

To: Senate General Government Committee

From: Anne Houdek, Burton OH

Re: Interested Party Testimony SB293

In their sponsor testimony, State Senators Theresa Gavarone and Andrew Brenner wrongly stated that the four-day grace period for mail-in ballots “encourages fraud”, “hurts the integrity and credibility of our elections process” and provides an opportunity for “a rush of phony ballots shoved in to skew the results”. The opposite is true.

As a poll worker, I have voted by mail numerous times. The process outlined in Ohio Revised Code Section 3509.05 is easy to follow and is safe, secure and convenient for voters. Ballots must be handled by a bipartisan team. It would be extremely difficult, if not impossible, to create and submit a “phony ballot.”

Passage of SB293 will disenfranchise Ohio voters. For the sake of argument, let’s pretend that the election day deadline was in force during the November 2024 election. 9,523 ballots arrived by mail during the four days after election day (Source: Ohio Legislative Service Commission: Fiscal Note & Local Impact Statement). Because those ballots would have been disregarded, it’s possible that elected candidates did not receive a majority of votes cast. That is not right.

As succinctly stated by Democracy Docket (August 25, 2025), grace periods “act as a safeguard for voters who rely on the mail to vote—particularly military, overseas and rural voters—by ensuring that postal service delays don’t lead to tossed ballots.” It is argued that a ballot is cast when the voter puts their ballot in the mail, not when it is received at the board of elections.

Sponsor testimony cited a decision by the U.S. Court of Appeals Fifth Circuit in Republican National Committee v. Wetzel. The court held that ballots cast on election day and via mail must be received by election officials on election day (i.e., no grace period to receive mail-in ballots after election day).

In that case, the Mississippi Secretary of State filed an appeal to the U.S. Supreme Court to overturn the U.S. Court of Appeals Fifth Circuit decision. The Supreme Court has yet to decide whether to hear the case, although briefs have been filed.

It would be prudent for this committee to delay voting on SB293 until the U.S. Supreme Court reaches a decision on whether or not to hear the case; and, if they hear it, what they decide.