



**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

Statement by
Carrie L. Davis, Executive Director
League of Women Voters of Ohio
Presented to the
United States Senate Judiciary Committee,
Subcommittee on the Constitution, Civil Rights and Human Rights
May 7, 2012 Field Hearing on
“New State Voting Laws III: Protecting the Right to Vote in America’s Heartland”

Thank you Chairman Durbin, Ranking Member Graham, Senator Brown, and members of the Subcommittee for holding this field hearing which will help focus our nation’s attention on voter suppression legislation that is sweeping this country and threatening the integrity of the November 2012 election in many states, including key swing states like Ohio. The right to vote and have your vote counted is the very foundation of our democracy and recently it is under attack.

My name is Carrie Davis, and I serve as Executive Director of the League of Women Voters of Ohio. The League of Women Voters has over 140,000 members and supporters nationwide, with Leagues in all 50 states and in more than 700 communities across the country. The League has been fighting for equal access to the polls since our inception 92 years ago, when our organization was formed by those who successfully fought to gain the right to vote for women.

A. The League of Women Voters has actively fought against repressive voting legislation across the country in 2011 and 2012, and that fight continues.

During the last year and a half, we have experienced an unprecedented attack on voting rights. According to the National Conference of State Legislatures, 341 photo ID bills alone have been introduced in 41 states in 2011-2012. The League actively opposed a wide variety of voter suppression legislation in 22 states. To date, four of those states have new laws that create new and in some cases insurmountable barriers to the polls, and five more states’ suppressive laws are awaiting legal decisions.

This assault on voters is sweeping across the country, state by state, and is one of the greatest self-inflicted threats to our democracy – our way of governing – in our lifetimes. These new laws threaten to silence the voices of those least heard and rarely listened to in this country – the poor, the elderly, racial and ethnic minorities, the young and the differently abled. These state legislative threats include requiring restrictive photo ID and or proof of citizenship in order to

vote. They include restricting independent voter registration drives, eliminating Election Day registration, dramatically shortening time periods for early and absentee voting, and imposing presumptions of voter error.

The League of Women Voters opposes these new laws and legislation because:

- They risk disenfranchising millions of eligible voters
- They will cost millions of dollars to implement
- There is no evidence that there is a need for such draconian measures

In Wisconsin the state not only passed a strict voter photo ID bill, but they also made it more difficult for organizations like the League to register new voters. Previously a volunteer could be trained by the state's Government Accountability Board to register voters anywhere in the state but now our volunteers must be trained by each individual municipality to register voters from that jurisdiction and there are over 1,800 municipalities. Regarding their ID bill, the League in Wisconsin has challenged their new law based on the Wisconsin Constitution. This action has resulted in a permanent injunction of the law ensuring photo ID will not be required in a series of elections relating to primary and recall elections occurring in April, May, June and August. A final determination is still pending.

The state of Florida has also passed a law that puts new onerous restrictions on organizations that want to conduct voter registration drives in the state. The League in Florida has been forced to stop registering voters in the state because of the potential penalties in the new law, including fines up to \$5,000 and a third class felony. The League is also actively seeking denial of pre-clearance of their new restrictions on third party registration.

These laws have added new bricks to the wall of obstacles some face on their way to the ballot box. These laws are confusing, time consuming and cost-prohibitive for many law abiding citizens, including some who have been exercising their legal right to vote for decades and are now unsure if they can "jump high enough" to get to the ballot box.

Not surprising, many of these battles over voting rights are happening in states where close vote counts will have a dramatic impact. If the votes are close, and there are disputes over implementation of new laws, there is a real risk that our nation could face a repeat of disputed election results being tied up in lengthy and complicated litigation and throwing doubt on the legitimacy of the election results.

B. The League of Women Voters of Ohio and its coalition partners have been actively engaged in a year and a half long battle to fight off costly and confusing legislation that, if implemented, runs the risk of returning Ohio to the problems of 2004¹.

¹ Ohio's 2004 election woes were well chronicled. They included long lines and wait times up to five hours at the polls on Election Day, controversy over issuing or counting provisional ballots cast in the wrong precinct, and the proper format for voter registration forms. In 2006, the Ohio General Assembly enacted legislation that expanded mail-in absentee voting to all voters, rather than those meeting a list of select criteria, and created the option of in person early voting. These were done in large part to remedy the 2004 problem of long lines at the polls. For a more

The League of Women Voters of Ohio (LWVO) has ardently advocated for sensible election policy based on one of the League's founding principles: "The League of Women Voters believes that every citizen should be protected in the right to vote." The consent of the governed means that we absolutely believe in the importance of every vote, and that the right to vote is hollow without access and unless every vote is counted. Regrettably, the 2011-2012 Ohio General Assembly has not emulated this principle.

Voting is also considered sacrosanct under the Ohio Constitution, which states in part:

“Every citizen of the United States, of the age of eighteen years, who has been a resident of the state, county, township, or ward such time as may be provided by law, and has been registered to vote for thirty days, **has the qualifications of an elector, and is entitled to vote at all elections....**”

Article V, Section 1 of the Ohio Constitution (emphasis added).

The Ohio Constitution authorizes the legislature to enact laws concerning residency. However, once residency is established and the citizen has been registered for thirty days, that citizen is “entitled to vote at all elections.” That statement is very clear. It does not say that you are only entitled to vote if and when the voter jumps through additional hoops.

1. During the 2011-2012 legislative session, the Ohio General Assembly passed legislation that would roll back the progress that has been made since 2004 and that suppresses the votes of countless eligible Ohio voters.

The Ohio General Assembly has moved several different election bills, so far, in the 2011-2012 legislative session. All of these bills include provisions that voter advocates, including the League of Women Voters of Ohio, opposed on the basis that they would harm voter access and were not needed.

- Voter ID - House Bill 159 (HB 159) would have imposed a restrictive photo identification requirement on all voters, whether voting in person or absentee. The House and Senate each passed different versions of the bill in the spring of 2011 but in the face of strenuous objections from good government groups such as the League, the legislature did not ultimately agree on a version to pass. However, even though the voter identification bill did not pass, many Ohioans mistakenly believe that it did. In both the November 2011 general election and the March 2012 primary, voter advocates received phone calls and written feedback from many voters, including long-time voters, who were confused as to what voter identification rules were currently in effect. We also heard of poll workers who were unsure what the law required. As presidential elections historically are the highest turnout elections, LWVO is concerned that many more voters and poll workers may have the same confusion this fall.

thorough discussion of Ohio election history, please see Written Statement of Professor Daniel Tokaji as presented at the above-captioned field hearing.

- Systemic Elections Changes - At the same time, both chambers were also considering a pair of bills to make comprehensive election changes, Senate Bill 148 (SB 148) and House Bill 194 (HB 194). The two bills were eventually merged into HB 194, which was passed in June 2011. HB 194 included numerous changes that are harmful to voters, most notably: (a) a huge reduction in the dates for early in-person and mail-in absentee voting; and (b) worsening the problem of voters appearing at the right polling location but wrong precinct table, HB 194 removed the requirement that poll workers direct voters to the proper precinct. These will be addressed in more detail below.
- Three weeks after passing HB 194, the General Assembly added a slate of amendments onto a separate bill, House Bill 224 (HB 224), to make changes to the recently passed HB 194. However, after a successful referendum petition effort blocked HB 194 from taking effect, elections were once again thrown into confusion over whether the HB 194 referendum only blocked HB 194 from taking effect or if it also blocked part or all of HB 224 from taking effect. Even the Ohio Secretary of State had to request an Ohio Attorney General Opinion to divine the answer.²
- Most recently, in spring 2012, the General Assembly took up a bill to repeal HB 194 so that the referendum would not appear on the November 2012 ballot.³ As of today, the Ohio Senate has passed SB 295, and the bill is currently pending on the House floor calendar.⁴

Collectively, all of this legislative tug-of-war has thrown Ohio elections into a state of confusion. Voters are not the only ones harmed; election officials and poll workers are too. It takes a lot of

² On September 28, 2011, the Ohio Attorney General issued Opinion 2011-035 (available online at <http://www.ohioattorneygeneral.gov/getattachment/7e57b6b7-1679-495c-901e-55cdaa7d5f80/2011-035.aspx>) to clarify what effect the referendum on HB 194 would have on the effective dates of provisions in HB 194 and provisions in HB 224 that refer back to HB 194. The 13-page opinion delves into a constitutional analysis of the legislative and referendum processes, and it ultimately concluded that some provisions of HB 224 are stayed by the HB 194 referendum while others are not.

The Ohio Secretary of State then issued Advisory 2011-07 (available online at <http://www.sos.state.oh.us/SOS/Upload/elections/advisories/2011/Adv2011-07.pdf>) on October 14, 2011, which lists certain provisions of HB 224 that were stayed by the HB 194 referendum and also includes a list of other provisions that were not stayed.

³ It is unclear whether the state constitution allows for legislative repeal of a bill that has never taken effect and is pending a referendum vote. To the best of the League of Women Voters of Ohio's knowledge, and that of our coalition partners, the Ohio Supreme Court has never addressed this issue. Perhaps even more troubling, members of the General Assembly have nonetheless rushed to pass a repeal bill despite its dubious constitutionality. See, e.g., "Batchelder On Board With Election Law Repeal Bill Teed Up For Senate Committee Vote," 3/19/2012 Gongwer Report ("Speaker Bill Batchelder (R-Medina), who previously expressed concern that repealing a law during a citizen-initiated referendum might prove unconstitutional, now thinks the House should follow the Senate's lead, according to spokesman Mike Dittoe. Speaker Batchelder still has some lingering constitutional misgivings, he said. 'But that's only because we have no precedent. We don't know what scenario will play out.'").

⁴ Gregory Moore, with Fair Elections Ohio, will address the HB 194 referendum and SB 295 repeal in more detail in his written statement and testimony to this Committee.

time and planning to run a smooth election, and that cannot happen when the rules are continually in flux. The steady stream of proposed changes in the midst of a presidential election cycle makes it harder for election officials to draft and implement their election administration plans. It also makes it harder for election officials to train poll workers if whatever rules are in effect today may change tomorrow.

Perhaps the biggest impact is the confusion this causes voters and poll workers. Yet, none of the legislature's proposals has called for, let alone funded, increased poll worker training or voter education to keep up with the ever changing election legal landscape.

One need look no further than the Ohio voter identification law to underscore the need for voter education and poll worker training on any significant election law changes. The Ohio legislature imposed the current voter identification requirements in House Bill 3 (HB 3), which was passed in 2005 and went into effect in 2006. Despite the fact that HB 3 provided for voter education, and that poll worker training every year since has included voter identification rules, we continue to receive reports from voters that some of them are confused about what forms of voter identification are accepted and that some poll workers will not accept forms of lawful identification. If confusion remained prior to 2012, then the recent flurry of legislation is going to make the problem worse, not better.

Unlike other election administration matters on which all sides may not always agree, I think we can all reach consensus on the idea that elections operate more smoothly when the participants – election officials, poll workers, and voters – understand the rules.

Prevailing wisdom among election officials and voter advocates is that major election changes should be made in off-year elections for this very reason – it takes time for election officials, poll workers, and voters to adapt. Making major changes in the middle of a presidential election, especially without any provision for voter education and poll worker training, is a recipe for confusion; and confusion leads to lost votes – whether due to inadvertent error or people capitalizing on that confusion to suppress voter participation.

- 2. HB 194, if it were to go into effect, would not only risk suppressing votes of specific communities, it would lead to – rather than avoid – longer lines on Election Day, increased costs to cash-strapped counties, and the likelihood of even more lawsuits.**

Numerous voter advocates cautioned the Ohio General Assembly against enacting HB 194. Groups including the nonpartisan League of Women Voters of Ohio, Miami Valley Voter Protection Coalition, Northeast Ohio Voter Advocates, Common Cause Ohio, Coalition on Homelessness and Housing in Ohio, ACLU of Ohio, and the Ohio Women with Disabilities Network were joined by academic and national experts in urging the legislature not to pass such a harmful law, especially on the eve of a presidential election year.

Many of the changes made by HB 194 would reverse the progress that Ohio has made in the years since the well-chronicled problems of the 2004 election, worsen existing problems, and create new ones.

HB 194 would impose severe cuts to the time periods for early in-person and mail-in absentee voting

In 2006, the Ohio legislature expanded early voting options. It moved from excuse-only mail-in absentee voting to no-fault absentee voting that is open to all registered voters. It also created in-person early voting at the county Board of Elections during the same time period. Thus, beginning in 2006, Ohio voters could cast an early ballot – either in person or by mail – beginning 35 days before Election Day up through the day before.

HB 194 drastically cuts both time periods. It would reduce the start of mail-in voting from 35 days to 21 days before Election Day, and it would reduce the start of early in-person voting from 35 days to 17 days before Election Day. It also ended early voting at 6p.m. the Friday before Election Day. This translates to a reduction from the current 5 weeks of early voting by mail or in person to 3 weeks of vote by mail and 2 weeks of early in-person voting.

HB 194 also cut the hours and days that early in-person voting could be held by the counties. Evening hours would no longer be permitted, as early voting would be limited to regular business hours. No more Sunday voting. Saturday voting would be limited to 9a.m. until 12 noon – no afternoons or evenings.

The increase in absentee voting has helped prevent a repeat of the long lines of voters that caused hardship for voters and embarrassed Ohio in 2004. To that same end and to increase convenience for voters, boards of elections have initiated a variety of innovations that have also been successful in reducing some of the stress on poll workers and have afforded voters a variety of means to cast their vote. Several legislators falsely asserted during hearings on HB 194 that these differences violate the right to equal protection embodied in the 2009 settlement of the League's lawsuit against the Secretary of State, *League of Women Voters of Ohio v. Brunner*. Not so, the LWVO lawsuit and settlement were designed to ensure a fair and even playing field protective of voters' rights. The aim was to prevent voters from being disenfranchised or unduly burdened by individual counties that were interpreting and applying the law in varying ways that took away the right to vote. Neither the settlement nor the right to equal protection provides that counties should only do the minimum – and no more. Counties may provide additional assistance to voters beyond the minimum the law requires, taking into account their particular demographic, geographic and financial circumstances.

Proponents of HB 194 also claimed that reduced early voting would save county Boards of Elections money. That, too, is questionable. During legislative hearings on HB 194, Betty Smith, then-Deputy Director and now Director, of the Montgomery County Board of Elections (which includes the City of Dayton) testified that their county had been able to save money by consolidating precincts due to the high number of increased early and absentee voting that significantly reduced Election Day voting at the polls.⁵ Director Smith further testified that if HB

⁵ Director Smith's testimony explained the basis of their consolidation by the numbers:

194's cuts to early voting occurred, the Board would have to un-consolidate precincts (which itself is neither easy nor without cost) or else risk long lines at the polls. Montgomery is not the only county facing this reality, as many Ohio county Boards of Elections have recently consolidated precincts to save money.

Between 2008 and 2010, fourteen Ohio counties reduced the number of precincts they had by more than 15%. These include some of Ohio's most populous counties: Cuyahoga (Cleveland area) reduced by 26%, Hamilton (Cincinnati area) by 23%, Lake (Cleveland suburb) by 27%, Lucas (Toledo area) by 28%, and Sandusky by 19%. These fourteen counties accounted for 31% of the total votes statewide in 2010.⁶ While the precinct data analysis for the 2012 general election cannot yet be completed, anecdotally we know that additional counties have consolidated precincts since 2010 – for example, Summit County (Akron area).⁷

Finally, these cuts will negatively impact a lot of voters.

The demand for both early in-person and mail-in absentee voting is very high. If we examine data from the Cuyahoga County Board of Elections, Ohio's most populous county and one of the largest voting jurisdictions in the nation, their data bears this out. In the years since absentee and early voting were expanded, the percentage of absentee ballots that made up the total number of ballots counted has increased: 19.83% in November 2006, 14.25% in November 2007, 39.55% in November 2008, 44.61% in November 2009, and 46.73% in November 2010.⁸ Furthermore, by eliminating the last three days of early voting on the Saturday, Sunday, and Monday before

Noting the trends in absentee voting, and thus the reduction of voters at the polls on Election Day, Montgomery County executed a precinct consolidation program in 2009. We consolidated 548 precincts into 360, while still maintaining the 1,400 active voters or less in each precinct. When we studied the voter statistics, we found that the number of mailed in absentee voters from 2004 to 2008 had doubled from 24,500 voters to 43,000 voters. We had been watching this trend from 2005 to 2008 and considered this trend as a factor throughout the precinct consolidation process. Likewise, for in office voting, from 2006 to 2010 we saw 6 times the amount of in office voters. In 2008 alone, Montgomery County saw 28,000 in office voters over a period of 35 days. With the implementation of the precinct consolidation project, we were able to save our county approximately \$200,000 per year.

Testimony of Betty Smith, Deputy Director, Montgomery County Board of Elections, on HB 194, delivered to the Ohio House State Government and Elections Committee in 2011.

⁶ Data gathered from Election Results available on the Ohio Secretary of State website and presented in testimony to the Ohio House State Government and Elections Committee during the May 2011 hearings on HB 194 by Counsel for the nonpartisan Miami Valley Voter Protection Coalition, Ellis Jacobs.

⁷ "Summit County will have 298 precincts in the November election, down from 475," Stephanie Warsmith *Akron Beacon Journal*, April 26, 2012.

⁸ November 2010 Official Canvas Certification Data, Cuyahoga County Board of Elections, available online at http://boe.cuyahogacounty.us/pdf_boe/en-US/ElectionResults2011/Nov10OfficialCanvasCertificationData.pdf

Election Day, HB 194 would prevent approximately 105,000 voters who would otherwise vote during this time.⁹

In addition to the raw number of voters impacted by the restrictions in HB 194, some voters will be more impacted by these cuts than others.

- Voters with disabilities will be negatively impacted. HB 194 eliminates curbside voting if a polling location is deemed ADA accessible. However, what is considered accessible by an official may not in fact truly be accessible for every voter. Ohio has had curbside voting for many years for people who cannot get into the polling site. In addition, HB 194's restriction on time for early voting also impacts voters with disabilities who may have to rely on others for transportation to the polls or early voting locations. These provisions have the effect of limiting and discouraging voters with disabilities, as well as some elderly voters.¹⁰
- In terms of demographic characteristics, early voters were more likely than election-day voters to be women, older, and of lower income and education attainment.¹¹ For example, "early voters are much more likely to be women than day-of-election voters, 62.1 to 48.8%. And thus election-day voters were much more likely to be male, 51.2 to 37.9%."¹²
- HB 194's restrictions also threaten to take away immensely popular community efforts to help get voters to the polls. In the Cleveland area in 2008, several predominantly African American churches promoted early voting through "souls to the polls" programs that arranged to take parishioners to vote early after Sunday services.¹³ Under HB 194, county Boards of Elections are prohibited from offering any early voting hours on Sundays.

These represent just a few examples of the specific harms that would impact Ohio voters if HB 194 were to go into effect. Although even if Ohioans are successful at blocking HB 194, we have to remain vigilant that these same harmful provisions are not put in place via other legislation or policy decisions.

Absentee Ballot Application Mailings

A related absentee voting concern is the recent dispute over election officials mailing unsolicited absentee ballot applications to all registered voters. Following the 2006 expansion of absentee voting to all voters, many county Boards of Elections promoted this option by mailing absentee ballot applications to all registered voters. Urban counties in particular used this method to

⁹ See Written Statement of Norman Robbins, Research Director, Northeast Ohio Voter Advocates, presented as part of this field hearing.

¹⁰ Provided by Karla Lortz, co-founder of the Ohio Coalition of Citizens with Disabilities and the Ohio Women with Disabilities Network.

¹¹ "A Study of Early Voting in Ohio Elections," Ray C. Bliss Institute of Applied Politics, University of Akron (2010), available at <http://www.uakron.edu/bliss/research/archives/2010/EarlyVotingReport.pdf>

¹² Id.

¹³ See "Take your souls to the polls," ACLU podcast, available at <http://www.aclu.org/voting-rights/take-your-souls-polls-voting-early-ohio>

encourage more voters to cast a ballot early, and it was successful. Counties that mailed absentee applications to all voters saw a boost in early voting. Because so many voters cast a ballot early, this helped to reduce lines and wait times on Election Day at the polls. As mentioned above, many counties, such as Montgomery and Summit, were able to consolidate precincts due to lower Election Day demand.

HB 194 took away this popular option, by prohibiting county Boards of Elections from sending unsolicited absentee ballot applications. Under the proposed new law, Boards of Elections could only send absentee applications upon request from the voter. Notably, while HB 194 has not gone into effect pending the referendum vote this fall, this provision has nonetheless taken effect at the instruction of Ohio Secretary of State Jon Husted. In Directive 2011-26, which was issued August 22, 2011, Husted prohibited county Boards from sending such unsolicited mailings.

This policy change once again saw Ohio moving backwards in an area where progress had been made. Sending unsolicited absentee applications was successful for county Boards of Elections, as it resulted in more voters casting a ballot early and thereby lowering the number of voters the county needed to serve on Election Day. The program was also valuable from the voters' standpoint, for which absentee voting became that much more convenient. In fact, voters in those counties came to depend on receiving an application in the mail without having to request it. Unlike election officials, most voters are unaware of Secretary of State Directives. Many voters in counties that had previously sent unsolicited applications found themselves waiting for one to arrive in the mail in 2011.

Cuyahoga County, in particular, had success sending unsolicited absentee applications and did not want to lose that option. In response to Directive 2011-26, the Cuyahoga County Executive proposed that a county office other than the Board of Elections send the absentee applications to all county voters. Secretary Husted disagreed, but he reached an agreement with Cuyahoga County Executive Ed Fitzgerald, under the terms of which, Cuyahoga would not send the mailings in 2011, and, in exchange, Husted's office would mail them statewide in 2012. While it is our understanding that Secretary Husted intends to abide by this agreement, it is our sincere hope that the Secretary of State's plan will ensure that absentee ballot applications are sent not only to now-existing registered voters, but that it will also provide for voters who newly register, move to Ohio, or update their registrations in the months leading up to the November 2012 election.

Worsen "right church, wrong pew" problem

Recent elections -- especially in Ohio, but elsewhere as well -- have shed light on the problem of voters showing up at the correct polling location, but not being directed to the proper precinct table within multiple-precinct locations. This is commonly referred to as "right church, wrong pew" and has led to questions over whether part of all of those ballots should be counted and what criteria should be used to decide.¹⁴

¹⁴ For more detail on this issue and related litigation, please Professor Daniel Tokaji's written statement and testimony.

Ohio law currently *requires* poll workers to direct voters to the correct precinct (although this occasionally does not occur due to poll worker error or other factors). Rather than call for improved poll worker training or Election Day procedures, the Ohio legislature proposed to *prohibit* poll workers from directing voters to the proper precinct. When this met with outrage, the legislature changed the legislation so that the final enacted version of HB 194 made it *optional* for poll workers to direct voters to the correct precinct. As numerous voter advocates and lawyers pointed out during legislative testimony, making direction optional invites Equal Protection violations and discriminatory treatment of voters due to a poll worker's wholly unbridled discretion.¹⁵ It thus invites costly litigation.

It also increases the likelihood of uncounted ballots. Because of the ongoing consolidation of polling places into fewer voting locations, it is increasingly likely that voters may get to the correct voting location and then be directed to the incorrect precinct table. If a poll worker does not catch the error, the voter will vote a provisional ballot in the wrong precinct, which will not be counted because, as this bill is written, the voter is required to vote only in his own precinct. His or her vote would not count if it is cast in the wrong precinct. Most people do not live and breathe elections as some of us do, and it is hardly reasonable to expect someone to know s/he is in precinct 16B not 16C. Nor do we believe that any voter will deliberately choose to vote in the wrong precinct. So the reason that a voter votes in the wrong precinct is an error on the part of the polling place officials. To cast out such votes deprives legitimate voters of their right to vote. In 2008 alone, more than 14,000 votes from legitimately registered voters were not counted because they were cast in the wrong precinct. We strongly believe such votes should be counted for all races and issues for which the voter was eligible to vote.

Lastly, some advocates pointed out that this provision, along with other provisions of HB 194 that outright prohibit or make optional for poll workers to assist voters, makes no sense, fiscal or otherwise. Counties hire, train, and pay poll workers to run the polls on Election Day. But HB 194 tells those poll workers that they are no longer required to help voters, and, in the case of filling out provisional ballot paperwork, are prohibited from helping voters (unless disability laws otherwise require). It is wholly irrational to hire, train, and pay poll workers and then pass a law that gives those same poll workers discretion *not to help some voters*.

Conclusion

Ohio House Bill 194 includes many provisions that, if they were to go into effect, would harm Ohio elections. Incredibly popular and successful early voting programs would be curtailed.

¹⁵ For example, say you go to your polling place on Election Day, and you're not sure which precinct you are in because the precinct lines were just changed. The poll worker happens to be your next door neighbor who is mad at you for not cutting down a tree leaning into their yard, or the poll worker is a disgruntled former co-worker, or the poll worker is known for openly making racist remarks. If that poll worker is not required by law to direct you to the right precinct, they could simply choose not to. In all probability, most cases of failure to direct the voter to the correct precinct will not be due to evil intent. Say you have a poll worker who wasn't paying attention to the part of training that explains how to identify a voter's correct precinct, because they knew they were not required to do that anyway. In any of these hypothetical scenarios, the voter's ballot is at risk because HB 194 would impose a penalty (the ballot not counting) while at the same time not requiring that the voter be directed to the only precinct where his ballot could count.

Reductions in early voting could be especially harmful in many counties that consolidated precincts, forcing them to either un-consolidate or risk the long lines that plagued Ohio in November 2004. Voters in multiple-precinct polling places would face greater risks of having their vote not count because they were not directed to the proper precinct table in a room full of such tables. In short, Ohioans' ability to cast a vote and have it counted would be negatively impacted by a variety of potential obstacles.

Ohio legislators and voters need to reject HB 194 and the many damaging provisions it contains. Furthermore, Ohio policy-makers are urged to refrain from any more election changes this year. The onslaught of election legislation in 2011-2012 has already caused too much confusion. If Ohio policy-makers truly want to improve elections this year, then they should focus on voter education and poll worker training to help alleviate the confusion caused by all the recent changes and proposed changes.

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.