



Frequently Asked Questions: House Bill 194 Referendum

The League of Women Voters of Ohio approved supporting the referendum on HB 194 at its Aug. 22 board meeting via conference call. An overview of significant changes HB 194 will make in the voting process is available at <http://www.lwvohio.org> or click [here](#).

Background

In June, the Ohio General Assembly passed HB 194, a bill which changes Ohio's voting laws in numerous ways. Some of the changes which are of particular concern to the League are:

- Shortening early voting from five weeks to three and eliminating most weekend hours.
- Elimination of requirement that poll workers direct voters to the correct precinct. (Failure to vote in the correct precinct means that the vote will not count.)
- Prohibiting boards of elections mailing absentee voter forms to voters or paying the return postage on such forms.¹
- Establishing a minimum precinct size in cities, which could result in longer lines on Election Day.
- Long lines of voters not be allowed to interfere with nearby businesses.

These changes and others could significantly increase lines on Election Day, force many more voters to vote provisionally and result in more votes being disqualified. LWV Ohio lobbied against many of these changes using our national position on voting: The League of Women Voters believes that voting is a fundamental right that must be guaranteed.

Fair Elections Ohio, a coalition of state legislators, voting rights advocates, labor unions, progressive groups and citizens started a petition drive to change many of the provisions of HB 194. Jennifer Brunner, the former Secretary of State, is leading this effort. The Ohio Attorney General rejected the first Referendum Petition circulated by Fair Elections Ohio in part because it sought to repeal only part of sections of the law. Accordingly, Fair Elections Ohio has started a new petition drive to repeal HB 194 in its entirety. A copy of the Referendum Petition is available [here](#). The requisite approximately 231,000 signatures must be collected by September 29, 2011- one day before HB 194 becomes effective. If the drive is successful, the matter will be submitted to the voters in the 2012 General Election **and** HB 194 will not become effective until the vote in 2012 -- and then only if the voters do not repeal it.

¹ It should be noted that on August 22, 2011, Secretary of State Husted prohibited county boards of elections from mailing unsolicited absentee-ballot applications at any time before the election, despite the fact that HB 194 will not go into effect until September 30th (if the referendum does not get the requisite signatures).

Frequently Asked Questions

1) *What positions provide the basis for supporting such a referendum?*

The League of Women Voters' core values include the following national positions:

- Protect the right of all citizens to vote.
- Encourage all citizens to vote.
- Facilitate citizens' participation in government decision-making.

One of the core components of LWV Ohio's Advocacy Agenda is elections and voting. The League advocates for election administration that removes barriers to voting, eliminates ambiguities and contradictions, and restores public trust in the electoral system.

2) *What did LWV Ohio say about HB 194 when it was being considered at the Statehouse?*

Specifically, this spring the League testified and communicated with legislators urging the following considerations for HB 194:

- "Right church, wrong pew" -- to encourage votes accidentally cast in the wrong precinct to be counted.
- Counties should be able to choose whether to mail absentee ballot applications to all registered voters and to prepay postage for the return of voted ballots.
- Counties should be able to choose to open alternative sites, be open on Saturdays, Sundays and the weekend before Election Day.
- Voter intent: to remove technical reasons for not counting a vote when voter intent is clear.
- Maintain current time periods for early, in-person absentee voting and mail-in absentee voting.
- Retain the requirement that poll workers must direct voters to their correct precinct.
- Continue use of 4-digit SS# rather than 9-digit (This was amended by second election bill, HB 224, so is no longer an issue.).

In addition, LWV Ohio noted its support of some of the administrative proposals in the bill – such as the provision that voters who change their names would again be able to vote a regular ballot instead of a provisional ballot, and that ballots not sealed in the secrecy envelope still be counted. There are other items in HB 194 on which we did not comment. In assessing the entire bill, LWV Ohio believes the provisions that are likely to disenfranchise voters or result in long lines on Election Day far outweigh the positive changes to election law made by HB 194.

3) *How does this fit into other priority activities?*

Election administration reform is a key area of work for LWV Ohio, and is an area of focus under the imPACT grant from the Joyce Foundation.

4) *Why is it important to take a stand now rather than wait until/ if it is on the ballot?*

Election issues are core to the League's work and reputation, including our work monitoring the lawsuit settlement. This is an opportunity for LWV Ohio to exert leadership as an advocate for voting rights. It is also important to recognize that if the referendum effort is not successful, the

deleterious effects of this legislation will be with us for the foreseeable future. Finally, we have been -- and will continue to be -- asked about the League's position on the referendum.

5) *What feedback has LWV Ohio received from local Leagues?*

At the four regional meetings held recently across the state, attendees from 23 local Leagues discussed HB 194 and the referendum, and were in favor of LWV Ohio supporting the referendum.

6) *Will this lead to a perception that the League is partisan?*

This is a core LWV issue. LWV Ohio has historically supported the positions outlined above to remove obstacles to voting, ensure all eligible voters can vote and ensure all valid votes are counted. To continue advocating for those is not a partisan stand; we are advocating for what we always have. Nevertheless, some may see support of the referendum as partisan because there was no bi-partisan support for HB 194. However, if we avoid issues to avoid that misperception, we wouldn't do much advocacy.

7) *What will LWV Ohio do to support the referendum?*

a. Publicity

b. Local Leagues may choose to be involved more actively

LWV Ohio has issued a press release and will be posting information on our website. For logistical reasons, LWV Ohio will not participate in gathering signatures on the referendum petitions.

The local Leagues are encouraged to participate *as they see fit, such as participating in gathering signatures on the petitions*. This can be an opportunity for local League engagement and visibility, but the extent of involvement is each local League's decision, from doing nothing to working with others on the petitions. Note: Leagues may not speak out against the referendum, however.

It is important that Leagues separate their advocacy – such as gathering signatures on referendum petitions (a lobbying, or 501(c)4 activity) – from other voter-related activities, such as registering voters (an education fund, or 501(c)3, activity). If you have any questions about this, you may contact the LWV Ohio office toll free at 1-877-LWV-OHIO, or 614-469-1505.

8) *Will LWV Ohio coordinate with the coalition leading the effort to get signatures for the referendum?*

No. Local Leagues, however, may choose to coordinate their efforts, if any, with other efforts in their communities.

9) *What timeframes are involved?*

Advocates have the opportunity to collect the necessary signatures by September 29, 2011. (If some of the signatures turn out to be invalid, the petitioners will have an additional ten days to collect additional signatures after the signatures are verified.) If the referendum effort is

successful in gathering the requisite ~ 231,000 valid signatures, HB 194 will be put on hold for the 2011 and 2012 elections -- and be voted on as a referendum in the 2012 general election.