



HOUSE BILL 680
OPPONENT TESTIMONY

July 20, 2020

Dear Chairman Coley, Ranking Member Craig, and members of the Senate Government Oversight & Reform Committee:

I appreciate this opportunity to provide testimony to H.B. 680 which seeks to adjust election procedures in part in response to the current pandemic.

I oppose this legislation as any changes made to election procedures less than five months from a presidential election should be dedicated to improving the ability of people to vote and have their votes counted. This legislation fails in this regard both by shortening the window to request a vote by mail ballot and because it fails to embrace available, common sense options that promote safe voting during a health pandemic. Though significantly improved from the initially introduced version, this legislation does not provide what is needed to best protect Ohio democracy this year during the health pandemic calamity.

I have been fortunate in my career to have served both as the Director of the Franklin County Board of Election, a poll worker and as a member of the Ohio general assembly sponsoring and working on election legislation. Now as Franklin County Auditor, I take seriously the charge from the findings of the National Voter Registration act that “to vote is a fundamental right” and “it is the duty of the Federal, State, and local governments to promote the exercise of that right.”

Voting by mail should be efficient and accessible especially during a health pandemic

This legislation proposes a key changes to vote by mail procedure: moving up the deadline to request a vote by mail ballot. This change places additional unnecessary burdens on voters to vote by mail – which has become a critical part of any election and even more crucial when there is any health risk.

The bill proposes a deadline of 12 p.m. seven days before the election, so noon on the Tuesday before Election Day for applications to be received by the Board of Elections. The purported reason for this is to ensure that requests are processed timely, but this is a major shift on voters and is an outsized and foolhardy reaction to some voters not receiving ballots on time from the 2020 primary election. We know that in Franklin County, the vast majority of ballots requested as late as the Friday afternoon before the election are received in time to cast a valid ballot so this option should not be eliminated as it may be the only one for some voters.



FRANKLIN COUNTY AUDITOR MICHAEL STINZIANO

373 South High Street | 21st Floor | Columbus, Ohio 43215

T (614) 525.HOME | C (614) 219.9224 | auditorstinziano@franklincountyohio.gov | franklincountyauditor.com

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There are ways to improve the vote by mail process without making fundamental shifts or transitioning Ohio to a primarily vote by mail state. I join the many common sense calls that ask the legislature to immediately authorize online requests for absentee ballots just like we have online voter registration. In this emergency, we should also support emailed or faxed submission of ballot applications for all voters. This would allow voters without printers or postage to easily request ballots and minimize Board of Elections cost and effort in verifying and delivering ballots.

The ballot return process can also be improved. The state should proactively cover the cost of all postage related to the request, receipt, or return of a ballot. Ballots mailed in on Election Day should be counted. In addition, multiple ballot boxes throughout counties can provide convenient opportunities for voters to turn in their ballot without needing USPS delivery. No one should be disenfranchised for want of a stamp.

This bill should be an opportunity to improve and safeguard elections in Ohio

Based on the committee notice, I realize that this bill may be amended and acted upon without further committee hearings. I therefore include in this testimony additional suggestions for what could be added to the legislation and what should certainly be protected within existing election administration.

First, to truly protect voters in a possible emergency and given the continued spread of Covid-19 in Ohio, I ask the committee to consider enhancing Ohio's vote by mail process. The state should provide for Boards of Elections to proactively mail ballots to every registered voter while simultaneously allowing emergency in-person voting options. This follows the example of the numerous states that have primarily voted by mail for years. Sending all voters a ballot would be secure as every Board of Elections already has the capacity to track and cancel mailed ballots. It would be cost effective as the need to mail everyone a post-card and then mail applications to any who requested them would be eliminated (and certainly not as effective as it should be). Most critically, it would prioritize the ability of all Ohioans to have their vote counted.

Second, early in-person voting options should be expanded to allow multiple locations within a county. Physically spreading out the locations for early vote both increases voter access and allows for better social distancing as required by the pandemic. This is an option that could be tailored to the population of each county as a means to provide equal access to voters rather than strict county uniformity.

Third, the state must support Boards of Elections in maintaining sufficient, accessible, Election Day locations. A lack of poll workers and consolidation of precincts caused chaos in many state's primary elections in the last few months. Even in a year not experiencing a health pandemic, the coordination and polling location "dance" is one that causes confusion and consternations. This bill is an opportunity to protect against such disruption in Ohio this fall. The Board of Elections need support and funding for poll workers and support for more online or socially distanced training opportunities. Serving as a poll worker should be an excused absence for high school and college students. Voting location consolidation should be an absolute last resort and there must be aggressive, proactive outreach (as I've seen firsthand a post card mailing is not sufficient) to voters whose polling location has changed. Boards of Elections are working towards this requirement, but funding and guidance will improve their efforts.

Early in-person voting including the last three days is a critical option for Ohio voters

The portion of the as-introduced bill that was most concerning was the elimination of the statutory language allowing early voting through the day before the election at 2 p.m. for those who qualify under the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA voters). Though this is not in the House passed version of the bill, given the possible quick action I include this explanation of the

importance of early voting. I sponsored the legislation that ensured this voting option for UOCAVA voters, and ultimately after litigation all voters when there was inconsistency in the revised code.¹

This option is incredibly popular among voters and is a strong tool to prevent excessive lines or other confusion on Election Day. The basis for the initial legislation was the many calls and frustrated Ohioans I heard from during my service as Director of the Board of Elections who could not participate in the election due to, at that time, Ohio's archaic and outdated election administration procedure. I worry you are heading in that direction again.

Early in-person voting helps make Election Day proceed smoothly and allows voters the choice of when to vote. The current timeline of 28-days, though not as helpful as the original 35-day window accommodates voters in a variety of circumstances. There are those who vote right away confident in their choices, those that go and vote when their busy lives permit, and those who through a combination of decision making and circumstances want to vote shortly before Election Day. Policy makers should do everything appropriate to increase voter participation by having flexible and varied options that meet voters various expectations.

Shortening by three days the window for early vote eliminates an entire weekend of voting, a critical option for those balance work and life obligations with voting. Those voters will have two options: vote earlier-during a window that is already busy thus increasing wait times during the remaining early vote window or vote on Election Day placing additional burden on precinct election officials and a smooth outcome at the end of the election. As an Elections Administration, it was always preferred to be able to process as many ballots as possible prior to Election Day then to balance the various Election Day operations and deadlines (both real and arbitrary)

I certainly know firsthand that we ask much of our election officials and poll workers but our priority must remain with giving voters all reasonable opportunity to cast a ballot. The tax payer investment and coordination is too great. We have had more than a decade of elections with early voting continuing through 2 p.m. the day before Election Day. This is more than enough for us to know it is a safe and effective means to support voters and should be retained.

Conclusion

It is critical that we prepare for how the current COVID pandemic could affect voting this fall since there cannot be any delay in the casting of votes in such a large local and national election. All plans and efforts should prioritize voters while balance the needs of security and local election administration.

Thank you for the opportunity to provide this testimony. As always, I would welcome the opportunity to discuss further the options for Ohio. Never hesitate to reach me directly at AuditorStinziano@franklincountyohio.gov or 614-525-5700.

Sincerely,

Michael Stinziano
Franklin County Auditor

¹ See *Obama for America v. Husted*, 6th Circuit Case 12-4055)
<https://moritzlaw.osu.edu/electionlaw/litigation/ObamaForAmericaVHusted.php>