

June 7, 2011

Speaker William G. Batchelder
Senate President Thomas E. Niehaus
The Ohio Statehouse
1 Capitol Square
Columbus, Ohio 43215

Speaker Batchelder and Senate President Niehaus:

We the undersigned write to express our deep concerns regarding SB 148 and HB 194. Through the hard work of legislators, election officials, and advocates, Ohio's election laws have taken major strides forward in recent years. These bills would wipe out much of that progress.

SB 148 and HB 194 would cripple in-person and mail absentee voting, one of Ohio's most important recent reforms. Both bills would hurt Ohio's voters by dramatically scaling back the window for early voting and eliminating county-level flexibility in crafting innovative, pro-voter policies. In-person and mail-in absentee voting allow those with real difficulties getting to the polls on Election Day to have their voices heard. They also significantly reduce congestion and confusion at the polls, problems Ohio has struggled with in the past. In addition, many counties have consolidated precincts since 2008 due to the increase in absentee voting, with substantial saving of money. This progression has further increased many counties' reliance on absentee voting.

The treatment of overvoting—when a voter selects too many candidates for a particular office—is similarly worrisome. The proposed reforms fly in the face of Ohio's proud statutory commitment to not invalidating votes unless it is impossible to determine voter's choice. SB 148 and HB 194 would reject ballots where voter intent is crystal clear, such as those where a voter properly marks the ballot for a candidate but also writes in or circles the same candidate's name.

The proposed policies would dramatically increase the number of provisional ballots cast while dramatically decreasing the probability that they will be counted. HB 194 would severely constrain voters' ability to receive assistance from poll workers by removing the requirement that poll workers direct voters to the correct precinct and by prohibiting them from assisting voters with the affirmation. At the same time, both bills expand the amount of information required for the provisional ballot affirmation thereby increasing the likelihood that legitimate ballots will be voided because of simple mistakes. Additionally, SB 148 and HB 194 create a needlessly high burden of proof for poll worker error, further stacking the deck against Ohio voters. Ohio already consistently ranks in the bottom of states for its' handling of provisional ballots, and these changes make a bad situation even worse.

Additionally, the proposed statewide voter registration database lacks essential safeguards. Both bills propose that the Secretary of State include data from other state agencies in the voter registration database (and that Boards of Election – and possibly others – have access to that data, for example, to process provisional ballots). There are no standards for ensuring that the data obtained from the other agencies is accurate and up-to-date or for allowing Boards of Election to correct inaccuracies. As a result, if this data were used for purging, legitimate voters would inevitably be disqualified due to inaccurate or confusing data.

Furthermore, SB148 raises significant privacy concerns, especially regarding the requirement to provide a full 9-digit Social Security number, rendering voters vulnerable to identity theft and potentially violating the Privacy Act of 1974 (5 U.S.C. § 552a). In addition, those voters lacking other documentation to register or update their addresses would be reluctant to give their full Social Security number to total strangers at public places or registration drives, raising issues of disenfranchisement through deterrence. In fact, address updates should be strongly encouraged, not discouraged, since they save counties money otherwise spent on wasted mailings or avoidable provisional ballots. Likewise, we should be encouraging, not discouraging, citizens to register.

We also remain concerned about changes in the voter ID requirement which have been previously discussed by the House. Simply put, voter ID laws are a solution in search of a problem. There is no substantial evidence of voter impersonation fraud, the only kind this law could prevent. Adding a photo ID requirement would only serve to further disenfranchise those voters who need the ballot most: young people, seniors, minorities, people with disabilities and the poor. It would also be expensive, requiring both free IDs (with new data showing that about 11% of the population would need free IDs) and costly re-training of poll workers. Government-issued photo ID is a policy the state does not need and cannot afford.

Ohio deserves a fair, efficient, and accessible voting system. These bills move Ohio farther away from that goal. For all of these reasons, we oppose SB 148 and HB 194 and urge you to work in a bipartisan fashion to craft real, forward-thinking, and pro-voter reforms.

Sincerely,

ACLU Voting Rights Project
Advancement Project
Advocates for Basic Legal Equality (ABLE)
AFL-CIO
Alliance for Retired Americans
American Association of University Professors
American Civil Liberties Union of Ohio
AMOS Project
A. Philip Randolph Institute of Ohio

Asian American Justice Center, Member of the Asian American Center for Advancing Justice
Asian and Pacific Islander American Vote
Campus Progress
Coalition of Black Trade Unionists Region V
Coalition on Homelessness & Housing in Ohio
Demos
Empowering and Strengthening Ohio's People (ESOP)
Fair Elections Legal Network
Feminist Majority
Greater Columbus Jobs with Justice
John Burik, Member, CASE Ohio
Lawyers' Committee for Civil Rights Under Law
League of Women Voters of Ohio
League of Women Voters of the United States
Mahoning Valley Organizing Collaborative
NAACP National Voter Fund
NARAL Pro-Choice Ohio
National Council of Jewish Women Cleveland (OH) Section
National Council of Jewish Women Columbus (OH) Section
Northeast Ohio Alliance for Hope
Northeast Ohio Voter Advocates
Ohio Civil Service Employees Association
Ohio Conference NAACP
Ohio Education Association
Ohio Federation of Teachers
Ohio Organizing Collaborative
Ohio Unity Coalition
Ohio Voice
Ohio Women with Disabilities Network
Planned Parenthood Affiliates of Ohio
ProgressOhio
Project Vote
Rock the Vote
Ron Olson, Member, CASE Ohio
The Leadership Conference on Civil and Human Rights
United Food and Commercial Workers Local 1059
United Food and Commercial Workers Local 75