis of the person's declination.

- Specifies that declining does not prevent the person from registering or updating the person's registration in the future.

Criminal prohibitions involving voter registration

- Modifies the continuing-law prohibitions against false voter registration to avoid penalizing a person who is registered or has the person's registration updated under the Voter Verification and Registration Program, if the person did not intend to trigger a false registration or update.

- Changes the continuing-law prohibitions against assisting a person in registering falsely, similarly to avoid penalizing a person such as a BMV employee who was not aware the information was false.

- Prohibits any election official, any person assisting in the registration of electors, or any police officer from refusing, neglecting, or unnecessarily delaying, hindering, or preventing the registration of a qualified elector who should be registered or have the elector's registration updated under the program.

Implementation of Voter Verification and Registration Program

- Requires the Secretary of State to implement the Voter Verification and Registration Program not later than two years after the first day of January after the bill takes effect.

Expansion of Voter Verification and Registration Program

- Allows the Secretary of State, by rule, to require other state agencies to participate in the Voter Verification and Registration Program in the same manner as the BMV.

Conforming changes

- Makes numerous conforming changes to other sections of the Revised Code to acknowledge the Voter Verification and Registration Program.

Statewide Voter Registration Database

Security and confidentiality

- Relocates, but does not substantially change, a general requirement that the Secretary of State ensure the integrity, security, and confidentiality of information in the SWVRD.

- Adds a similar requirement that the Registrar of Motor Vehicles ensure the integrity, security, and confidentiality of the voter registration information that is stored in any BMV database.

- Requires the Secretary to publish and implement a privacy policy that includes provisions controlling access to the SWVRD, prohibiting public disclosure of confidential information, and prohibiting state agencies from transmitting any information to the Secretary or to a board of elections that is not necessary to register to vote or to maintain the SWVRD.

- Eliminates requirements that the Secretary adopt rules establishing a process for annually auditing the information contained in the SWVRD and establishing, by mutual agreement with the BMV, the content and format of the data that the BMV must provide at least monthly to the Secretary for purposes of maintaining the SWVRD.

Retention of canceled voter registration records

- Requires the SWVRD to include methods to retain canceled voter registration records for a period that includes at least two federal general elections, instead of for at least five years.

Voter roll maintenance procedures

National Change of Address Process

- Eliminates the current National Change of Address Process for voter roll maintenance, in which electors identified by the Service as having moved are sent confirmation notices, because those electors' registrations instead are updated under the bill.

Other processes, including the Supplemental Process

- Relocates and rewords the existing law provisions that allow the Secretary of State to prescribe additional procedures to identify and send confirmation notices to electors who appear to have moved or had a change of name.

- Permits the Secretary to continue using the Supplemental Process by directive.

Confirmation notices

- Consolidates and clarifies the language governing confirmation notices that are mailed to electors.

- Allows an elector who has been sent a confirmation notice to avoid cancellation of the elector's registration if, during the waiting period after the notice is sent, the elector responds to the notice, updates the elector's registration, has the elector's registration updated under the Voter Verification and Registration Program, or votes.

Cancellation of registration in former county of residence

- Eliminates a requirement in law that when an elector moves and registers to vote or updates the elector's registration, the elector must submit an authorization to cancel the elector's previous registration, and instead requires the elector's new registration form to operate as that authorization.

- Requires a board of elections that updates an elector's registration under the Voter Verification and Registration Program to notify the board of elections of the elector's previous county to cancel the elector's previous registration.

- Requires that, if the elector later declines, the board that receives the declination notice must notify the board responsible for the elector's previous registration to restore it.

Compliance with federal law

- Relocates but does not change a provision of law specifying that all procedures for maintaining the SWVRD must be uniform and nondiscriminatory and must comply with the federal Voting Rights Act of 1965, the National Voter Registration Act of 1993, and all other applicable federal laws.

Political party registration

- Allows an elector to establish or change the elector's affiliation with a recognized political party at any time using a voter registration or update form or notice.

Registration form

- Allows a person who completes a voter registration or update form to select or write the name of a currently recognized political party, if the person wishes to be affiliated with that party.

- Specifies that if the person is not currently registered as affiliated with a recognized party and the person does not select or write the name of a recognized party, the person must be considered not to be affiliated with any party.

- Specifies that if the person *is* currently affiliated with a recognized political party and the person does not select or write the name of a party on the form, the person retains the person's prior party affiliation.

- Allows a person who is registered to vote or has the person's registration updated under the Voter Verification and Registration Program to establish or change the person's

affiliation by selecting or writing the name of a recognized party on the notice provided to the person and returning the notice.

- Requires the board of elections to include the elector's party affiliation, if any, in the elector's notice of registration and in the elector's entry on the SWVRD website.

School voter registration programs

- Amends the statement that, under continuing law, a board of education must distribute to students as part of any in-class voter registration program to specify that a student will not be rewarded or penalized for registering as affiliated with a party or remaining unaffiliated.

Voting in a primary election

- Allows an elector who is not registered as affiliated with a political party to vote that party's ballot in a primary election by requesting that party's ballot, the same as under current law, and specifies that the elector becomes affiliated with that party by casting that party's ballot.

- Eliminates the ability of an election official to challenge an elector on the basis of the elector's party affiliation.

- Provides that casting an issues only ballot does not affect an elector's registered party affiliation.

- Modifies the language that appears on absent voter's ballot applications to clarify that an elector may request an issues only ballot instead of a party ballot.

Eligibility to sign party candidate petitions

- Prohibits an elector from signing or circulating a petition for a candidate who seeks to appear on a party's ballot in a primary election if the elector is affiliated with a different political party.

- Prevents an elector from signing or circulating a nominating petition for a candidate seeking the nomination of a newly formed political party if the elector is affiliated with a different party.

Eligibility to be a political party candidate

- Requires a candidate for nomination or election at a party's primary election to be registered as affiliated with that party as of the date of filing the person's declaration of candidacy.

- Prohibits an independent candidate from being registered as affiliated with any party.

Confidentiality for designated public service workers

- Establishes a formal procedure for an elector to notify a board of elections that the elector's residence address is exempt from disclosure under the Public Records Law

because the elector or the elector's family member is a designated public service worker.

▪ Requires the Secretary to prescribe methods for the Secretary and the boards of elections to note on the elector's registration record that the elector has submitted the notice and to maintain the note whenever the elector's registration is updated.

▪ Requires the Secretary and the boards of elections to remove the elector's registration information from all records that are available to the public, both online and on paper, and to follow special confidentiality procedures if the elector's right to vote is challenged.

▪ Requires the Secretary of State to include information about the notice procedure in the voter registration brochure the Secretary must distribute under continuing law.

▪ Requires that, if a BMV customer indicates that the person's address is subject to that public records exemption, the BMV must inform the person of the process to notify the board of elections.

Voter registration workers

▪ Eliminates several provisions of law that applied to compensated voter registration workers because the law has been ruled unconstitutional and is not being enforced.

Consolidation of voter registration statutes

▪ Consolidates several provisions of law that describe the methods for registering to vote or updating a voter registration and how the boards of elections must process voter registrations and updates.

Technical changes

▪ Updates several references in Ohio law to the U.S. Code citations for federal election laws to refer to those laws' current locations in the U.S. Code.

▪ Removes obsolete language from the statute governing the online voter registration system.

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DETAILED ANALYSIS

Voter Verification and Registration Program

The bill creates an automated, electronic process called the Voter Verification and Registration Program to register eligible persons to vote or update their voter registrations when they interact with certain government agencies, such as the Bureau of Motor Vehicles

(BMV), unless those persons opt out. The Secretary of State must adopt rules under the Administrative Procedure Act to develop, implement, and administer the program, including rules prescribing procedures for the Secretary and the BMV to follow to ensure that only U.S. citizens who are eligible electors are registered to vote through the program and rules governing the removal of ineligible voters through the program.[1]

In-person BMV customers

When an eligible customer appears in person at the office of the Registrar of Motor Vehicles or a deputy registrar, the bill requires the customer to be registered to vote or have the customer's voter registration updated, so long as the BMV possesses all of the required information about the person. The customer may opt out of the automated registration or update process while at the BMV office or later, by mail.[2]

Currently, the BMV must offer customers the opportunity to register to vote or to update their voter registrations, but the registration or update occurs only if the customer opts in and completes the necessary form.[3]

Required information

Under the bill, the Registrar or deputy registrar must attempt to obtain all of the following from a customer who conducts business in person at a BMV office in order to register the person to vote or update the person's registration:

- The person's legal name;

- The person's residence address;

- The person's date of birth;

- The person's driver's license or state identification (ID) card number;

- The last four digits of the person's Social Security number;

- A statement, signed under penalty of election falsification, that the person is a United States citizen, will be at least 18 years old at the time of the next general election, will have lived in Ohio for 30 days immediately preceding the next election, and is otherwise eligible to vote in Ohio;

- An electronic image of the person's signature.

Continuing Ohio law requires a person to provide all of that information in order to register to vote or update the person's registration on paper or online, except that a person only needs to provide one form of ID when submitting a paper registration form (a driver's license or state ID card number, the last four digits of the person's Social Security number, or a copy of a current

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[1] R.C. 3501.05(R)(2) and (Q).

[2] New R.C. 3503.11.

[3] Repeal of R.C. 3503.11.

and valid photo ID, military ID, or current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration, that shows the person's name and address).[4]

Notice to customer and opportunity to decline

If the BMV office obtains all of the required information about a customer to register the person to vote or to update the person's registration, the bill requires the Registrar or deputy registrar immediately to provide the person a written notice, on a form prescribed by the Secretary of State, with return postage prepaid by the Secretary of State. The person may sign and return the notice at the BMV office or by mail to the Secretary of State if the person wishes to (1) decline to register to vote or update the person's registration, (2) provide corrected registration information, or (3) establish or change the person's political party affiliation (see "**Political party registration**," below).

The notice must contain all of the following:

- A statement that if the person is not registered to vote at the person's current residence address and under the person's current name, the person will be registered to vote or have the person's registration updated for purposes of the next election occurring at least 30 days after the current date, unless the person declines;

- A statement that if the person declines, that fact will remain confidential and will only be used for voter registration purposes;

- A statement that if the person does not decline, the office at which the person submitted the person's information (the BMV) will remain confidential and will only be used for voter registration purposes;

- A statement that in order to register to vote, the person must be a U.S. citizen, at least 18 years old at the time of the next general election, and have lived in Ohio for 30 days immediately preceding the next election;

- A statement that election falsification is a fifth degree felony;

- A statement instructing the person to decline if the person is not eligible to register;

- All of the following concerning political party affiliation, so that the person may establish or change the person's party affiliation:

  □ A list of the currently recognized political parties, along with boxes for the person to check to select a party with which the person wishes to be affiliated;

  □ A space for the person to write the name of a recognized party that is not listed on the form, if the person wishes to be affiliated with that party;

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[4] New R.C. 3503.11(A) and R.C. 3503.14 and 3503.20.

◻ A box for the person to check to indicate that the person does not wish to be affiliated with a party;

◻ An instruction to select or write the name of only one recognized party;

◻ A statement that the person is not required to select a party;

◻ A statement that the person will not be affiliated with any party if the person is not currently registered as affiliated with a party and either does not return the notice or returns the notice but does not select or write the name of a recognized party or indicate that the person does not wish to be affiliated with a party;

◻ A statement that the person will remain registered as affiliated with the person's current party if the person currently is registered as affiliated with a party and the person either does not return the notice or returns the notice and does not select or write the name of a different recognized party or indicate that the person does not wish to be affiliated with a party.

▪ The procedure to decline, to provide corrected registration information, or to establish or change the person's party affiliation by signing and returning the notice in person at the BMV office or by mail to the Secretary of State.

If the person declines by returning the declination notice to the BMV office immediately after receiving it, the Registrar or deputy registrar must note that fact in the BMV's records, must not transmit the person's information to the Secretary of State, and must dispose of the declination notice in the manner prescribed by the Secretary.

If the person indicates to the Registrar or deputy registrar that the person's address is exempt from public disclosure because the person or the person's family member is a designated public service worker under the Public Records Law, the bill also requires the Registrar or deputy registrar to inform the person of the process to submit a notice of that fact to the board of elections under the bill (see "**Designated public service workers**," below).[5]

BMV citizenship verification

When the BMV obtains all of the necessary information about a person to register the person to vote or update the person's registration, and the person does not immediately decline, the bill requires the Registrar or deputy registrar to complete some initial processing to ensure that the person is a U.S. citizen.

The Registrar or deputy registrar must follow procedures established by the Secretary of State by rule adopted under the Administrative Procedure Act to determine whether the BMV possesses reliable information about the person indicating that the person is a U.S. citizen. If the BMV does not possess such information, the Registrar or deputy registrar must verify by other means whether the person is a U.S. citizen, as provided by the Secretary by rule. (Under

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[5] New R.C. 3503.11(B).

continuing law and administrative rules, the BMV routinely collects information about customers' citizenship or immigration status and has access to federal databases that assist the BMV in verifying customers' status.)

If the Registrar or deputy registrar is able to verify that the person is a U.S. citizen, the Registrar or deputy registrar promptly must transmit the person's information to the Secretary electronically in the manner prescribed by the Secretary. If the Registrar or deputy registrar determines that the BMV does not possess reliable information about the person indicating that the person is a U.S. citizen and cannot verify by other means that the person is a U.S. citizen, the Registrar or deputy registrar must not transmit the person's information to the Secretary, but must make the person's information available to the Secretary upon request.

Current law does not include a process for verifying applicants' citizenship before they are registered to vote. An applicant must affirm under penalty of election falsification that the applicant is a U.S. citizen, but is not required to submit proof of citizenship. Under continuing law, applicants who register by means other than the Voter Verification and Registration Program will not need to submit proof of citizenship and will not have their citizenship verified before they are registered. However, continuing law does require the Secretary of State to conduct an annual review of existing voter registrations using BMV records to detect any registered persons who might not be U.S. citizens.[6]

Secretary of State processing

Under the bill, when the Secretary of State receives information concerning a person from the BMV, the Secretary must consult the SWVRD to determine whether the person is registered to vote at the person's current address and under the person's current name. If not, the Secretary promptly must transmit the person's information electronically to the appropriate board of elections.

If the Secretary determines that the person is not registered to vote at the person's current address or under the person's current name, but the person is a participant in Ohio's address confidentiality program for certain crime victims (also known as Safe at Home), the Secretary must not transmit the person's information to the board of elections. Instead, the Secretary must send a notice to the person explaining the process to register to vote or update the person's registration confidentially. Under continuing law, the Secretary administers the program and regularly forwards mail to participants in order to shield their residence addresses. The program includes a method for participants to have their voter registration records kept confidential and excluded from public databases.[7]

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[6] New R.C. 3503.11(B) and R.C. 3503.15(H). See also R.C. 4507.06(A), not in the bill, and Ohio Administrative Code 4501:1-1-21.

[7] New R.C. 3503.11(C). See also R.C. 111.44, not in the bill.

Board of elections processing

If the board of elections determines that the person is eligible to register to vote or to update the person's registration, the board promptly must process the registration or update and send the person a notice of voter registration, as under continuing law. The electronic record transmitted to the board must be considered the person's voter registration form for recordkeeping purposes.

If the person declines by returning a declination notice by mail, the board must not register the person or update the person's registration. If the board receives a declination notice after the board has already registered the person, the board must treat the declination as a request to cancel the person's registration. Similarly, if the board receives a declination notice after the board has already updated the person's registration, the board must correct the person's registration to reflect the name, address, and signature that it contained before the board conducted the update.[8]

Remote automated voter registration updates

In addition to establishing an automated process for registering in-person BMV customers to vote or updating their voter registrations, the bill creates a process to conduct automated voter registration address updates using information submitted to the BMV other than in person and information submitted to the National Change of Address Service provided by the U.S. Postal Service through its licensees.

BMV address updates

Under the bill, when the BMV receives a notice of change of residence address from a registered elector who does not appear in person at the office of the Registrar or a deputy registrar, the BMV promptly must transmit the elector's updated information electronically to the Secretary of State in the manner prescribed by the Secretary. The BMV allows customers to submit a change of address through the BMV's website or by mail. Currently, the paper change of address form is treated as a voter registration update form unless the person opts out, but information submitted through the BMV's website is not used for that purpose.

The Secretary then must consult the SWVRD to determine whether the elector is registered to vote at the elector's current address, and if not, promptly must transmit the elector's information to the appropriate board of elections for the board to conduct an automated update. But, if the Secretary determines that the elector is not registered to vote at the person's current address, but the person is a participant the address confidentiality program, the Secretary instead must send a notice to the person explaining the process to update the person's registration confidentially through the address confidentiality program.[9]

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[8] New R.C. 3503.11(D) and R.C. 3503.21(A)(8).

[9] New R.C. 3503.111(A). See also Ohio BMV Online Services, available at services.dps.ohio.gov/BMVOnlineServices and Ohio BMV Form 5756, available at publicsafety.ohio.gov/links/bmv5756.pdf.

National Change of Address Service

The bill also requires the Secretary of State, each month, to send the information in the SWVRD to the National Change of Address Service and request the Service to provide the Secretary with a list of any registered electors who have had a permanent change of residence address during the past month. The Secretary promptly must transmit the information concerning each elector who has had a permanent change of residence address electronically to the appropriate board of elections for the board to conduct an automated update.

Under existing law, the Secretary annually requests a list of electors who have moved from the National Change of Address Service, and the boards of elections send a confirmation notice to each elector identified as having moved. If the elector does not respond to the confirmation notice, update the elector's registration, or vote during a four-year period after the notice is sent, the elector's registration must be canceled. (See "**Confirmation notice process**," below.)[10]

Processing address updates

When a board of elections receives information from the Secretary of State about an elector's change of address and determines that the elector is eligible to update the elector's registration, the board promptly must update the registration. The electronic record transmitted to the board must be considered the elector's voter registration form.

However, if the board determines that the elector has had a permanent change of address to a location outside Ohio, the board must send the elector a confirmation notice at the address at which the elector is registered to vote in Ohio. Under continuing law, the board must not send that notice during the 90 days immediately preceding a federal election.[11]

Notice to elector and opportunity to decline

When a board of elections conducts an automated address update under the bill, the board must send the elector a notice, on a form prescribed by the Secretary of State, with return postage prepaid by the board, that contains all of the following information:

- The fact that the elector will have the elector's registration updated for purposes of the next election occurring at least 30 days after the date the Secretary received the elector's information, unless the elector declines;

- A statement that if the elector declines, that fact will remain confidential and will only be used for voter registration purposes;

- A statement that if the elector does not decline, the office at which the elector submitted the elector's information will remain confidential and will only be used for voter registration purposes;

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[10] New R.C. 3503.111(B) and R.C. 3503.21.

[11] New R.C. 3503.111(C)(1) and (E).

- ▪ All of the following concerning political party affiliation, so that the elector may establish or change the elector's party affiliation (see "**Political party registration**," below):

  - ☐ A list of the currently recognized political parties, along with boxes for the elector to check to select a party with which the elector wishes to be affiliated;

  - ☐ A space for the elector to write the name of a recognized party that is not listed on the form, if the elector wishes to be affiliated with that party;

  - ☐ A box for the elector to check to indicate that the elector does not wish to be affiliated with a party;

  - ☐ An instruction to select or write the name of only one recognized party;

  - ☐ A statement that the elector is not required to select a party;

  - ☐ A statement that the elector will not be affiliated with any party if the elector is not currently registered as affiliated with a party and either does not return the notice or returns the notice but does not select or write the name of a recognized party or indicate that the elector does not wish to be affiliated with a party;

  - ☐ A statement that the elector will remain registered as affiliated with the elector's current party if the elector currently is registered as affiliated with a party and the elector either does not return the notice or returns the notice and does not select or write the name of a different recognized party or indicate that the elector does not wish to be affiliated with a party.

- ▪ The procedure to decline, to provide corrected registration information, or to establish or change the elector's political party affiliation by signing and returning the notice to the Secretary of State or the board of elections;

- ▪ The information included in a standard notice of voter registration, including the precinct in which the elector will be registered to vote and the types of identification that are acceptable for voting purposes, along with the elector's current political party affiliation, if any, as added by the bill.

As with any other notice of voter registration, the bill requires the board to send the notice by nonforwardable mail. Under continuing law, if a notice of voter registration is returned to the board, it must investigate and, if possible, send the notice to the correct address. If the board is unable to verify the elector's correct address, it must send the elector a confirmation notice by forwardable mail and mark the elector's name in the registration list and the pollbook to indicate that the elector's notice was returned to the board. At the first election at which the elector appears to vote, the elector must provide ID and cast a provisional ballot. If the provisional ballot is counted, the board must correct the elector's registration, if needed, and remove the marking in the registration list and the pollbook. If the provisional ballot is not counted because the board determined that the person was not eligible to vote or was unable to provide proper ID, the elector's registration must be canceled and the board must notify the elector by U.S. mail.

The bill specifies that if the elector declines, the board must not update the elector's registration. If the board already has conducted that update, the board must correct the elector's registration to reflect the name, address, and signature that it contained before the board updated the elector's registration.[12]

Erroneous voter registration updates

Under the bill, if an elector's name or address is updated in error under the Voter Verification and Registration Program, and the elector requests a correction and provides proof of the elector's true name or address, the board of elections must correct the elector's registration. Further, if the error is not corrected before Election Day, the elector may cast a provisional ballot using the elector's true name and address and have the ballot counted. If the elector casts the provisional ballot in the precinct in which the elector is erroneously registered, and not in the precinct in which the elector resides, the board must remake the provisional ballot to reflect the offices, questions, and issues for which the individual was eligible to vote and count each vote the elector was eligible to cast.

For example, if an elector submitted a permanent address change to the National Change of Address Service in order to receive mail at a relative's house, the elector's voter registration was updated to show the relative's address, and the elector's relative lost the notice that was sent to the elector at the relative's address, the elector might not realize that the elector's registration had been updated incorrectly. If the elector discovered the error before Election Day, the elector could request the board of elections to correct the elector's registration. Or, if the elector did not discover the error until the elector appeared to vote on Election Day, the elector could cast a provisional ballot, provide the required ID showing the elector's true residence address, and have that ballot counted. The provisional ballot affirmation also would be treated as a voter registration update form, causing the elector's address to be corrected after the election.[13]

Protection of persons who decline

The bill specifies that when a person declines to be registered to vote or to update the person's voter registration under the Voter Verification and Registration Program, the information obtained concerning the person, the contents of the person's declination notice, and the identity of the agency to which the person submitted the person's information is exempt from disclosure under the Public Records Law and must not be open to public inspection. Further, the bill prohibits any person acting under color of law from discriminating against the person on the basis of the person's declination.

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[12] New R.C. 3503.111(C)(2) and (D) and R.C. 3503.19.

[13] R.C. 3503.30 and 3505.183.

If the person is eligible to register to vote or to update the person's registration, the person's declination does not prevent the person from registering or updating the person's registration in the future.[14]

Criminal prohibitions involving voter registration

The bill modifies the continuing-law prohibitions against false voter registration as they apply to persons who are registered or have their registrations updated under the Voter Verification and Registration Program to avoid penalizing a person who does not intend to trigger a false registration or update. In general, a person who knowingly registers or attempts to register in a precinct in which the person is not a qualified voter, or who knowingly aids, abets, induces, or attempts to induce another person to do so, is guilty of a fifth degree felony.

Under the bill, if a person's voter registration or update is processed through the program and the person is not a qualified voter in the precinct or under the name indicated, the person commits a crime only if the person knowingly provides or attempts to provide false information with the intention of registering to vote or submitting a registration update using that information. And, the person is not considered to have knowingly updated or attempted to update the person's registration based solely on the person's failure to decline to update the person's registration.

For example, the bill would not penalize an elector who submitted a relative's address to the National Change of Address Service in order to receive mail there if the elector did not knowingly submit the relative's address with the intention of triggering a voter registration update to that address, even if the elector did not return the declination notice.

Similarly, a person who aids, abets, induces, or attempts to induce another person to have the other person's voter registration or voter registration update processed through the automated system when the other person is not a qualified voter in the precinct or under the name indicated commits a crime only if the person knowingly causes or attempts to cause the other person to be registered to vote or to have the other person's registration updated using information the person knows is false. For instance, the bill would not penalize a BMV employee who entered false information provided by a customer into the BMV's database, causing the customer to be registered incorrectly, unless the employee knew the information was false and knowingly caused the customer to be registered under that false information.

The bill also specifies that an in-person BMV customer whose voter registration is processed through the automated system and who is not eligible to vote in Ohio commits election falsification in signing the statement that the person is eligible to vote in Ohio, only if the person knowingly indicates or attempts to indicate that the person is eligible to vote with the intention of registering to vote. Under this provision, if a BMV employee accidentally asked a customer who was ineligible to vote to sign the eligibility statement, and the customer signed the statement without understanding its purpose, the customer would not be subject to prosecution.

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[14] R.C. 3503.112(A).

Finally, the bill prohibits any election official, any person assisting in the registration of electors, or any police officer from refusing, neglecting, or unnecessarily delaying, hindering, or preventing the registration of a qualified elector who should be registered or have the elector's registration updated under the Voter Verification and Registration Program. Continuing law prohibits those persons from refusing, neglecting, or unnecessarily delaying, hindering, or preventing the registration of a qualified elector who applies for registration in a lawful manner. Whoever violates that prohibition is guilty of a first degree misdemeanor.[15]

Implementation of Voter Verification and Registration Program

The bill requires the Secretary of State to implement the Voter Verification and Registration Program not later than two years after the first day of January after the bill takes effect. For example, if the bill took effect February 1, 2020, the Secretary would be required to implement the program not later than January 1, 2023 (two years after January 1, 2021, the first day of January after the bill took effect).[16]

Expansion of Voter Verification and Registration Program

Under the bill, the Secretary of State may, by rules adopted under the Administrative Procedure Act, evaluate the information maintained by state agencies other than the BMV, identify state agencies that feasibly could participate in the Voter Verification and Registration Program, and require the directors of those agencies to coordinate with the Secretary to establish participation by those agencies in the program in the same manner and in accordance with the same requirements as the BMV. Upon the request of the Secretary, a state agency must provide any information or assistance the Secretary requires to carry out the Secretary's powers and duties under the program.[17]

Conforming changes

The bill makes numerous conforming changes to other sections of the Revised Code to acknowledge the Voter Verification and Registration Program, including updating the required contents of the Secretary of State's voter registration brochure to include references to the program and how to decline registration or updating under the program.[18]

Statewide Voter Registration Database

Security and confidentiality

The bill relocates, but does not substantially change, a general requirement that the Secretary of State ensure the integrity, security, and confidentiality of information in the SWVRD. The bill adds a similar requirement that the Registrar of Motor Vehicles ensure the

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[15] New R.C. 3503.111(F) and R.C. 3599.11(A), 3599.18, and 3599.36.

[16] Section 3 of the bill.

[17] R.C. 3503.112(B).

[18] R.C. 3503.09, 3503.12, 3503.13, 3503.14, 3503.15, 3503.16, 3503.19, 3503.28, 3505.18, 3505.181, 3505.183, 3509.03, 3509.05, 3511.02, and 3511.09.

integrity, security, and confidentiality of the voter registration information that is stored in any BMV database.

Further, under the bill, the Secretary must publish and implement a privacy policy concerning the SWVRD. The policy must specify each class of persons who are authorized to access the SWVRD or to add, delete, modify, or print records contained in the SWVRD and the permissions and levels of access to be granted to each class of persons. Existing law requires the Secretary to adopt rules under the Administrative Procedure Act specifying the persons authorized to add, delete, modify, or print records contained in the SWVRD and to make updates of the SWVRD.

The privacy policy also must set forth other safeguards to protect the privacy of the information in the SWVRD that is not a public record and to prohibit public disclosure of all of the following information stored in the SWVRD:

- Any information that is not necessary to register to vote;

- Any full or partial Social Security number or driver's license or state ID card number;

- Any image of a person's signature;

- Any information concerning a person's declination to be registered or to have the person's registration updated under the Voter Verification and Registration Program created by the bill;

- The identity of any agency through which an elector registered to vote or updated the elector's registration or of any agency to which the elector submitted the elector's information, resulting in the elector being registered to vote or having the elector's registration updated under the program;

- Any information that is exempt from disclosure under the Public Records Law, including information concerning address confidentiality program participants and designated public safety workers.

The privacy policy must prohibit state agencies from transmitting any information to the Secretary or to a board of elections that is not necessary to register to vote, to update an elector's registration, or to maintain the SWVRD.

Finally, the bill eliminates requirements that the Secretary adopt rules establishing a process for annually auditing the information contained in the SWVRD and establishing, by mutual agreement with the BMV, the content and format of the data that the BMV must provide at least monthly to the Secretary for purposes of maintaining the SWVRD. (The Secretary's administrative rules governing the Voter Verification and Registration Program must include new requirements for information sharing with the BMV.)[19]

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[19] R.C. 3503.15(C) and (D).

Retention of canceled voter registration records

The bill requires the SWVRD to include methods to retain canceled voter registration records for a period that includes at least two federal general elections (four years) and to record the reason for their cancellation. Existing law requires those records to be retained for at least five years.[20]

Voter roll maintenance procedures

National Change of Address Process

As is explained above under "**National Change of Address Service**," the bill eliminates the current National Change of Address Process for voter roll maintenance, in which electors identified by the Service as having moved are sent confirmation notices. Instead, under the bill, those electors' registrations are updated under the Voter Verification and Registration Program created by the bill.[21]

Other processes, including the Supplemental Process

The bill relocates and rewords provisions of law that allow the Secretary of State to prescribe additional procedures to identify and send confirmation notices to electors who appear to have moved or had a change of name. The procedures must be uniform and nondiscriminatory and must comply with all applicable federal laws. Any procedures to identify and send confirmation notices to electors who appear to have moved to a location outside Ohio must be completed not later than 90 days before any federal election.[22]

Historically, the Secretary of State has issued directives requiring the boards of elections to implement the Supplemental Process, under which the boards also send a confirmation notice to any elector who has not voted or updated the elector's registration in the last two years, even if the elector was not included on the National Change of Address list. Under the bill, the Secretary may continue to use the Supplemental Process. But, the bill might reduce the number of electors who are sent confirmation notices under the Supplemental Process by triggering automated voter registration updates for electors who otherwise would not have updated their registrations. (See **COMMENT**, below.)

Confirmation notices

The bill consolidates and clarifies the language governing confirmation notices that are mailed to electors. Under continuing law, when the confirmation notice process is triggered, a board of elections must send the notice on a form prescribed by the Secretary of State, by forwardable mail and with return postage prepaid, to the elector to confirm the elector's current address. The notice must comply with all applicable requirements of the National Voter

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[20] R.C. 3503.15(C)(6).

[21] R.C. 3501.05(Q), new R.C. 3503.111(B), and R.C. 3503.21.

[22] R.C. 3501.05(Q), new R.C. 3503.111(G), and R.C. 3503.112(C) and 3503.21(B).

Registration Act of 1993, which created the confirmation notice process and lists the required contents of a confirmation notice.

Under the bill, if the elector fails to do one or more of the following at least once during a four-year period that includes two federal general elections, the elector's registration is subject to cancellation:

- Respond to a confirmation notice;

- Update the elector's registration;

- Have the elector's registration updated under the Voter Verification and Registration Program created by the bill;

- Vote in an election.

Currently, the Revised Code specifies that the elector's registration is subject to cancellation if the elector does not, during that period, either (1) respond to the confirmation notice and vote, or (2) update the elector's registration and vote. However, federal law only requires an elector who has been mailed a confirmation notice to respond to the notice, update the elector's registration, or vote, not to *both* respond or update the elector's registration *and* vote. It appears that the existing language in Ohio law is an error, and federal law is the controlling authority in this situation.

Continuing law specifies that if the elector does not take the required action, the elector's registration must be canceled not later than 120 days after the second federal general election occurring after the elector is mailed the notice or not later than 120 days after the expiration of the four-year response period, whichever is later. But, the registration must not be canceled during the 90 days immediately preceding a federal election.[23]

Cancellation of registration in former county of residence

The bill eliminates a requirement in law that when an elector moves and registers to vote or updates the elector's registration, the elector must submit an authorization to cancel the elector's previous registration. Instead, the bill specifies that the elector's new registration form operates as that authorization. And, in the case of an elector who is registered or has the elector's registration updated under the Voter Verification and Registration Program created by the bill, the board of elections that processes the elector's registration must create a notice to cancel the elector's previous registration.

When the elector's new registration is processed, the board of elections must send the authorization or notice, along with a copy of the elector's new registration form, to the board of elections of the county where the elector previously was registered or to the comparable agency in another state, if the elector has moved from another state. Under continuing law, the board that receives the authorization or notice must compare the signatures on the old and new registrations, cancel the elector's previous registration, and retain it along with the

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[23] R.C. 3501.01(W), 3503.19(C)(3), and 3503.21. See also 52 U.S.C. 20507.

cancellation authorization in a separate file for two calendar years. The board also must notify the elector of the cancellation.

When an elector is registered or has the elector's registration updated under the Voter Verification and Registration Program and the elector later declines, the bill requires the board that receives the declination notice to notify the board of elections or out-of-state agency responsible for the elector's previous registration to restore the previous registration and treat it as though it were never canceled.[24]

Compliance with federal law

The bill relocates but does not change a provision of law specifying that all procedures for maintaining the SWVRD must be uniform and nondiscriminatory and must comply with the federal Voting Rights Act of 1965, the National Voter Registration Act of 1993, and all other applicable federal laws.[25]

Political party registration

The bill allows an elector to establish or change the elector's affiliation with a recognized political party at any time. An elector's political party affiliation is determined based on the most recent of the following:

- The party the elector indicated on the elector's voter registration or update form, either on paper or through the online voter registration system;

- The party the elector indicated on an automated registration or update notice and returned to the BMV, the Secretary of State, or the board of elections;

- The elector's action in casting the ballot of a political party at a primary election during the current calendar year or the previous two calendar years.

Existing law specifies that an elector is considered to be affiliated with the political party whose ballot the elector voted in the most recent primary election within the current year and the immediately preceding two calendar years. New electors are not able to choose a political party until they vote in a primary, and electors are not able to change their recorded political party affiliations between primary elections.[26]

Registration form

When a person registers to vote or updates the person's registration on paper or online, the bill allows the person to select or write the name of a currently recognized political party, if the person wishes to be affiliated with that party. If the person is not currently registered as affiliated with a recognized political party and the person does not select or write the name of

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[24] R.C. 3503.21(A)(6) and 3503.33.

[25] R.C. 3503.112(C) and 3503.21.

[26] R.C. 3503.23, 3503.231, and 3513.05 and conforming changes in R.C. 3503.09(A)(1), 3503.10(E), 3503.19, and 3503.28(A)(4).

one recognized political party, the person must be considered not to be affiliated with any party. However, if the person *is* currently affiliated with a recognized political party and the person does not select or write the name of a party on the form, the person retains the person's prior party affiliation.

If a person is registered to vote or has the person's registration updated under the Voter Verification and Registration Program created by the bill, and the person wishes to establish or change the person's party affiliation, the person must select or write the name of a recognized political party on the notice provided to the person by the BMV or the board of elections, as applicable, and return the notice. (See "**Notice to customer and opportunity to decline**" and "**Notice to elector and opportunity to decline**," above.)

When a board of elections registers a person to vote or updates an elector's registration, the bill requires the board to include the elector's registered political party affiliation, if any, in the elector's notice of voter registration. An elector's political party affiliation, if any, also must appear in the elector's entry on the SWVRD website.[27]

School voter registration programs

The bill amends the statement that, under continuing law, a board of education must distribute to students if a public high school or vocational school conducts an in-class voter registration program. Under the bill, that statement must be as follows (new text is shown in italics):[28]

> Applying to register or declining to register to vote, *or registering as affiliated with a particular political party or registering to vote and remaining unaffiliated*, will not affect or be a condition of your receiving a particular grade in or credit for a school course or class, participating in a curricular or extracurricular activity, receiving a benefit or privilege, or participating in a program or activity otherwise available to pupils enrolled in this school district's schools.

Voting in a primary election

Political party ballots

The bill allows an elector who is not registered as affiliated with a political party to vote that party's ballot in a primary election by requesting that party's ballot, the same as under current law. The elector becomes affiliated with that party by casting that party's ballot.

However, the bill eliminates the ability of an election official to challenge an elector on the basis of the elector's party affiliation. Under existing law, an elector may be challenged on that basis if the pollbook does not indicate that the elector is affiliated with the party whose

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[27] R.C. 3503.14, 3503.15(G), 3503.19, and 3503.20. See also new R.C. 3503.11 and 3503.111.

[28] R.C. 3503.10(G).

ballot the elector wishes to vote, unless the elector is seeking to vote a new party's ballot at the party's first primary election. The challenged elector must sign a statement, under penalty of election falsification, that the elector desires to be affiliated with and supports the principles of the party whose ballot the elector wishes to vote. If the elector refuses to sign the statement, the elector may cast a provisional ballot.

This procedure is not used often because the Secretary of State instructs precinct election officials to challenge an elector's political party affiliation only if the official has personal knowledge that the elector is not affiliated with or a member of that party. The official must not rely solely on the notation of party affiliation that appears in the pollbook.[29]

Issues only ballots

Under continuing law, an elector instead may request to vote only for the questions and issues appearing on the ballot in a special election held on the day of a primary (an "issues only" ballot), regardless of the elector's party affiliation or lack of affiliation. Under the bill, casting an issues only ballot does not affect an elector's registered political party affiliation. The bill also modifies the language that appears on absent voter's ballot applications to clarify that an elector may request an issues only ballot instead of a party ballot.[30]

Eligibility to sign party candidate petitions

Under the bill, an elector may not sign or circulate a petition for a candidate who seeks to appear on a party's ballot in a primary election if the elector is affiliated with a different political party. Existing law prohibits an elector from signing or circulating such a petition if the elector voted in a different party's primary election within the preceding two calendar years.

Similarly, when a candidate who seeks the nomination of a newly formed political party circulates a nominating petition, the bill prevents an elector who is affiliated with a different political party from signing or circulating it. Under current law, an elector may not sign or circulate such a nominating petition if the elector voted as a member of a different political party at a primary election within the current year or the immediately preceding two calendar years.[31]

Eligibility to be a political party candidate

Under the bill, in order to be a candidate for nomination or election at a party's primary election, a person must be registered as affiliated with that party as of the date of filing the person's declaration of candidacy. And, in order to be an independent candidate, a person must not be registered as affiliated with any party. Existing law generally allows any person who claims to be a member of a party to be a candidate at the party's primary, regardless of which

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[29] R.C. 3513.18 and 3513.19. See also Ohio Secretary of State, *Election Official Manual,* Chapter 7, Section 1.10, available at sos.state.oh.us/globalassets/elections/directives/2019/dir2019-15_eom_ch_07.pdf.

[30] R.C. 3509.03, 3511.02, and 3513.18.

[31] R.C. 3513.05 and 3517.012.

party's primary ballot the person has recently voted. An independent candidate currently must claim not to be affiliated with a political party.

Continuing law includes special provisions concerning a person who currently holds an elective office for which candidates are nominated at a party primary who wishes to run in a different party's primary election. (That is, a person who holds a partisan office and was affiliated with Party A, but now wishes to seek Party B's nomination for an office in the upcoming primary election.) As with any other candidate, the bill requires such a person to register as a member of the person's new political party under the bill. And, under continuing law, the person must file a declaration of intent to seek the nomination of the person's new party, unless the person's new party is a newly recognized party conducting its first primary election. The declaration of intent must be made on a form prescribed by the Secretary of State, and must be filed not later than 4 p.m. of the 30th day before the person's declaration of candidacy and petition must be filed, with the same official with whom the person must file the declaration of candidacy and petition. After the person files a declaration of intent, the person may not file another for a period of ten years.[32]

Confidentiality for designated public service workers

The bill establishes a formal procedure for an elector to notify a board of elections that the elector's residence address is exempt from disclosure under the Public Records Law because the elector or the elector's family member is a designated public service worker. Under the bill, such an elector may submit that notice on a form prescribed by the Secretary of State and signed under penalty of election falsification. The Secretary must include information about this process in the voter registration brochure the Secretary must distribute under continuing law.

The bill requires the Secretary to prescribe methods for the Secretary and the boards of elections to note on the elector's registration record that the elector has submitted the notice and to maintain the note whenever the elector's registration is updated. The board must remove the elector's residence address and precinct information from the version of the SWVRD that is available to the public and from any version of the official registration list or other list of electors that is available to the public. The board also must exclude the elector from any precinct registration list that is available to the public and prevent any member of the public from inspecting the elector's registration form at the board's office. But, the elector's information still must appear in the pollbook, enabling the elector to cast a regular ballot, unlike with the continuing system used for address confidentiality program participants.

If the elector's right to vote is challenged, the bill requires the board of elections to apply the same procedure as the board currently must apply in the case of an address confidentiality program participant. The person who filed the challenge must not receive notice of the date and time of any hearing held concerning the challenge, must not be permitted to attend the hearing, and must not receive notice of the disposition of the challenge. The hearing

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[32] R.C. 3501.01(I) and (K), 3513.19, 3513.191, and 3517.013.

must not be open to the public, and any records created as a result of the challenge that include the elector's residence address or precinct must not be open to public inspection.

Under continuing law, a designated public service worker's personal residence address and the residence address of the spouse, former spouse, or child of a designated public service worker are exempt from disclosure as a public record. "Designated public service worker" means a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, county or multicounty corrections officer, community-based correctional facility employee, youth services employee, firefighter, EMT, medical director or member of a cooperating physician advisory board of an emergency medical service organization, State Board of Pharmacy employee, investigator of the Bureau of Criminal Identification and Investigation, judge, magistrate, or federal law enforcement officer.

However, existing law does not include a specific process for a person who is entitled to that public records exemption to notify a board of elections of the person's status so that the board can keep the person's address confidential. The Attorney General prescribes a form for a designated public service worker to submit to any government office to request that the worker's address be redacted from publicly available online records, but the Election Law does not acknowledge that process or require paper records to be redacted. Currently, the Secretary of State instructs designated public service workers to submit the Attorney General's form to the board of elections.[33]

Voter registration workers

The bill eliminates several provisions of law that applied to compensated voter registration workers because the law was ruled unconstitutional in 2006 and is not being enforced. Under that law, a compensated voter registration worker was required to do all of the following:[34]

- Preregister with the Secretary of State and complete an online training;

- Include the worker's own name, address, and employer on each registration form;

- Personally deliver or mail the completed form to the Secretary or a board of elections;

- Sign and submit with each batch of voter registration forms an affirmation that the worker has completed the training and complied with all laws governing voter registration activities.

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[33] R.C. 3503.13(A), 3503.15(G), 3503.22, 3503.23, 3503.24, and 3503.26. See also R.C. 149.43(A)(1)(p), (A)(7), and (A)(8), not in the bill, and Ohio Secretary of State, *Shielding our Protectors*, available at sos.state.oh.us/secretary-office/office-initiatives/shielding-our-protectors/.

[34] R.C. 3503.14, 3503.19(B)(2), 3503.28, 3599.11, and repeal of R.C. 3503.29. See also *Project Vote v. Blackwell,* 455 F. Supp. 2d 694 (N.D. Ohio 2006) and *Project Vote v. Blackwell,* 2008 U.S. Dist. LEXIS 9878 (N.D. Ohio 2008).

Consolidation of voter registration statutes

The bill consolidates several provisions of law that describe the methods for registering to vote or updating a voter registration and how the boards of elections must process voter registrations and updates. While the bill rearranges the statutes and eliminates redundant language, the bill does not substantively change them, other than to include references to the Voter Verification and Registration Program and to the provisions of the bill that allow an elector to establish or change the elector's political party affiliation at any time, as discussed above.[35]

Technical changes

The bill updates several references in Ohio law to the U.S. Code citations for the federal Voting Rights Act of 1965, National Voter Registration Act of 1993, and Uniformed and Overseas Citizens Absentee Voting Act to refer to those acts' current locations in the U.S. Code. The federal election laws were reorganized, but not substantively changed, in 2014.[36]

The bill also removes obsolete language from the statute governing the online voter registration system that required the system to be operational not earlier than January 1, 2017.[37]

COMMENT

Although the bill allows the Secretary of State to continue using the Supplemental Process for voter roll maintenance, the Process is the subject of recent litigation and has been temporarily modified by a consent agreement. In 2016, the Supplemental Process was challenged on the ground that federal law prohibits election officials from canceling a voter registration solely by reason of the elector's failure to vote. Two years later, the U.S. Supreme Court ruled that the Process does not violate federal law. But, the litigation continued on the issue of whether the confirmation notices sent under the Process through 2015 included all of the information required by federal law. (The confirmation notice form has since been changed.)

In August 2019, the Secretary of State entered into a settlement agreement to end the case. Among other actions, the settlement agreement requires: (1) that individuals who received confirmation notices and had their registrations canceled be permitted to cast provisional ballots and have them counted through 2022, (2) that the Secretary and the boards of elections send additional notices to electors who received confirmation notices before the

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[35] R.C. 3503.16 and 3503.19, repeal of R.C. 3503.111, and conforming changes in R.C. 3509.02, 3509.04, 3509.08, and 3599.12.

[36] R.C. 3501.01(Y) and (Z) and 3503.19(B)(1).

[37] R.C. 3503.20(E).

form was changed, and (3) that the Secretary send a voter registration mailing to persons who are eligible but unregistered.[38]

After the settlement agreement was signed, the Supplemental Process was challenged separately on the ground that the list of electors whose registrations were scheduled to be canceled in September 2019 wrongly included some electors whose registrations should not be canceled. The court denied the challengers' initial request for a temporary restraining order, but the case is still being litigated.[39]

HISTORY

Action	Date
Introduced	08-21-19

S0186-I-133/ks

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[38] *Husted v. Ohio A. Phillip Randolph Institute*, 138 S. Ct. 1833 (2018); *Ohio A. Phillip Randolph Institute v. Husted*, 350 F. Supp. 3d 662 (S.D. Ohio 2018); and Settlement Agreement, available at acluohio.org/wp-content/uploads/2019/08/APRI-Settlement-signed-by-all-parties.pdf.

[39] *Ohio Democratic Party v. LaRose,* Case No. 2:19-CV-3774 (S.D. Ohio September 3, 2019), available at files.constantcontact.com/b01249ec501/ccc8c5ec-e219-4fd9-8530-86a4799a582b.pdf. See also Ohio Secretary of State Directive 2019-22 (September 6, 2019), available at sos.state.oh.us/globalassets/elections/directives/2019/dir2019-22.pdf.