



**LEAGUE OF WOMEN VOTERS® OF OHIO**

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**To: House Policy and Legislative Oversight Committee**

**From: Carrie Davis, Executive Director, League of Women Voters of Ohio**

**Date: November 6, 2013**

**Re: Proponent Testimony on HB 78**

Chairman Dovilla, Ranking Member Gerberry, and Members of the House Policy and Legislative Oversight Committee, thank you for the opportunity to present testimony on House Bill 78 on behalf of the League of Women Voters of Ohio.

The League supports modernizing our voter registration system. In our view, this modernization includes a variety of steps that can be taken to utilize technology to improve the system.<sup>1</sup> LWVO is pleased that the legislature is considering several aspects of modernization including authorization of electronic poll books (SB 109), voter registration database management (HB 78, SB 175, and SB 200), and online voter registration (HB 78 and SB 175). By adopting these electronic practices, government agencies can eliminate costly and time-consuming steps in election administration, reduce errors and increase the ease and convenience of the elections process for both their workers and for voters.

**Background on Ohio's Statewide Voter Registration Database**

In discussing how to improve Ohio's statewide voter registration database (SWVRD), it may help to begin with a short overview of how the SWVRD came to be, its purpose, and the rules that govern its upkeep.

**Origin and Purpose of the Statewide Voter Registration Database**

The bipartisan Help America Vote Act (HAVA) moved the nation forward into the 21<sup>st</sup> Century by requiring and providing funding for each state to establish a single statewide computerized voter registration list and for that list to serve as the official list for federal elections in each state. The goal of the new statewide voter registration database was to harmonize the numerous and often conflicting local voter rolls.

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<sup>1</sup> For a complete list of the national League's election administration reform priorities, please see: <http://www.lwv.org/files/VOTE%20Presidential%20Commission%20on%20Election%20Administration%20LWV%20US%20.pdf>

Creation of such a system will make the registration lists more accurate, and easier to update. It should reduce the incidence of voters appearing at a polling place only to discover that no record of their registration can be found. When voters move from one jurisdiction to another within that state, the statewide system will be able to track that movement. If for some reason a voter remained registered at their old address, the election officials will be able to see that and take corrective action. Requiring states to develop statewide databases will modernize and improve registration nationwide.

Committee on House Administration, Help America Vote Act, H.R. Rep. No. 107-329, at p.27.

HAVA additionally required the state's chief elections official to "coordinate" the new statewide voter registration list against the state's drivers license database and the federal Social Security Administration database. 42 U.S.C. §§ 15483(a)(1)(A)(iv), 15483(a)(5)(B). The purpose of this coordination is to help states more easily identify duplicate registrations. Thus, HAVA recognized the value of comparing the state voter registration database with other government data for the limited purpose of reducing duplicate registrations for the same voter.

#### Federal law pertaining to voter list maintenance & purging

When HAVA created the statewide voter registration database, it also specified rules to ensure that maintenance of registration rolls did not impede eligible voters in casting a ballot.

(2) The State election system includes provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following:

...(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.

States must ensure that their registration list is accurate and is updated regularly.

Leaving ineligible voters on the rolls leads to a number of problems. It increases costs ... is a waste of vital resources ... [and] lead[s] to the public perception that the process can be easily manipulated...

The minimum standard requires that removal of those deemed ineligible must be done in a manner consistent with the National Voter Registration Act. The procedures established by NVRA that guard against removal of eligible registrants remain in effect under this law. Accordingly, H.R. 3295 leaves NVRA intact, and does not undermine it in any way.

Committee on House Administration, Help America Vote Act, H.R. Rep. No. 107-329, at p.27-28.

This legislation, HB 78, builds on the modernization work begun with the NVRA and HAVA, and it is a reasonable next step to ensure the accuracy of our voter rolls.

## **HB 78**

There are several provisions of HB 78 that the League supports, and we have a few suggestions to strengthen these provisions.

- **Online Voter Registration**

Accurate, up-to-date voter registration lists are key to efficient management of the polls and to ensuring that voters are not faced with confusion, long waiting times and excessive numbers of provisional ballots. In nearly every area of American life, individuals are now able to conduct business accurately and quickly online, including buying tickets, updating information, paying bills and banking. It is time for election systems to join the 21<sup>st</sup> Century through secure online voter registration.

Many Ohio voters have taken advantage of the online portal on the Secretary of State's website to update their voter registration with a change of address or change of name. Extending this option to new registrants can be accomplished with legislation authorizing new registrants to apply online and making provision for electronic capture of the applicant's signature. HB 78 would make this possible and is a positive step forward in modernizing Ohio's elections.

Our one suggestion would be to extend the online registration option to ALL voters. The as-introduced version of HB 78 limits online registration to applicants who have a current and valid driver's license or state identification card on file with the Ohio Bureau of Motor Vehicles. Roughly 10% of eligible voters do not have a BMV ID, and they would be left out, as they are currently excluded from online updating of their registration. While most states that were early adopters of online registration tied it to driver's license records, some states and voter advocates have been exploring other options to verify a voter's identity and capture a signature. One option would be to tie in other state agencies that are required to conduct voter registration under NVRA, such as the Ohio Department of Job and Family Services.

- **Voter Registration Database Sharing**

In recent years, a number of initiatives have surfaced to expand on the voter registration database maintenance begun with HAVA. One of these is the ERIC Project (electronic registration information center) created by the Pew Charitable Trust. Another is the Interstate Cross-Check program out of Kansas.

While the growth of technology will always outpace the law's ability to keep up, it is important to have rules in place that set a framework for what data Ohio will share with such projects as part of its voter roll maintenance. HB 78 puts such a framework in place by specifying what data can be shared, with whom, and how confidential data shall be treated. That said, we would suggest tightening the language in Section 3503.15 to strengthen protection of Ohioans' confidential data. Amended Substitute Senate Bill 200, which was passed by the Senate last

week, included amendments to strengthen confidentiality protections, expressly limit the purpose and use of data sharing to voter list maintenance, and prohibit for-profit use or sharing of data. Perhaps that language in SB 200 and HB 78 could be harmonized to meet our shared goals.

- Database Mismatches

As noted above, any removal or change in a voter's registration record must comply with the rules established in the federal NVRA.

HB 78 makes clear that the name or address of a voter may only be changed as a result of the voter's actions in filing a change, not based on data matches. In addition, it specifies that if a database mismatch or discrepancy is found - where the information in a voter's registration does not match some other government record - then the proper course of action is for the local Board of Elections to contact the voter to verify the accuracy of the information in the voter's registration record. We would suggest, as we did with Sub.SB 200, adding express language that a mismatch alone cannot be the basis for purging a voter's registration.

Thank you for the opportunity to share our thoughts on HB 78.