



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

LWVO Interested Party Testimony on
SB 21 – Electronic Pollbook Usage
Senate Government Oversight and Reform Committee
Carrie Davis, Executive Director
Peg Rosenfield, Election Specialist
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Chairman Coley, Vice-chair Uecker, Ranking Member Schiavoni, and members of the Senate Government Oversight and Reform Committee, thank you for the opportunity to present Interested Party testimony on Amended SB 21 on behalf of the League of Women Voters of Ohio.

Many of our League members work the polls on Election Day, and quite a few are polling location managers in different parts of the state. We shared SB 21 with them to get their reaction, based on their many years of experience working the polls, balanced with their view as League members who are committed to free, fair, and accessible elections.

Our members who regularly work the polls and manage polling locations agreed that there are indeed times during low turnout elections that they are overstaffed and could effectively manage the polls with fewer people, especially in counties where voter check-in is faster and more efficient thanks to electronic pollbooks. However, they also caution that there are several potential downsides to having too few people:

- The total number of poll workers, per state law, needs to include equal numbers from both major political parties, which means reductions can only be made in even-numbered increments.
- There needs to be sufficient poll workers in order to cover restroom or meal breaks and still have partisan balance. One of our members relayed a story from years ago when all the poll workers of one party all went to lunch at the same time, leaving only poll workers of the other party to man the polls – something that clearly must be avoided in order to follow the law.
- There are some circumstances in which poll worker reductions would be detrimental to the proper running of the polls. You certainly don't want to risk having too few workers in a higher turnout election. The same is true for a location that is likely to require additional support even in lower turnout years, such as a nursing home where voters are more likely to need assistance in voting or a community in which people move more frequently and could

have a higher usage of provisional ballots – both of which are real examples that resulted in long lines in recent years.

It is important to balance both of these concerns. Yes, it may be reasonable to reduce poll workers in electronic pollbook counties in some situations. But we also need to take precautions not to invite the problems listed above.

In testimony given September 27th by Mr. Timothy Ward from the Ohio Association of Election Officials (OAE) in support of SB 21, he stressed that Boards of Elections (BOEs) will take a thoughtful approach to poll worker reductions and do not take them lightly. That, if they guessed wrong and it resulted in long lines, they would be out of a job and could face lawsuits. He also mentioned that there is a current Secretary of State (SOS) directive that requires BOEs to think through how many poll workers and voting machines are needed based on expected turnout for that election.

The SOS directive Mr. Ward mentioned is a critical part of this discussion and of particular interest to LWV Ohio, as it came about as a result of our lawsuit. In the aftermath of the 2004 election, in which many Ohio counties experienced incredibly long lines, stretching well into the night, LWV Ohio sued then-Secretary Blackwell. During the course of the litigation what became clear was that many BOEs decided how many poll workers and voting machines to assign to a precinct based on historic turnout, rather than trying to determine expected turnout based on the number of registered voters. In 2004, there had been a concerted effort by many groups to register new voters and turn them out to vote in the presidential election, and some BOEs were not prepared for the wave of new voters.

Ultimately, after the US Sixth Circuit Court of Appeals ruled in our favor and remanded for trial, we reached a settlement agreement with the state. One of the terms of that settlement required the Secretary of State to issue a directive requiring all BOEs to prepare a written Election Administration Plan (EAP) in which they would systematically plan out all phases of the election to ensure there were adequate resources (poll workers, voting machines, ballots, etc.) for each location, as well as other protections such as requiring a post-election audit to verify results and having pre-thought-out contingency plans in case something did go wrong.

During the time in which the settlement agreement was in effect, LWV Ohio and our lawyers at the Brennan Center would review the EAPs. Over the years, they improved considerably, and many election officials came around to see them as a useful tool for planning and could even help protect them from future lawsuits by showing what planning went into preparing for the election.

Mr. Ward from OAE mentioned that the directive and EAP process would provide adequate assurance that BOEs would take a thoughtful approach to deciding if and when to reduce poll workers. The problem, however, is that directives can change at the whim of each subsequent Secretary of State.

Therefore, LWV Ohio respectfully suggests that this Committee amend SB 21 to officially codify the EAP requirement. If this Committee wishes to grant BOEs the discretion to reduce the

number of poll workers, then that discretion ought to include “guardrails” to ensure such discretion is used responsibly and that there is an adequate public process for such decisions. While we all hope for the best judgment exercised by our officials, in order to protect the integrity and fairness of our elections, our laws need to include adequate protections.

Thank you for the opportunity to testify, and we would be happy to answer your questions.

The League of Women Voters of Ohio, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.