



SDUSA Interested Party Testimony Regarding Data Collection and Transparency Provisions in SB 71 (DATA Act)

Dear Chair Peterson and esteemed members of the House Government Oversight Committee,

Thank you for the opportunity to provide interested party testimony on Senate Bill 71, the Data Analysis Transparency Archive (DATA) Act.

My name is Peter Skopec, and I am the Director of Advocacy for Secure Democracy USA. We are a national, nonpartisan nonprofit that works with state leaders on both sides of the aisle, with election administrators, policy experts, and allies to strengthen election security, guarantee that every eligible citizen has the freedom to exercise their right to vote, and build confidence in our elections.

Transparent election processes and effective voter list maintenance are critical to election integrity and security. By standardizing the collection of election data, analyzing this information, and publishing it – possibly in the form of a dashboard on the Secretary of State’s website – the DATA Act has the potential to benefit the important work of election officials and voting advocates, as well as to promote a better understanding of, and confidence in, Ohio’s elections among voters. This worthwhile effort to improve transparency must not become an unfunded mandate on dedicated, hardworking county election officials. We therefore respectfully urge the legislature to appropriate the funds necessary to implement SB 71, should it become law.

Gathering data on the methods which Ohioans choose to cast their ballots – including data on rejected ballots, unreturned mail ballots, provisional ballots, and ballot deficiencies that voters failed to cure – can both support election integrity and help officials better serve Ohio voters’ needs. As written, however, SB 71 includes only ballots that were counted in a voter’s voting history; this would prevent rejected ballots (including rejected provisional ballots) and unreturned absentee ballots from being listed in a voter’s voting history. Boards of Elections (BOEs) and the Secretary of State’s office stand to gain important insights from this data and should collect and analyze this information. Furthermore, this exclusion could impact a voter’s last “activity date” and risks removing eligible voters from the rolls: otherwise eligible voters should not be considered “inactive” after attempting in good faith to cast a ballot that ultimately could not be counted. We respectfully urge you to include rejected ballots and unreturned absentee ballots in a voter’s voting history.

SB 71 also recognizes that accurate maintenance of Ohio's voter rolls must prevent ineligible voters from casting a ballot while ensuring that no eligible Ohioan is mistakenly denied their right to vote. To help accomplish this goal, SB 71 grants rulemaking authority to the Secretary of State to determine a process "for addressing instances in which records contained in the statewide voter registration database do not conform with records maintained by an agency, state, or group of states." It will be critically important to develop a robust, fail-safe system for matching a voter's entry in the voter registration database to other records, particularly when discrepancies arise, to prevent eligible voters from being mistakenly disenfranchised. We would be happy to discuss data matching and voter list maintenance best practices with members of the committee and the Secretary of State's office.

Finally, SB 71 changes the process through which interested parties may view voter registration forms by making these data subject to disclosure under Ohio's Public Records Law. We appreciate that SB 71 and existing Public Records Law prevent disclosure of some sensitive information, such as a voter's ID number, phone number, and email address. However, we also encourage you to proceed with caution before making public other personal information, particularly a voter's full date of birth.

Every eligible voter should have the freedom to cast their ballot securely and conveniently, the confidence to know their vote was counted, and the certainty that reported election results are accurate and trustworthy. With sufficient funding and proper safeguards, provisions of SB 71 have the potential to help accomplish these goals.

We thank Senator Gavarone for introducing this legislation, and Chair Peterson and the esteemed members of the committee for the opportunity to testify. We would be happy to provide the committee with any additional information.

Thank you,

A handwritten signature in black ink, appearing to read "P. Skopec", with a horizontal line underneath.

Peter Skopec
Director of Advocacy
Secure Democracy USA

Secure Democracy USA is a nonpartisan, nonprofit organization that works to build confidence in our elections and improve voter access across the United States. Our goal is to support local election officials and state lawmakers to make elections policy that ensures our country continues to be a beacon of democracy for the entire world.