



HOUSE BILL 680
OPPONENT TESTIMONY

June 2, 2020

Dear Chairman Wiggam, Ranking Member Stephens, and members of the House State and Local Government Committee:

I appreciate this opportunity to discuss H.B. 680 which seeks to create emergency election procedures and makes several significant changes to existing election and voting procedures. I strongly oppose this legislation as it both fails to create a workable emergency election option and the proposed changes to current procedures will universally increase the burden on voters to cast a ballot.

I have been fortunate in my career to have served both as the Director of the Franklin County Board of Elections and as a member of the Ohio House of Representatives sponsoring and working on election legislation. Now as Franklin County Auditor, I take seriously the charge from the findings of the National Voter Registration act that “to vote is a fundamental right” and “it is the duty of the Federal, State, and local governments to promote the exercise of that right.”

Early in-person voting including the last three days is a critical option for Ohio voters

The portion of the bill I find most concerning is the elimination of the statutory language allowing early voting through the day before the election at 2 p.m. for those who qualify under the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA voters). I sponsored the legislation that ensured this voting option for UOCAVA voters and, ultimately after litigation, all voters when there was inconsistency in the Ohio Revised Code¹ This option is incredibly popular among voters and is a strong tool to prevent excessive lines or other confusion on Election Day. In the 2016 general election in Franklin County, 15,204 voters voted in-person during the last three days.

Early in-person voting helps make Election Day proceed smoothly and allows voters the choice of when to vote. The current timeline of 28-days, though not as helpful as the original 35-day window, accommodates voters in a variety of circumstances. There are those who vote right away confident in their choices, those that go in when their busy lives permit, and those who through a combination of decision making and circumstances want to vote shortly before the election. Policy makers should meet voters where they are to promote voting.

¹ See *Obama for America v. Husted*, 6th Circuit Case 12-4055)

<https://moritzlaw.osu.edu/electionlaw/litigation/ObamaForAmericaVHusted.php>



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Shortening by three days the window for early vote eliminates the final weekend of voting, a critical option for those balance work and life obligations with voting. Those voters will have two options: vote earlier-during a window that is already busy thus increasing wait times during the remaining early vote window or vote on Election Day placing additional burden on precinct election officials and a smooth outcome at the end of the election.

I do not deny that we ask much of our election officials but our priority must remain with giving voters all reasonable opportunity to cast a ballot. We have had more than a decade of elections with early voting continuing through 2 p.m. the day before Election Day. This is more than enough for us to know it is a safe and effective means to support voters and should be retained.

Voting by mail should be efficient and accessible particularly during a pandemic

This legislation proposes two key changes to vote by mail procedure: moving up the deadline and blocking the Secretary of State's ability to send unsolicited absentee ballot applications to all voters. Both of these changes will place additional unnecessary burdens on voters to vote by mail-a critical part of any election and crucial when there is any health risk.

The bill proposes a deadline of 12 p.m. ten days before the election (two Saturdays before Election Day) for applications to be received by the Board of Elections. The purported reason for this is to ensure that requests are processed timely; this is a major shift in process on voters and is an outsized reaction to some voters not receiving ballots on time. We know that in Franklin County, the vast majority of ballots requested as late as the Friday afternoon before the election are received in time to cast a valid ballot so this option should not be eliminated as it may be the only one for some voters.

This issue is compounded by blocking the Secretary of State from mailing out unsolicited absentee ballot request forms to all voters. After the legislature prohibited any public funds from being used to send out such requests from any other entities, the Secretary's role in providing this option is important to voters and Boards of Elections. The General Assembly wisely appropriated funds for this purpose in 2010. Sending out the applications eliminates the time, effort, and funds it takes for local boards to send out applications as voters request them. It also reminds voters of this option and encourages its timely use. Prohibiting the Secretary from taking this step will undermine the election by placing additional burdens on voters, local Boards, and election day administration.

There are ways to improve the vote by mail process. I ask the legislature to immediately authorize online requests for absentee ballots just like we have online voter registration. This would allow voters without printers or postage to easily request ballots and minimize Board of Elections costs and effort in verifying and delivering ballots. In addition, the state should proactively cover the cost of all postage related to the request, receipt, or return of a ballot. No one should be disenfranchised for want of a stamp.

Proposed Emergency Procedure

I am concerned that the proposed emergency procedures also fail to prioritize the needs of voters. First, as we saw during the primary, a true emergency is unlikely to present itself two months before Election Day. In such a circumstance, the ability of the General Assembly to gather and act within three days is also doubtful.

In terms of actual election administration, if Ohio had to suddenly shift to an all vote by mail election, it would be critical to minimize the steps and burden involved. The only reasonable way forward in such a circumstance would be to proactively mail ballots to every registered voter while simultaneously allowing emergency in-person voting options. This follows the example of the numerous states that have primarily voted by mail for years. In Franklin County, more than 5,000 votes were discarded

simply because the voters who cast provisional ballots in person on Election Day had not gotten the request paperwork in on time.

Sending all voters a ballot would be secure as every Board of Elections already has the capacity to track and cancel mailed ballots. It would be cost effective as the need to mail everyone a post-card and then mail applications to any who requested them would be eliminated. Most critically, it would prioritize the ability of all Ohioans to have their vote counted.

Conclusion

It is critical that we prepare for how the current pandemic could affect voting this fall since there cannot be any delay in the casting of votes in the presidential election. Any plan to do so should prioritize voters while balancing the needs of security and local election administration.

I would welcome the opportunity to discuss further the options for Ohio. Never hesitate to reach me directly at AuditorStinziano@franklincountyohio.gov or 614-525-5700.

Sincerely,

Michael Stinziano
Franklin County Auditor