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**Majority Floor Leader Bill Seitz
The Ohio House of Representatives**

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**Sponsor Testimony for House Bill 294: Enact the Ohio Election Security and
Modernization Act**

Chairman Wilkin, Vice Chair White, Ranking Member Sweeney, and members of the Government Oversight Committee, I am pleased to present HB 294 to you along with my joint sponsor Representative Ray, herself a six year veteran of the Medina County Board of Elections. This bill represents months – and in some cases years – of work as we constantly seek to modernize our election laws with the view of making it easy to vote and harder to cheat.

Given that Ohio ran an outstanding election in 2020, with record turnout, one might first ask why we are doing this now. There are four reasons. First, I have found over my 21 years that election law bills need to be considered as far as advance of the next consequential election as possible. When we wait until a time

very near to a consequential election, one side or the other will try to claim that we are trying to game the system.

Second, this bill seeks in large measure to codify things that currently exist only by Secretary of State Directive. A directive is not permanent, and may be changed or revoked by future Secretaries of State. Many of the reasons why our election was clean, robust, and generally fraud-free is because of the adherence by County Boards of Election to the directives by the current Secretary of State. Putting these best practices into code is therefore a guarantee that things will continue to run smoothly in Ohio.

Third, many of the proposals in this bill are not new. During the last session, there were several bills that addressed election law issues including ones about automated voter registration, online absent ballot request applications, and changing the unrealistic provision of current law that allows absent ballot requests to be made up until the third day prior to the General Election – a guarantee for disenfranchisement as it is highly unlikely that voters that waited that long would receive their absent ballot in time for it to be filled out and returned by the

deadline. None of these bills made it all the way across the finish line during the last session, so we are picking up where we left off and moving them forward now.

Fourth, and finally, ambiguity in election law is fertile ground for litigation and disagreement. We saw this last year when a number of lawsuits were filed about whether and to what extent drop boxes should be allowed in Ohio, with the courts ultimately determining not to order anything different than what Secretary LaRose had implemented by way of directive. Whenever our elections laws are ambiguous, there are those County Boards of Elections that take the incorrect view that that which is not expressly prohibited may nonetheless be done, while other County Boards of Election take the correct view that in the absence of explicit permission, novel practices are prohibited. We are using this bill as an opportunity to etch in stone the resolution of several of these ambiguities, and taking Secretary LaRose up on his invitation to have the General Assembly resolve some of these open questions.

This is a very balanced bill, and even the bill opponents have acknowledged that there are many provisions that they welcome. Moreover, never in my 21 years of service in the General Assembly have I seen a more comprehensive set of

materials distributed to all members of the House by way of the co-sponsor request and its attachments followed, by two sets of interrogatories propounded to me by Representative Hicks-Hudson, my responses to which have been shared with all members of the House. In any many ways, this bill has been vetted before it has even had sponsor testimony.

With that in mind, I turn to my joint sponsor to explain the principal operative provisions of the bill and then we will take any questions.

Chairman Wilkin, Vice Chairwoman White, Ranking Member Sweeney, and Members of the Public Utilities Committee – I would be remiss if I did not thank and acknowledge the hard work done by our Ohio Election Officials - our neighbors and friends, Republican and Democrat, who work incredibly hard for a very small amount of compensation to execute fair and successful elections for the citizens of Ohio.

It is with their input and the input of Ohio's Secretary of State that many of the provisions of HB 294 were developed. House Bill 294 will effectuate all of the following:

1. Automated (not automatic) voter registration through the Bureau of Motor Vehicles as has long been advocated by the Secretary of State.
2. Codify and expand the now-lapsed temporary law provision from HB 197 last session that authorizes each county Board of Elections (BOE) to have one securely monitored drop box at its premises during any pandemic or emergency (prior to that, there was no authority for any county to have any drop boxes ever), and to allow each county BOE to have up to 3 receptacles on its premises (under 24/7 video surveillance) for the 10 days immediately prior to the election, even absent any pandemic or declared emergency.
3. Codify two existing Secretary of State directives that require each county BOE to: have an Elections Administration plan, and carry out extensive pre-election logic and accuracy testing on every voting machine (paper-based and electronic) used in every election. It will also codify an existing

directive that allows any recent activity by a registered voter, including signing any petition for a candidate or issue, to be considered evidence of voter activity, precluding such person from being purged from the voter rolls, and any recent interface with the BMV from a registered Ohio voter to also be considered as evidence of voter activity, barring their purge from the rolls.

4. Explicitly state that an absentee ballot that is received by a BOE that is inside the absentee ballot return envelope but not inside the ID envelope cannot be cured.
5. Expand the current 'Youth at the Booth' program to make all 17 year-olds eligible to serve as precinct officers. Under current law, 17 year-olds are allowed to serve as precinct officers only if they are also a senior in high school. This change simply drops the stipulation that they must also be a senior.

6. Clarify the current law prohibition against ballot harvesting by providing that those who violate it commit election fraud.

7. Create a secure, online absentee ballot request system that is consistent with the current online voter registration system, which requires two-factor verification (using any two of the existing laundry list of permissible forms of identification). This is in line with the current requirements for paper absentee ballot request and voter registration forms – where two forms of ID verification must be presented - One form of ID plus the requested signature, which counts as a second form of identification, and also in line with existing law on online registrations - in which the same two factors of ID (but no signature) are required.

8. Prioritize the order in which now-required forms of ID for absent voting by mail are to be furnished, so that voters must use the driver's license number or state ID if they have one, and only if they do not may they use the last four numbers of their social security number or other permissible form of ID.

9. Allow voters to use electronic versions of their bank statements or utility bills, instead of hard paper copies, as permissible forms of identification.

10. Eliminate in-person absentee voting on the Monday prior to the General Election and shifting those hours to extend the in person voting hours to the week before the election, as has long been advocated by the bipartisan Ohio Association of Election Officials, so that county BOE's can be wholly focused on preparation for Election Day.

11. To prevent the unintentional disenfranchisement of voters by the USPS (and per USPS's own recommendation), this bill will shift the date to request absentee ballots from 3 days to 10 days before an election to ensure that BOE's have enough time to honor these requests

12. Clarify that the Secretary of State (and only the Secretary of State) may use public funds to pre-pay postage to mail absentee ballot request forms to all

registered voters, when funds have been appropriated for that purpose, but shall not pre-pay postage on either returned absent ballot request forms or returned absent ballots absent legislative authorization.

Ohio Succeeds at elections because we've found the right balance of voter access and election security. I think we can all agree, it's in all our best interest to build off that balance – utilizing both technology and best practices to improve upon our election system. I believe this bill achieves that objective.

