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June 2, 2020

To the State and Local Government Committee of the Ohio House:

Chairman Scott Wiggam, Vice Chair Jason Stephens, Ranking Member Brigid Kelly, and members of the Committee,

Via fax to Chairman Wiggam (614.719.0003), Vice Chair Stephens (614.719.6987) and Ranking Member Kelly (614.719.3585).

My name is Deborah Coleman. I am an active citizen and a practicing Ohio lawyer. I oppose HB 680.

As a lawyer, I have represented businesses and I have represented poor people. I believe in the rule of law and the responsibility of citizens to guide their government through voting and advocacy. I have worked in elections regularly since 2002 as a volunteer or poll worker. I expected to serve as a poll worker for the 2020 primary, as a deputy manager of a 12 precinct polling place that would have 50 poll workers alone.

I was much relieved that the in person primary was postponed in the early morning hours of 3/17. The limited information about safety protections that the BOE was able to provide in the days before the election did not give me confidence that workers and voters would be safe. I had tried, over the weekend, to obtain gloves and sanitizer for the poll workers without success.

Clearly, Ohio must adopt plans for dealing with health or other emergencies on an election day. And I appreciate the complexity of making those plans from my years as an election volunteer. However, HB 680 is not the solution.

1. HB 680 requires that a decision be made whether to go forward with alternate plans for an election two months before the election occurs, and creates no means for dealing with emergencies that arise on shorter notice. Taking the pandemic as an example, on January 17, did anyone foresee that Ohio could not hold its March 17 primary with in-person voting? As another example, who can foresee in advance that a tornado will devastate a county the week before an election, and make in-person voting impossible? *HB 680 is a problem because it sets an absolute deadline for implementing an alternate voting program (proposed 3501.19) and strips the Ohio Director of Health and local Directors of Health of authority to make orders relating to elections in the event of a health emergency in this state or their localities (proposed 3701.02, 3701.212).*

Common sense legislation would set up a task force, including the Ohio Secretary of State, the Ohio Director of Health, state emergency personnel and representatives of

county boards of elections to set up model plans and to deal with emergencies as they occur, taking into account all of the many factors that must be weighed and balanced.

2. HB 680 bars the Secretary of State from mailing absentee ballot applications to voters for the 2020 election. (Section 4). This proposal is unrelated to any emergency and appears to be aimed to make voting harder in the 2020 election, where it is possible, under the terms of HB 680 itself, that most voters will have to vote by mail.

Constructive legislation would authorize or direct the Secretary of State to mail absentee ballot applications to all registered voters for every election, especially in circumstances in which most voters will have to vote by mail.

3. HB 680 bars the Secretary of State and County Boards of Election from prepaying postage for the return of applications for absentee ballots or the ballots themselves. (proposed 3509.03(E)). This proposal makes no sense, particularly in an emergency when voters may be unable to obtain the postage necessary to return an application or ballot.
4. HB 680 fails to address the possibility of voters applying for absentee ballots on line. Especially if the Secretary of State is not directed to mail absentee ballots to registered voters for every election, constructive legislation will permit online application for absentee ballots. SB 191 does this and its provisions should be included in any bill providing for elections in case of emergencies.
5. HB 680 shortens the time for County Boards of Elections to receive absentee ballot applications and act on them from 3 days before the election to 10 days before the election. A better solution to assure that absentee ballots are timely received and counted is to permit or require the Secretary of State to mail absentee ballot applications to all registered voters, to permit online application for absentee ballots, and to extend the time within which absentee ballots can be counted in voting tallies.
6. HB 680 prescribes only one location in each county where absentee ballots can be deposited, and only one location in which voters could vote in person on Election Day in the event of a declared health emergency. Counties should be given discretion to establish multiple locations for such purposes, to assure that all voters in the county can readily vote.

I ask you to consider this letter, vote against HB 680, and apply your energy and creativity to a more sound approach to planning for elections in the event of public health or other emergencies.

Sincerely,



Deborah A. Coleman