



**LEAGUE OF WOMEN VOTERS®
OF OHIO**

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The Honorable Jennifer Brunner
Ohio Secretary of State
180 East Broad Street
Columbus, Ohio 43215

Dear Secretary Brunner:

The League of Women Voters of Ohio commends you for your report “Elections Enhancements for Ohio: A Report to the Governor and the General Assembly” issued on April 22, 2009. This thoughtful, extensive, in-depth report incorporates numerous suggestions and ideas from two statewide election-administration conferences held after the November 2008 election. It also addresses many of the issues outlined in the League’s “A 10-Point Proposal for Election Administration Reform.”

It is not our intent at this time to analyze each item in the report, but rather to highlight five significant issues that we believe need immediate revision, clarification or elaboration. Following is a discussion of those issues, with relevant pages of the report noted.

1. Establish uniform materials for provisional balloting (page 9).

The report recommends that poll workers be required to sign statements that they witnessed the voter’s completion of provisional ballot form and that the information required was or was not provided by the voter.

We believe it should be the explicit default position that any erroneous, incomplete or defective form be attributed to poll-worker error unless it is documented otherwise / that it was not poll-worker error. No such failure or error on the part of the poll worker shall be cause for rejection of the provisional ballot. Poll workers must affirmatively record actions they take on matters that may lead to the rejection of a provisional ballot.

2. Streamline voter identification laws (page 16).

The report states that “the focus of voter identification should be verification of identity, not address.” The expansion of identification documents that would be acceptable in lieu of a government-issued photo ID is commendable.

However, we believe the requirement that a voter produce two such documents is overly restrictive and of no practical value in preventing fraud. Moreover, voters are already required to sign the poll book in addition to providing an ID document. This signature, adjacent to the signature from the voter registration card, serves as a second means to confirm the identity of the voter and requiring a second ID serves no valid purpose.

3. Vote-by-mail for vacancy in office special elections (pages 19-20).

The report recommends that counties have the option to conduct all special elections for vacancies such as a federal office or municipal charter governed office via vote-by-mail elections only.

We agree this has the potential to reduce the cost of elections, but believe it may also result in unforeseen negative consequences such as an increase in the number of rejected mailed-in ballots. Implementation of vote-by-mail is only acceptable if other interrelated reforms (such as improving the forms) and sufficient safeguards are adopted.

4. Align Ohio's period for in-person early voting with other states (page 23).

The report recommends that in-person early voting begin approximately 20 days before the election rather than the current 35 days. This is a reasonable change and seems to align both with other states' election timeframes and with the period during which early voting is utilized most extensively. However, if this change is done in isolation, it will eliminate the overlap week during which citizens can register and vote at the same time. This overlap period increases voter participation by making it easier for marginalized citizens to vote, because they can register and vote at the same time.

We believe any change in the timing of in-person early voting should be accompanied by a change in the registration deadline to preserve the week of overlap.

The report also recommends ending in-person early voting "no earlier" than 5 p.m. on the Sunday before an election.

We believe this is unnecessarily restrictive. The League believes that in-person early voting should be continued through the Monday before the election in order to facilitate participation by the maximum number of voters.

Finally, the phrase "no earlier" is ambiguous and could be interpreted to mean that each county's board of elections (BOE) is allowed to decide independently when to end in-person early voting—as long as it's no earlier than 5 p.m. This ambiguity undermines the goal of uniformly administering elections across the state.

We believe elections must be administered uniformly by all BOEs so that the ease and opportunity for voting is equal for all citizens. Decisions with regard to timing or other significant aspects of election administration should not be decided on a county-by-county basis—and the laws and regulations must be clear.

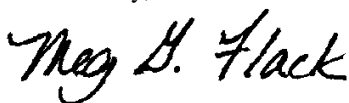
5. Clearly define "fatal error" for provisional and absentee materials (page 25).

The report recommends a standard statewide policy limiting the required information to verify a voter's eligibility to "those data points needed to identify the individual." It further identifies those data points as the voter's name, address, signature and identification.

We believe these requirements are overly restrictive. The policy limiting the required information should explicitly recognize that the purpose of provisional-ballot verification is to determine that the voter is a qualified elector. If a voter can be identified by the information provided, then the failure to provide additional pieces of information should not, in itself, constitute grounds for rejecting the ballot.

The League of Women Voters of Ohio looks forward to continuing to work with you and with the General Assembly to ensure that election-administration laws and regulations achieve the goals of the League's election-reform proposal: "First, to assure fair and honest elections; and second, to assure transparency in the election process so that voters, the media candidates, and the general public have confidence that elections are fair and honest."

Sincerely,



Meg G. Flack
President

Enclosure