

WITNESS INFORMATION FORM

PLEASE COMPLETE THE WITNESS INFORMATION FORM BEFORE TESTIFYING

DATE: 7/19/2020

NAME: DEBORAH A COLEMAN

ORGANIZATION: _____

(IF APPLICABLE)

POSITION/TITLE: _____

ADDRESS: 3157 BELVOIR BLVD

CITY: SHAKER HTS STATE: OH ZIP: 44122

TELEPHONE: 216 991-4510 (office)

ARE YOU REPRESENTING: YOURSELF ORGANIZATION _____

DO YOU WISH TO TESTIFY ON

LEGISLATION (BILL NUMBER): HB 680

SPECIFIC ISSUE: Assuring safe + effective elections

SUBJECT MATTER: Elections

DO YOU FAVOR _____ OR OPPOSE THE ENACTMENT OF LEGISLATION REGARDING THIS ISSUE?

PLEASE GIVE A BRIEF STATEMENT OF THE GROUNDS ON WHICH YOU FAVOR OR OPPOSE SUCH ENACTMENT:

PLEASE SEE WRITTEN STATEMENT

WILL YOU HAVE A WRITTEN STATEMENT, VISUAL AIDS, OR OTHER MATERIAL TO DISTRIBUTE?

YES NO _____

(IF YES, PLEASE PROVIDE COPIES TO THE CHAIRMAN OR SECRETARY)

HOW MUCH TIME WILL YOUR TESTIMONY REQUIRE? SUBMITTED IN WRITING

I CAN BE AVAILABLE FOR QUESTIONS VIA VIDEOCONFERENCE IF DESIRED.

3157 Belvoir Blvd.
Shaker Heights, OH 44122

July 19, 2020

To the Senate Government Oversight and Reform Committee, to the attention of:

William P. Coley, II, Committee Chair via email to Coley@OhioSenate.gov
Matt Huffman, Committee Vice Chair via email to Huffman@OhioSenate.gov
Hearcel F. Craig, Ranking Minority Member via email to Craig@OhioSenate.gov

Chair Coley, Vice Chair Huffman, Member Craig and all Members of the Committee:

My name is Deborah Coleman. I am an active citizen and a practicing Ohio lawyer. I oppose HB 680 as passed by the House for the reasons stated below, and I support the passage of SB 191.

In enacting new laws relating to elections, the General Assembly's overarching objective should be to assure that all voters can vote safely in the November 2020 election and beyond. The best means to achieve that objective is to make vote-by-mail and early voting as attractive and easy as possible while maintaining systems that assure the security of the vote.

Background

As a lawyer, I have represented businesses and I have represented poor people. I believe in the rule of law and the responsibility of citizens to guide their government through voting and advocacy. I have worked in elections regularly since 2002 as a volunteer or poll worker. I expected to serve as a poll worker for the 2020 primary, as a deputy manager of a 12 precinct polling place that would have 50 poll workers alone. Because of safety concerns, I was much relieved that in-person voting was cancelled.

Concerns about the safety of Election Day voting this year remain strong. It is uncertain whether Boards will be able to recruit sufficient poll workers, and the consolidation of precincts would only increase the number of people working in and voting at particular locations. Making vote-by-mail and early voting attractive and easy is essential this year.

Shortcomings of HB 680

HB 680 would make voting harder by barring the Secretary of State and County Boards of Election from prepaying postage for the return of applications for absentee ballots or the ballots themselves. (proposed 3509.03(E), 3509.04(A)). This proposal makes no sense, particularly in an emergency when voters may be unable to obtain the postage necessary to return an application or ballot.

HB 680 would shorten the time for County Boards of Elections to receive absentee ballot applications and act on them from 3 days before the election to 7 days before the election. A

better solution to assure that absentee ballots are timely received and counted is to permit or require the Secretary of State to mail absentee ballot applications to all registered voters, to permit online application for absentee ballots, and to extend the time within which absentee ballots can be counted in voting tallies.

HB 680 fails to authorize voters to apply for absentee ballots on line. Especially if the Secretary of State is not directed to mail absentee ballots to registered voters for every election, the legislature should authorize online application for absentee ballots. SB 191 would do that. The provisions of SB 1919 should be part of any election procedures bill.

HB 680 proposes to enact a new section of the Revised Code (Proposed Section 3501.40) affirming that only the Ohio Legislature can change the time, place or manner of an election unless there is a military attack triggering the Governor's rights under R.C. 161.09. But the Ohio Legislature failed to act in the face of the growing pandemic crisis in February and March 2020. Proposed Section 3501.40 even divests a local board of elections from changing the time, place or manner of an election in the face of a catastrophe, such as a tornado or flood, that affects only one county.

It is hard for a legislative body, made up of people from all around the state, to deal with an emergency when it arises. Advance planning by people with relevant expertise is essential. I respectfully suggest that the Legislature enact a law that authorizes the creation of a body to create model plans to deal with a variety of emergencies. Ideally, the new law would authorize that body, the Secretary of State and boards of election to act on those plans upon a finding that such an emergency exists. The body should include the Secretary of State, the Ohio Director of Health, state emergency personnel and representatives of county boards of elections. They are in the best position to craft templates for emergencies, taking into account all of the many factors that must be weighed and balanced. Some appropriate review by the Legislature of the emergency templates, and of the execution of any emergency plan, could be built into the legislation.

I ask you to consider this letter, vote against HB 680, and apply your energy and creativity to a more sound approach to planning for elections in the event of public health or other emergencies. Thank you.

Sincerely,



Deborah A. Coleman