**Eisner Written-only Testimony, as Interested Party on SB22**

**March 12, 2019**

**Chairman Coley, Vice Chair Huffman, Ranking Member Craig, and members of the Senate Government Oversight and Reform Committee:**

My name is Adele Eisner. I have been an active election integrity advocate in Cuyahoga County since 2005, with active membership in multiple, non-partisan, statewide and national election integrity groups. As such I have for those years, monitored local Board meetings, lawfully observed ballot casting and counting, and election audits since those began in Ohio. Also relevant, I have completed more than a year of cybersecurity and cyber- privacy studies at Cleveland Marshall Law School.

As a legally authorized election observer, appointed by varying parties and candidates in Cuyahoga since 2005,( as election observing by average citizens is imperative to fairness & integrity-vigilance, but not meant to "play 'gotcha" nor to sway results,) I have been closely inside 4 to13 polling locations during the majority of Primary and General elections for 13 years (I took a year off) - I can say this bill is extremely shortsighted for legislators to presume that the greater ease of checking voters in with EPB covers the majority of Precinct Election Officials duties and needs.

**For example, I was at one polling location with 4 precincts for about 3 hours during the Primary of 2017 where**:

• Electioneers outside continued all day, despite repeated warnings, to stand by the entry door, or inside the entrance to the (insufficient) parking lot to hand out (really "ugly") anti-abortion literature (Nothing about abortion was on the ballot.) Monitoring that situation took one or two poll workers swayed attention throughout the day.

• In the same location, the parking lot was too small to accommodate all voters, and with little to no on-street parking available. That too had the PLM monitoring and calling the BOE repeatedly asking for help (where there was none available.)

• In the same location one precinct had a split congressional district where the poll workers kept mixing up the ballots for the two and then sorting it back out. *(EPB's presumably could have taken care of that problem.)*

• In the same location, while I was there, there were two voters requiring accessible voting, while the AutoMark was extremely slow and difficult for them to manage/understand. That took the personal help of at least two poll workers - help totaling about 4 hours. (There should have been more PEOs in that case so that close could have been bi-partisan)

• One of those voters was wheelchair bound. In order to just get into the polling location, he had to find someone to go down the steps to get the PLM to go outside to lead him to an accessible outside entrance and start the elevator, taking the Polling Location Manager away from her duties for a half hour.

• That same voter after his trials in getting in and marking his vote, could not fit his chair to get to a scanner in a too small room, so two poll workers had to figure out how to help him cast his vote himself. That was two PEOs with swayed attention from keeping things smooth and accurate for everyone.

• At least 4 voters needed to cast provisional ballots, and needed help to assure that they really needed provisionals, and to explain and look over their affidavit envelopes so their ballots inside could be counted. There was only one PEO seemingly who claimed enough knowledge to do that - but who quickly became completely overwhelmed as she herself didn't quite understand provisionals, and had no one available to ask. Those voters were left with their empty provisional envelopes and confused.

• At the same time one of the DS200 opscans got jammed - helping to create a long line at that ballot-casting point, while two PEOs were taken off task for an hour, trying to help each other fix the scanner. (The one PEO seemingly with the least knowledge/energy had been assigned to collect ballot stubs before voters put their ballots into one of the 4 machines, but she herself could not adequately monitor the crowd, and couldn't move away; nor was there anyone available to catch attention to get another envelope into which to put the stubs that were filling her hands. A ballot with stub attached, forced into the machine had caused the jam.)

• And this was a polling place where they had 4 PEO "no-shows" with no replacements, so they started the day NOT with 16 Poll Workers, but 12: 3 per precinct.

They - **those voters** and their fair election - needed - at **all** times during election day:

* + - **at least 2 PEOs** to help voters with casting their ballots into the scanners;
		- **at least 3** to adequately help with voters with provisionals/(for a second voter look-up, the affidavit envelope, etc):
		- **at least 3 capable and available** for unjamming scanners without losing votes and maintaining "voter confidence";
		- **at least 3 (always bi-partisan)** capable and available for assisting accessible voters with the help they need, including curbside voting;
		- **at least 4 for maintaining "whole picture" smoothness and accuracy - both outside and inside** (like dealing with an upset voter; making sure provisionals do not get scanned; watching for who is entering the location; etc.- maintaining proper chain of custody records; and capable of oversighting the accurate opening and closing the polls, noting any anomalies in broken seals, etc.)

**at least 2 bilingual/multi-lingual and with understood cultural differences where needed**

**This polling location did not yet have EPBs - but the EPBs for a 4 precinct location with a history of moderate voter turnout , also need at the very least 3 PEOs manning the EPBs at all times:**

capable with the equipment;

capable of the 11am and 4pm postings to aid "Get Out the Vote Efforts" for those not privy to EPB internal EPB "dashboards" which show in sortable numbers and party affiliations, who still needs to be called, transported, etc.

capable of handling 2nd chance voting (cancelling a ballot and issuing a new one);

capable of making sure each voter gets the correct ballot style;

capable of directing voters to another location, etc.

**Also one must take into account the highly labor intensive work of opening the polls; putting up correct signage both inside and outside; unpacking and setting up the machines, the ballots, and all necessary materials, then packing them up, and resolving all numbers and reports at day's end (after 15 hours work.)**

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**Then there was also the suburban location in the 2018 Primary, one with a history of just short of a 1,000 voter turnout, with 4 precincts, and with a hot school levy on the ballot, but who were given only 2 EPBs to start the day** (while many extras were available via the BOE,) and no more EPBs showed up until more than 3 hours later. The PLM noted that the line remained out the door (approximately 150 feet (?) from check-in, in a large gym held inside a broad foyer) for the entire morning while they called for more. The PEOs I observed were very capable, yet each transaction took time to do it "by the book"/correctly, and they needed at least two extra PEOs to help "spell" each "other off" in the onslaught.

By the time I arrived late in the day, there were 4 EPBs with 4, still very capable PEOs, and the line was still 50 minutes long and was still pressed against the outside door, where just on the other side there were campaigners shouting (about the the levy) and pressing against voters. The morning voters had to squeeze in or stand among that crowd.

The PLM noted in writing, her repeated calls for help during the morning. And she noted on her concurrently made incident log, that in the midst of all that, at about 8:00 am she had observed approximately 6-8 voters who left the line/the voting location. (We don't know if they ever came back.) But that school bond levy failed - by only 5 votes. It went to a recount which affirmed the 5 vote fail. This was somehow not questioned at the BOE, and further, the levy appeared to have a partisan tinge. Even the suburban weekly newspaper pointed out the "mysterious" group in opposition - an anti-tax opposition - organized by a group which regularly backs Conservative agendas.

***The point of both of the above polling location examples is that there are many more issues than just EPBs that are needed to determine how many PEOs are needed per precinct.*** **Poll Workers, as the main interface between voters and their getting a reasonably easy, understandable, correctly cast vote - and thus a fair election - are responsible for many more vital tasks than just checking voters in.**

Nor can saving the public's tax dollars by decreasing PEO numbers be the main determinant. Nor the difficulty in finding poll workers. Fair, publicly verifiable elections for everyone need to remain THE priority. **Thus, the real problems seemingly dealt with in SB22 (money? PEO recruitment difficulty?), need to be named, so real solutions can be found, (possibly like some of those previously suggested: letting PEO's work half-days; making election days, holidays; or decreasing spending somewhere less important to democracy. )**

***Not among those solutions* can be allocating more millions of dollars on computer equipment - that further automate voting (sold as making it "easier") by scanning humanly unreadable bar codes, using non-observable software, or even Ballot On Demand systems with their own software, that absolutely *do not allow a completely software-independent review*, the only way to validly assure voters of democracy's election basics: that each qualified voter could get one ballot, and that no more ballots could be made available to anyone, inside or outside the system** (now shown by election eve “Certificate #1s” - a concurrently made, documented verifiable showing of how many ballots were received, how many used, how many spoiled, and how many voted.)

**The League of Women Voters' testimony on SB22 is extremely important by emphasizing the importance of and need for each county's BOE completed and reviewed detailed Election Administration Plan**, **to demonstrate each BOE's sufficient and systemic thought processes for assigning sufficient resources of all kinds (including Poll Workers) to each polling place,** in order to not cause the voters/the election results/nor poll workers to have to bear the burden of too little and/or too short-sighted thought, when BOEs decide whom and how much to assign to each precinct or polling place.

**In that stead, in the EAP there needs to be a checklist of all the duties Poll Workers need to cover well in each polling place to relieve voters and questionable election outcomes from the burdens of non-thorough BOE planning that are not the voters' responsibility** - and a post-election review to help them BOEs plan better the next time. **Also helpful would be a mandatory, publicly reviewable website where voters with polling place complaints can enter them without repercussion, and so that BOEs can better isolate and take responsibility for their planning.**

Thank you,

Adele Eisner