



**LEAGUE OF WOMEN VOTERS®
OF OHIO**

17 South High Street, Suite 650 • Columbus, Ohio 43215
Phone (614) 469-1505 • Fax (614) 469-7918
www.lwvohio.org

TO: Senate State Government Oversight & Reform Committee
FROM: Peg Rosenfield, Elections Specialist, LWVO
Re: Interested Party Testimony on SB 216

Chairman Burke, Ranking Member Smith, and Members of the Senate State Government Oversight & Reform Committee, thank you for the opportunity to present testimony on Senate Bill 216 on behalf of the League of Women Voters of Ohio. I am Peg Rosenfield, Elections Specialist for State League.

The League has several concerns with SB 216 as introduced. We hope that amendments will be considered to address these issues. There are also a couple of changes made by SB 216 that we support.

Reducing the 10-day Cure Period (Sec. 3505.18(A)(2) Lines 365-419, also Lines 852-853, 956, 991, 1018)

We join the OAEO in objecting to this shortening of the cure period from 10 days to 3 days for voters to present identification to the Board of Elections so their provisional ballot can be counted. The BOE is not allowed to count provisional ballots until they begin the official count 11 days after election day. Therefore, shortening the cure period does nothing to speed up the official count of ballots, but it does make it more difficult for voters to have their ballots counted.

Eliminating the Affirmation for Voters who lack ID (Sec. 3505.18(A)(2) Lines 387-412)

We are also concerned that SB 216 seeks to eliminate the affirmation for voters who do not have one of the acceptable forms of identification or a Social Security number. While it is true that this provision is not often used, it is an important safety net to ensure that no eligible voters are disenfranchised.

Wrong Precinct Form (Sec. 3505.181((C)(2) Lines 688-703)

This new wording requires the precinct election official to fill out an extensive form proving that the official sent the voter to the correct precinct in a multi-precinct location. It raises the question: If the election official does **not** fill out the form completely and correctly, will the

voter's provisional ballot be counted or will it be rejected? This wording does not make it clear, setting up the potential for inconsistent decisions and more litigation.

Affirmation Form (Sec. 3505.182 Lines 769-770, 819-843, 942-943)

(1) Residency -- This new wording requires the provisional voter to swear "*I have lived in this state for 30 days immediately preceding this election....*" There are any number of circumstances in which someone could have lived in Ohio for years but was out of the state for months on business, school, vacation, or the armed forces and retained their Ohio residency. What if they moved back to a different address in Ohio just before election day, but did not file a change of address when they returned in time to vote? They cannot sign that statement that they *lived* here, but they are entitled to have their provisional ballot counted. The wording in this section needs to be changed to clarify that the voter is and has been a *resident* of the state.

(2) Election Official Form Review -- In addition, SB 216 removes the requirement that the election official check that the voter filled out the rather lengthy and complex provisional ballot affirmation form. As we all know, election law is very complex. Expecting a voter – who has had no training – to read through a list of legal jargon and check off the reason they were given a provisional ballot, when they may not even know why they were given a provisional, is unreasonable. Election officials – who have been trained – would be the ones making the determination that the voter needs to cast a provisional ballot and the reasons why, and therefore they are the only ones qualified to fill out this portion of the form. It should remain an election official duty, because they are trained to do this, but voters are not.

(3) Additional fields -- The new wording adds date of birth and current address to the required information on a provisional ballot affirmation. These can be useful for identifying a voter and should certainly be **requested** information to help the BOE in validating a provisional ballot. But making it **mandatory** just provides another reason to reject a ballot if that affirmation is not completed absolutely correctly.

Multiple Precinct Polling Locations (Sec. 3501.22(A)(2) Lines 57-66.)

The League supports codifying Franklin County's practice for multiple precinct polling locations. Providing that the Board of Elections may designate a single presiding judge and combine pollbooks improves efficient and effective election administration.

Franklin County already has multi-precinct polling locations, allows one presiding judge to serve the whole location, and has combined poll books of the paper variety.

Having one presiding judge is more efficient. Having more than one presiding judge can be complicated and confusing. You always have to consult and reach agreement with the other presiding judge. There needs to be one person who says put that table over there, you can go to lunch at this time, you need to put on your youth at the booth T-shirt. There is no reason for

two or more presiding judges from the same location to be sitting in their cars trying to return election materials at the end of the day on election day.

Combined poll books have many benefits. You can't be in the correct location and the wrong precinct. You don't end up with a line in one precinct while a few feet away the roster judges for the other precinct are doing nothing. Try explaining that to a hurried voter. Combined pollbooks are more efficient for poll workers and voters alike.

Allowing a Provisional to Serve as a Change of Address (Sec. 3503.16, (B)(2)((b) Lines 185-191; (B)(2)(d) Lines 212-215; (C)(2) Lines 243-249, (C)(4) Lines 266-269.)

We agree with allowing a provisional ballot affirmation to serve as a change of name or change of address. Having up-to-date voter rolls improves both voter access and election integrity, and this change streamlines the process by allowing a voter to update their registration while at polls instead of having to file a separate form.

As the saying goes, the devil is in the details. And elections revolve around such details. This is a good reason to slow down this express and take the time to get these details resolved now.

I will be glad to answer questions.