



Legislation Text

File #: O-246-18, Version: 1

Council Members Komives and Riley

Amending Toledo Municipal Code Ch. 115 to add sections entitle Increased Voter Registration Act.

SUMMARY & BACKGROUND:

Toledo City Council desires to designate the Dept. of Public Utilities as an agency to create opportunities for citizens to register to vote and hang appropriate signage.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That new Sections 115.05 through 115.11 of the Toledo Municipal Code are enacted as follows:

Increased Voter Registration Act

115.05. Designated Agencies.

(a) Each agency designated as a “designated agency” under the provisions of this section shall implement and administer a program to facilitate and encourage registration of eligible voters served by the agency, pursuant to the provisions of this section.

(b) The following municipal office(s) are hereby designated voter registration agencies:

Department of Public Utilities

(c) Such designated agencies shall be required to offer an opportunity to register to vote together with applications for services, renewal or recertification for services and change of address relating to such services.

(d) Such agencies shall provide assistance to applicants in registering to vote, and in cases in which such an agency would provide assistance with its own forms or website, such agency shall provide the same degree of assistance with regard to voter registration as is provided with regard to the completion of its own forms or website, unless the applicant declines such assistance.

(e) Such agencies shall also receive and transmit all completed physical applications to the Human Relations Commission, unless the applicant requests to send the form themselves.

(f) Provided however that this section shall not apply to services that must be provided to prevent actual or potential danger to the life, health, or safety of any individual or of the public.

115.06. Delegation, Enforcement, and Reporting.

(a) Within 120 days after the effective date of this section, designated agencies shall adopt and publish for public review such rules and regulations as may be necessary to implement this section, pursuant to any required notice and comment procedures the agency uses for other rulemaking.

(b) Within sixty days after the effective date of this section, the Human Relations Commission shall prepare and distribute to designated agencies written advisory agency guidelines as to the implementation of this section, shall share model agency plans, and shall establish training programs for employees of designated agencies.

(c) Each designated agency, shall (1) collect the following data and (2) submit annual reports on their implementation of this section to the enforcement agency. Such reports shall include, to the extent readily ascertainable:

(i) the number of individuals served by the agency in that period of time

(ii) the number of registrations completed via paper or on the agency's electronic platform,
and

(iii) the number of registration forms transmitted to the Human Relations Commission. Such reports shall be submitted to the Human Relations Commission by December 31 of each year, with the first reports due by February 28.

(d) The Human Relations Commission shall monitor agency compliance, compile data and statistics related to agency compliance with this section, undertake enforcement actions, and issue an annual public report on the implementation of this section that disaggregates such data by agency, on an annual basis. Such reports shall be published by February 28 of each year, with the first reports due by February 28, 2019.

(e) Any report produced under this section shall exclude any personal identifying information.

115.07. Agency Responsibilities

(a) Each designated agency shall designate one person within that agency to serve as coordinator for the voter registration program within the agency and its departments, divisions, and programs. The designated person shall be trained under a program designed by the secretary of state and shall be responsible for administering all aspects of the voter registration program for that agency. The designated person shall receive no additional compensation for performing such duties.

(b) Designated agencies shall provide an opportunity to register to vote or update voter registration information to all persons together with applications for services, renewal or recertification for services and change of address relating to such services.

(c) Designated agency staff shall provide assistance in voter registration; in cases in which such an agency would provide assistance with its own website or forms, such agency shall the same degree of assistance with regard to the voter registration as is provided with regard to the completion of its own website or forms, unless such assistance is declined.

(d) Designated agencies shall incorporate an opportunity register to vote into any application for services, renewal or recertification for services and change of address relating to such services provided via telephone, computer terminal, the Internet, other digital, wireless, or cellular technologies, or through any other means of remote interaction.

(e) Every designated agency shall distribute to its applicants, prior to or in conjunction with distributing a voter registration application, a form that includes all of the following:

(i) The question, “Do you want to register to vote or update your current voter registration?” --followed by boxes for the applicant to indicate whether the applicant would like to register or decline to register to vote, and the statement, highlighted in bold print, “If you do not check either box, you will be considered to have decided not to register to vote at this time.”;

(ii) If the agency provides public assistance, the statement, “Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.”;

(iii) The statement, “If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.”;

(iv) The statement, “If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the prosecuting attorney of your county or with the secretary of state,” with the address and telephone number for each such official's office.

(f) Any person indicating via means of remote interaction that they wish to register to vote shall be directed to an online voter registration form wherever possible; if online voter registration is unavailable, then that person should be directed to location on that system where such a voter registration application may be downloaded or be sent a registration application by the designated agency.

(g) Designated agencies shall accept completed voter registration applications, voter registration change of residence forms, and voter registration change of name forms, regardless of whether the application or form was distributed by the designated agency, for transmittal to the office of the board of elections in the county in which the agency is located. Each designated agency and the appropriate board of elections shall establish a method by which the voter registration applications and other voter registration forms are transmitted to that board of elections within five days after being accepted by the agency.

(h) Provide language assistance as regards voter registration by persons with limited English proficiency, pursuant to federal, state, and local laws, regulations, and existing Executive Orders. Such language assistance shall at minimum apply to the top three languages besides English spoken by the population of Toledo based on United States Census data, and include translated voter registration applications, informational and promotional material, and translation assistance.

(i) Provided however that this section shall not apply to services that must be provided to prevent actual or potential danger to life, health, or safety of any individual or of the public.

115.08. Privacy Protections.

(a) Within sixty days after the effective date of this section, the Human Relations Commission shall publish a privacy policy for Agencies that:

(i) Specifies each class of internal users within each designated agency who shall have authorized access to voter registration information, specifying for each such class the permissions and levels of access to be granted, and setting forth other safeguards to protect the privacy of voter

registration information

- (ii) Prohibits public disclosure of an individual's decision not to register to vote.
- (iii) Prohibits agencies from transmitting to election officials information other than that required for voter registration
- (iv) Prohibits the disclosure of information relating to persons in categories designated confidential by federal or state law, including victims of domestic violence or stalking, prosecutors and law enforcement personnel, and participants in a witness protection program.

115.09. Protections Against Undue Influence

- (a) Employees of a designated agency who provide voter registration assistance shall not:
 - (i) seek to influence an applicant's political preference or party designation;
 - (ii) display any political preference or party allegiance;
 - (iii) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or
 - (iv) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

115.10. Promotion and Display.

(a) Each designated agency, department, division and office that offers voters an opportunity to vote shall prominently display promotional material designed and provided by the Human Relations Commission for use in agency programs.

115.11. Funding

(a) An annual appropriation of \$5,000 shall be made to cover the costs of printing materials and implementation.

SECTION 2. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor