

TESTIMONY IN OPPOSITION TO SENATE BILL 21
OHIO HOUSE GOVERNMENT ACCOUNTABILITY AND OVERSIGHT
COMMITTEE, MAY 15, 2018 at 2:30 p.m.

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Fair Elections Center submits this testimony in opposition to Senate Bill 21. This legislation proposes to give county boards of elections the authority to reduce the number of poll workers at multi-precinct voting locations, if electronic pollbooks are being used in the voting location. Currently, Ohio law requires 4 poll workers per precinct in a multi-precinct polling location. This would reduce that number to a minimum of 2 poll workers per precinct.

It is of course understandable that the state would seek to avoid wasting scarce election administration resources and money in areas of the state with lower populations levels and lower voter turnout. Rural counties with fewer than 100,000 residents can surely be provided with some discretion to reduce their poll workers in multi-precinct polling places and, according to the U.S. Census, 62 of Ohio's 88 counties fall below that threshold. But counties with higher-population urban and suburban areas like Franklin, Cuyahoga and Hamilton require more poll workers to process the high volume of voters and to ensure wait times and errors are minimized.

For years, Ohio has had a contentious debate over wrong-precinct provisional ballots and the role poll worker error plays in the casting of these out-of-precinct provisional ballots. These days, following litigation, the rule in Ohio is that the ballot will be partially counted – for all races in which the voter was eligible to cast a ballot – as long as the voter cast the ballot in the correct voting location, if not the correct precinct (the wrong pew but right church). However, poll workers must still not make any errors in directing voters to the correct table at a multi-precinct voting location and issuing the correct ballot form. Otherwise, the voter will lose a vote in a down-ballot race for which they were not eligible. Historically, these multi-precinct polling locations have shown high rates of errors. That is why the rule was changed to permit partial counting of the provisional ballot as long as the voter was in the correct voting location.

But even after this change, some percentage of voters are still directed to the wrong line for the wrong precinct at the right polling place, depriving them of their votes in some down-ticket races. According to Table 1 below, which summarizes data from the State of Ohio's responses to Question E2c. in the U.S. Election Assistance Commission's Election Administration and Voting Survey for the 2016 general election, some of the largest counties like Franklin, Montgomery, Stark and Summit have the highest numbers of out-of-precinct provisional ballots: 542 in Franklin, 195 in Montgomery, 198 in Stark, and 268 in Summit. This is not surprising given the higher voter

¹ Fair Elections Center is a national, nonpartisan voting rights and election reform organization which works to remove barriers to registration and voting for traditionally underrepresented constituencies. The Center works to improve election administration through legislative, legal and administrative reform, to protect access to the ballot through litigation, and to provide election law expertise, voter information and technical assistance to voter mobilization organizations.

turnout and strain on election administration resources, including poll workers, at multi-precinct voting locations.

Table 1. Number of Out-of-Precinct Provisional Ballots Cast in 2016 Election (EAC Survey)

COUNTY	POPULATION ²	NUMBER OF OUT-OF-PRECINCT PBs
Adams	27,726	0
Allen	103,198	34
Ashland	53,628	0
Ashtabula	97,807	35
Athens	65,597	18
Auglaize	45,778	0
Belmont	68,029	11
Brown	43,576	2
Butler	380,604	56
Carroll	27,385	3
Champaign	38,840	0
Clark	134,557	0
Clermont	204,214	87
Clinton	42,009	7
Columbiana	103,077	32
Coshocton	36,544	0
Crawford	41,746	1
Cuyahoga	1,248,514	0
Darke	51,536	0
Defiance	38,156	7
Delaware	200,464	0
Erie	74,817	5
Fairfield	154,733	0
Fayette	28,752	7
Franklin	1,291,981	542
Fulton	24,489	12
Gallia	29,973	34
Geauga	93,918	0
Greene	166,752	41
Guernsey	39,093	8
Hamilton	813,822	0
Hancock	75,754	2
Hardin	31,364	4
Harrison	15,216	4
Henry	27,185	8
Highland	42,971	0
Hocking	28,474	0

² <https://www.census.gov/quickfacts/OH>

Holmes	43,957	2
Huron	58,494	0
Jackson	32,449	0
Jefferson	66,359	16
Knox	61,261	24
Lake	230,117	36
Lawrence	60,249	0
Licking	173,448	0
Logan	45,325	2
Lorain	307,924	56
Lucas	430,887	0
Madison	44,036	0
Mahoning	229,796	65
Marion	64,967	0
Medina	178,371	41
Meigs	23,080	18
Mercer	40,873	0
Miami	105,122	0
Monroe	13,946	0
Montgomery	531,542	195
Morgan	14,709	0
Morrow	34,994	0
Muskingum	86,149	0
Noble	14,406	0
Ottawa	40,657	1
Paulding	18,845	0
Perry	36,024	0
Pickaway	57,830	0
Pike	28,270	0
Portage	162,277	0
Preble	41,120	17
Putnam	33,878	0
Richland	120,589	0
Ross	77,313	0
Sandusky	59,195	0
Scioto	75,929	2
Seneca	55,243	0
Shelby	48,759	27
Stark	372,542	198
Summit	541,228	268
Trumbull	200,380	0
Tuscarawas	92,297	10
Union	56,741	0
Van Wert	28,217	2
Vinton	13,092	1

Warren	228,882	49
Washington	60,418	13
Wayne	29,817	38
Williams	36,784	4
Wood	130,492	48
Wyandot	22,029	5

Wait times can also be serious in Ohio counties with larger populations around urban cores. Though data on this is not readily available, it is not hard to imagine what will happen when poll workers are drastically reduced at multi-precinct voting locations. Voters already largely come in the early morning, at lunch and after work. With fewer people to check voters in and issue ballots, lines will grow longer.

Furthermore, there is no reason to think that electronic poll books will wholly eliminate the problems of out-of-precinct provisional ballots and long wait times. If anything, electronic poll books have introduced some new complexity, particularly for an older poll worker force. In Hamilton County, less than 3 years ago in late 2015, the rollout of electronic pollbooks caused severe problems at 10 of the county's 364 polling places, forcing poll workers to resort to paper poll books.³ One cannot predict when such problems will arise, either from human or technological error. But if electronic pollbooks malfunction, forcing poll workers to resort to paper poll books, or if there are other technological problems such as a faulty router⁴ delaying the voting process, having fewer poll workers on hand means the voting location will not be able to adapt to problems that arise on Election Day.

Fair Elections Center agrees in principle that one-size-fits-all election administration rules sometimes do not make sense—some flexibility can be justified. This is particularly true in less populous, rural counties. For that very reason, SB 21 should not be passed as is. It should be amended to limit this discretion to reduce poll workers per precinct to those counties with fewer than 100,000 residents. Large counties with densely populated urban areas with higher voter turnout should not be given the discretion to reduce their poll worker forces. There is limited gain here and a severe risk of causing problems with election administration and disenfranchising voters.

³ <https://www.cincinnati.com/story/news/politics/elections/2015/11/03/polling-location-snafus-hamper-morning-voting/75081776/>

⁴ <http://www.fox19.com/story/31286622/more-youth-at-the-booth-this-election>