

Testimony on HB 260, Election Law
Before the House Elections and Ethics Committee

Presented by Peg Rosenfield on behalf of the
League of Women Voters of Ohio
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There are many things in House Bill 260 that we believe are improvements, but I am sure it comes as no surprise that we have a number of recommendations that we believe will make the bill better. Many of these concerns will be addressed by others. I will address just six areas of concern: voter ID, observers, in-person absentee voting, vote centers, vote by mail, and ballot language.

ID Requirements

I will begin with a topic which has been the subject of much discussion, but little analysis of the real issue -- identification requirements for voting. We'll start by considering what kinds of fraud that we are trying to prevent and what have been the results.

We are trying to prevent anyone from voting who is not entitled to vote, and we are trying to prevent anyone from voting more than once. For decades we did this by requiring each voter to sign in, so that signature could be compared to the registration signature, plus we allowed for challenging any voter on the basis of age, residency, citizenship, or registration.

Recently we added a requirement that every person voting in person on Election Day must also show ID. Exactly what kind of fraud does ID prevent?

- * It does not prevent underage voting (a bank statement doesn't show age; and obtaining a doctored driver's license to show you are of age is not unheard of);

- * It says nothing about citizenship (a noncitizen legal resident may legally get a driver's license);

- * It doesn't guarantee residency (your driver's license need not show your current address);

- * It does not guarantee that you are registered (that depends on whether you are listed in the poll book).

What the current requirements do NOT prevent is someone voting who is not entitled to do so, nor does it prevent double voting.

What is it meant to do, and what does it actually do? (1) It is meant to prevent you from impersonating another voter. You cannot go to the polls and vote as Margaret Rosenfield. But when did you ever hear of anyone trying to impersonate another voter? It doesn't happen. (2) What actually happens is that the ID requirement makes it much more difficult for people -- such as students, people with low incomes, elderly people in care facilities, people who move frequently, people whose homes have been foreclosed -- to vote.

Recommendations. We recommend two changes to the ID requirements in HB 260.

1. Require only signature verification at the polls, to be checked against the signature in the poll book -- with the explicit authorization for poll workers to be allowed

to ask for ID if they have any question that the signatures don't match.

2. If only signature verification is required, add a fifth ground for challenging a voter: identity. In addition to age, citizenship, registration, and residency, poll workers should be authorized to challenge the identity of any voter, as in "I do not believe you are Peg Rosenfield. Please show me some ID."

Observers

Everyone seems to agree that we need different rules for observers during voting and counting of ballots. There is not, however, unanimity of opinion about what those rules should be. Some observers have behaved inappropriately; and some poll workers have behaved inappropriately toward observers. However, observers serve a useful and vital function in providing an extra set of eyes and ears to assure that proper procedures are being followed during voting and counting of ballots. Therefore, it is important that everyone understand exactly what observers are allowed to do and what they may not do.

Recommendations. We recommend three changes to provisions dealing with observers.

1. State that observers may speak to specified poll workers or Board of Elections employees if they have questions, comments, or concerns about improper procedures.

2. Observers must wear badges or other official identification that says "Observer" and includes the observer's name so they are clearly identifiable to voters and poll workers.

3. Every observer is to be given a printed list of rights and responsibilities when the observer presents his/her authority to the presiding judge; and the same list will be part of the poll worker training and materials.

In-Person Absentee Voting

Many persons (including me) find it much more convenient to vote absentee ballots in person rather than having to apply by mail and then mail the voted ballot. HB 260 severely restricts the availability of this convenient way to vote.

Recommendations. If the legislature concludes that some restriction is absolutely necessary, we recommend two changes.

1. Instead of capping the number of in-person absentee voting sites at the arbitrary number of four for each county, tie the maximum number of sites per county to some number, such as one for every 100,000 population.

2. Restore in-person absentee voting on the Sunday and Monday before Election Day. These days are enormously important to many voters who have more time on Sunday or who suddenly find out on Monday that they cannot go to their polling place on Election Day. In fact, this was the reason the law was changed years ago. Boards of Elections used to close absentee voting at noon on Saturday; it was changed to extend it through Monday at 5:00 p.m. specifically to accommodate business travelers who found out on Monday that they were taking the red eye to Seattle that evening for a Tuesday morning business meeting.

Vote Centers

Vote centers are similar to the in-person absentee voting sites Ohio used in the general election in 2008, allowing any voter in a county to vote there instead of in their precinct polling place. Because of Ohio's uniquely complex rotation of candidate names on the

ballot, a vote center must have the capability of providing hundreds of different ballots. Boards of Elections say that this can be accomplished by using DRE's and/or optical scan paper ballots printed on demand.

While we do not object to piloting vote centers, we do have some concerns that they be carefully planned so they do not reduce voter access. We also want to be sure they do not lead to long lines, and we have concerns that print-on-demand may not be able to provide ballots fast enough to prevent long waits; and we have concerns about reliance on DRE touch-screen electronic machines, especially for so many different ballots.

Recommendations.

1. Require that plans for voting centers include specific details for how they will assure that DRE's are properly programmed and that voters will be provided the correct ballots; and/or that optical scan paper ballots can be produced quickly and accurately enough to ensure that voters will not have to wait for their ballots to be printed.
2. Require that voting centers be subject to especially rigorous auditing procedures before their election results are certified.

Vote by Mail

If congressional elections are to be conducted by all-mail balloting, we need to assure that the process does not add unnecessary burdens or costs. Some voters do not like to entrust their ballot to the postal service, fearing it will get lost. Others believe that paying postage to mail a ballot (often requiring extra postage) amounts to an impermissible poll tax.

Recommendations. We recommend two changes to all-mail-ballot elections.

1. Provide a few drop-off sites for voted ballots at convenient locations within any jurisdiction conducting an all-mail election. These could be libraries, fire stations, etc., where a ballot box could be kept under secure surveillance.
2. Mail ballots (not JUST applications for ballots) to every registered voter in the appropriate jurisdiction, with a return envelope with return postage prepaid.

Ballot Language

My favorite crusade: ballot language for issues should be concise. Lengthy language misleads voters into thinking that it tells them all they need to know about an issue to make an informed decision. It also creates long lines as voters read lengthy language about each issue. Currently Boards of Elections require the same wording as the legal advertising for local elections to be posted at each precinct or location. For statewide issues, the full text must be posted. The 300-word limit proposed in HB 260 is the same as the limit prescribed for the explanation and argument for or against a statewide ballot issue. As one of our members remarked, "We do not put biographies of the candidates on the ballot, so why are we putting explanations of the issues on the ballot?"

Lengthy ballot wording creates problems for Boards of Elections because of the difficulty in fitting it onto a single screen on a DRE touch screen machine or onto an optical scan ballot. Long ballots also increase costs of printing and mailing absentee ballots.

Recommendations. Therefore, we recommend that the ballot language should be limited to 100 words for each issue. This will allow voters to learn about the issues from

the official explanations and arguments and the campaigns. If the information currently required to be posted at voting locations is deemed to be insufficient, more information should be required.

Thank you. I will be glad to answer any questions on these or other items in the bill.

The League of Women Voters of Ohio, a nonpartisan political organization, encourages Informed and active participation in government, works to Increase understanding of major public policy Issues, and Influences public policy through education and advocacy.