

**To: House Government Oversight Committee**

**From: Collin Marozzi, Deputy Policy Director, ACLU of Ohio**

**Date: December 1, 2022**

**RE: Substitute House Bill 294 – Opponent Testimony**

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Thank you Chairman Wilkin, Vice Chair Swearingen, Ranking Member Brown, and members of the House Government Oversight committee for the opportunity to provide opponent testimony on Substitute House Bill 294 (HB 294). My name is Collin Marozzi, and I am the Deputy Policy Director for the ACLU of Ohio.

HB 294, in its original form, made several commendable strides in the name of modernizing our elections system. The creation of an online absentee ballot request option is a commonsense update to our election administration, and one the ACLU of Ohio fully supports.<sup>1</sup> So too are the requirements for county Boards of Election to create Election Administration Plans ahead of major elections, and extending poll worker eligibility to all 17 year olds.

Despite these welcomed enhancements, the ACLU of Ohio opposes most other provisions of Sub HB 294. First and foremost is the removal of an automated voter registration and verification system. Implementing this system would have significant benefits. It would clean up our sloppy voter registration rolls, streamline county Boards of Election operations, and boost voter participation.<sup>2</sup> These benefits should encourage this committee to reinsert that provision into HB 294. It cannot be overstated how an AVR-type system's front-end verification of elector qualifications would significantly reduce the potential for unqualified individuals to register to vote. Federal and Ohio law requires applicants for both a REAL ID and standard ID to produce evidence of lawful status, so citizenship status will already be recorded prior to any opportunity to register to vote.<sup>3</sup> Implementing an automated voter registration and verification system negates the need for a new citizenship designation on driver's licenses and state IDs, which if codified could subject the thousands of lawfully documented immigrants in Ohio<sup>4</sup> to unnecessary harassment, intimidation, and even potential violence.

Like the removal of the automated voter registration system, the removal of digital forms of supplemental voter ID should be revisited and amended back into HB 294. In today's world, where banks and utility companies incentivize paperless billing and automatic withdrawals, requiring a physical copy of a utility bill or bank

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<sup>1</sup> Though the ACLU OH supports this provision, having a 10 day deadline for online requests, while having a 7 day deadline for paper requests is counterintuitive. The online deadline should be mirror the paper request deadline.

<sup>2</sup> <https://www.brennancenter.org/our-work/research-reports/case-automatic-voter-registration>

<sup>3</sup> <https://www.bmv.ohio.gov/dl-identity-documents.aspx>

<sup>4</sup> [https://www.americanimmigrationcouncil.org/sites/default/files/research/immigrants\\_in\\_ohio.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/immigrants_in_ohio.pdf)



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statement is out of step with Ohioans day-to-day lives. According to consumer spending analysis by market research firm NerdWallet, 72% of banking customers use a mobile banking app,<sup>5</sup> and 79% of Americans use mobile payment apps for purchases ranging from retail products to utility services.<sup>6</sup> Accepting digital forms of supplemental voter ID tracks with consumer technology advancements and utilization rates.

The ACLU of Ohio also objects to the changes made to Ohio's absentee balloting process and deadlines. Forbidding elections officials from sending absentee ballot applications and prohibiting prepaid return postage will unnecessarily tie the hands of the Secretary of State and county elections officials. We saw in 2020 how a measure of flexibility in this regard is wise public policy and can mitigate disruptions to our elections in emergency circumstances. Our 88 county Boards of Election should be afforded the discretion to operate additional drop boxes at multiple locations in their county. Prohibiting local Boards from installing drop boxes at multiple, secure locations in their county unnecessarily limits each Board's ability to serve their voters best.

Finally, the elimination of the Monday before Election Day from the early voting calendar, while unsavory from a voter advocate perspective, will ease the strain on our county Boards of Election. Though we acknowledge the pressure those Monday hours put on our Boards of Election, the allocation of Monday hours, as currently written, does not create equivalent opportunities for Ohio's early in-person voters. It would be an honorable compromise to reallocate those voting hours to the weekend immediately preceding Election Day, instead of sprinkling them amongst five separate weekdays. Codifying Ohio's early voting calendar, with the allocation of the lost Monday hours to the preceding weekend, would strengthen Sub HB 294.

To close, there is significant potential for Sub HB 294 to improve Ohio's election integrity, accessibility, convenience, and efficiency. However, there is a long way to go to achieve these gains. Ohio voters deserve an election system that works for them, not imposed on them. Thank you and I'm happy to answer any questions.

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<sup>5</sup> <https://www.nerdwallet.com/article/banking/most-banking-customers-use-an-app-despite-security-concerns>

<sup>6</sup> <https://www.nerdwallet.com/article/banking/mobile-payment-app-survey>. From article: Millennials (ages 24-39) are the generation most likely to use mobile payment apps — 94% use them, compared to 87% of Gen Zers (ages 18-23), 88% of Gen Xers (ages 40-55) and 65% of baby boomers (ages 56-74).