

**Written testimony of Michael Ahern opposing certain provisions and modifying certain provisions of proposed HB294 “Enact Ohio Election Security and Modernization Act”**

Dear Chair Wilken, Vice-Chair Swearingen, and Ranking Member Brown:

I am writing to you opposing certain provisions and request that you modify certain provisions in proposed HB 294 as described below.

**Proposed Sec. 3505.18(C)(2) and Sec. 3505.18(C)(3) should be deleted :**

These two new provisions will result in reducing elector’s ability to exercise their right to vote unless they are “...physically unable to enter the polling place...” [3505.18(C)(1)], or when “... the secretary of state may prescribe procedures to allow other electors to vote in accordance with division (C)(1) of this section, as necessary to protect the public health and safety.” [3505.18(C)(2)].

Proposed 3505.18(C)(3) establishes an unreasonable standard that: “Except as permitted under divisions (C)(1) and (2) of this section, no elector shall be permitted to vote in a vehicle or at the door of a polling place.”

**Basis for opposition to the proposed legislative language:**

As a poll worker during the 2020 general election, I worked as part of a bi-partisan team to provide curbside voting. Many voters using this option were unsure whether or not they were covid-19 positive, but elected to curbside vote in order to protect other electors (i.e., they could physically enter the building but opted to reduce exposure to other electors). Alternately, other electors opted for curbside voting because they had other conditions (e.g., they had compromised immune systems, were old or infirm). Under the proposed language, such electors were not “physically unable to enter the polling location”.

The Governor first declared a public health emergency in March 2020, but regardless of the status of that declaration in November 2020, there were (and are) electors that should legitimately be allowed to vote curbside - even if they are physically able to enter the polling place. The proposed legislative language would force the 100 year old veteran our team processed who voted curbside to wait in line to vote absent a public health emergency declaration by the Governor. The proposed legislative language would force thousands of immune-compromised electors (including those undergoing treatment for cancer) to wait in line and risk exposure to potentially life-threatening disease absent a public health emergency declaration by the Governor. Similarly, the proposed language would force an unknown number

of electors with a communicable disease (but not physically debilitating disease) to expose themselves to elections officials and fellow electors (e.g., a person with walking pneumonia or a severe viral infection in the absence of a public health emergency declaration by the governor).

Finally, election officials are not medical professionals (or are at least not operating in that capacity while working as election officials even if they are certified medical professionals). The proposed language unduly and inappropriately places election officials in the position of assessing whether an elector is “physically unable to enter the polling location. Similarly, the proposed legislative language unduly burdens an elector, and places them at risk of being accused of noncompliance with the proposed language. How? Well.....does the legislature really want to force electors to “prove” their inability to to physically enter a polling location or to be challenged when they arrive to cast a ballot? I should hope not.

In short, the proposed language I have highlighted above does nothing to enhance elections integrity and should be removed because it is detrimental to electors and candidates, regardless of Party affiliation and puts electors and anyone involved in voter processing at unnecessary health risk. There is no logical or rational basis for the proposed language.

**Proposed Sec. 3509.05(C)(1) list of eligible family members who may deliver an absentee ballot on behalf of an elector should be modified to include “grandchildren”.**

**Basis for adding “grandchildren” to the 3509.05(C)(1) list of eligible family members who may deliver an absentee ballot on behalf of an elector:**

As currently written, grandparents may deliver an absentee ballot on behalf of an elector. It is illogical and inconsistent that grandchildren cannot provide the same assistance to their grandparents. In fact, elderly electors who are in nursing homes, physically confined to home or another location, are frail or immunosuppressed are more likely to seek to rely on another family member, including grandchildren, to deliver their absentee ballot. This suggested addition may have resonance with Committee members who have grandparents that need assistance and I sincerely hope it is added..

**Proposed Sec. 3509.05(C)(2) twenty-four hour per day video surveillance of ballot drop boxes, as written, is unreasonable and undermines confidence in election integrity.**

Proposed Sec. 3509.05(C)(2) requires that “Each drop box shall be monitored by video

surveillance twenty-four hours a day during the time that ballots may be deposited in the drop box.” The proposed language also allows up to three drop boxes (I support this specific proposed language because it aids in election efficiency and integrity and provides electors with a secure and convenient method for absentee voting).

**Basis for opposing the video surveillance proposed legislative language as written:**

Many, possibly all, boards of elections provide outdoor drop boxes. At times, one or more of these boxes are at a location where electors may drive up to the box (e.g., at a location in the parking lot of the board of elections). These ballot drop boxes are manned by bi-partisan teams to ensure election integrity and compliance with applicable law. These ballot drop boxes are available at specified, published times by the board of elections and are transported by bi-partisan teams from within the board of elections building to the outdoor location for the specified period each day. The ballot drop box is only unlocked by the bipartisan team when it is placed at the outdoor location and is re-locked prior to transporting the ballot drop box back into the board of elections building. The proposed language places undue hardship on boards of election and sets the stage for third parties to allege decreased elections integrity by requiring “24-hour surveillance”, even when the box is locked and being transported to and from the board of elections building and the outdoor location. The proposed legislative language is too broad and potentially raises more issues than it purports to solve.

**Proposed Sec. 3509.051(F)(2) and 3509.051(F)(3) should be deleted :**

Proposed Sec. 3509.051(F)(2) and 3509.051(F)(3) are substantively similar to Proposed Sec. 3505.18(C)(2) and Sec. 3505.18(C)(3).

**Basis for opposition to the proposed legislative language:**

My rationale for opposing the legislative language proposed in Sec. 3509.051(F)(2) and 3509.051(F)(3) as provided above in opposition to Proposed Sec. 3505.18(C)(2) and Sec. 3505.18(C)(3).

Respectfully submitted,  
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Submitted: December 1, 2022 via email