

**OPPOSITION TESTIMONY SUB HB 458  
ANDREA R YAGODA, PRIVATE CITIZEN  
SENATE LOCAL GOVERNMENT AND ELECTIONS COMMITTEE**

Chair Gavarone, Vice Chair O'Brien, Ranking Member Mahareth and Members of the Senate Local Government and Elections Committee. Thank you for affording me the opportunity to testify against HB 458. My name is Andrea Yagoda and I have been a resident of Ohio since 1974.

Article II Section 15 (D) of the Ohio Constitution provides:

*(D) No bill shall contain more than one subject, which shall be clearly expressed in its title. No law shall be revived or amended unless the new act contains the entire act revived, or the section or sections amended, and the section or sections amended shall be repealed.*

It is bad enough that Sub HB 458 is not reflected on the public website for Ohioans to review before these hearings and possibly passage but the title of this bill is "Eliminate August special elections except for US House nomination". Obviously this Bill addresses significantly more than the elimination of August special elections but rather is an extensive voting bill which makes substantial changes to the way Ohioans have voted for years and, as such, is violative of the Ohio Constitution Article II Section 15 (D).

Although I was not involved in the drafting of the Ohio Constitution I would assume that the title of a bill is important to give the public notice of the substance of that bill. Clearly, the title of this bill as amended does no such thing.

**REQUIREMENT OF PHOTO ID:** HB 458 would not only require a photo ID to vote in person but would require the same to just request a mail in absentee ballot and to vote absentee mail in as well. The IDs are limited to an unexpired Ohio drivers license; military, national guard or veterans affair IDs.

Senator Cirino last week you spoke of Georgia's election laws and inquired how those laws affected voting in Georgia so this weekend I did a little research which I would like to share with you as HB 458 is much more restrictive than Georgia's laws.

First, let's compare the IDs required for in person voting. In Georgia they are as follows:

- ◆ Any valid state or federal government issued photo ID including the free ID issued by the county registrar's office or the Dept of Driver Services; **HB 458 limits to state ID and one can only obtain it from the BMV vs. the BMV and the local BOE. While there are fewer BOES offices for Ohioans to get these IDs the BOES are generally less busy than BMVs when no elections.**
- ◆ Georgia Driver's License, even if expired; **HB 458 requires that the Ohio license be Unexpired**
- ◆ Student ID from a Georgia public College or University; **HB 458 does not provide for a student ID**<sup>1</sup>
- ◆ Valid employee photo ID from any branch, department, agency, or entity of the US Government, Georgia, or any other county, municipality, board, authority or other entity of this state; **No such allowance in HB 458**
- ◆ Valid US passport ID; **No such allowance in HB 458**
- ◆ Valid US military photo ID containing a photograph of the voter;
- ◆ Valid tribal photo ID containing a photograph of the voter.  
(<https://sos.ga.gov/page/georgia-voter-identification-requirements>)

Now let us review Georgia's ID requirements for mail in absentee voting.

In Georgia one may request a ballot in writing no specific form is required so long as there is some identifying information on the request. **HB 458 requires a specific form dictated by the Secretary of State.** So, if you are a voter like my

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<sup>1</sup> The list of universities totals 31 and the list of technical colleges are 33. Total 64 colleges and

brother in law in his 80's without a computer or internet he will no longer be able to just send a request for a ballot to the Secretary of State but will be required to secure the form. And **unlike Ohio**, a Georgia voter may forward their request by facsimile or electronically in addition to the US mail or personally delivering the same. (GA 21-2-381)

In Georgia if a voter does not have a photo ID they can return a copy of a, utility bill, bank statement, government-issued check or other government document with their application for an absentee ballot **which is not the case under HB 458**.

Returning a ballot: In Georgia to vote absentee mail in, voters who lack a photo ID can provide the last four digits of their Social Security number instead. Otherwise, voters can enclose a current utility bill, bank statement, government-issued check or other government documentation. **HB 458 does not allow for alternate IDs for those without a photo ID to vote absentee by mail. Unlike Georgia if one does not have a photo ID they are foreclosed from voting in any manner.**

DropBoxes. In Georgia every "BOE"<sup>2</sup> must have **at least** one dropbox and then the amount of additional boxes are determined by population **whereas HB 458 limits each BOE to only one dropbox**. Further, in Georgia the BOES can designate a branch of the county courthouse, a courthouse annex, a government service center providing general government services, another government building generally accessible to the public, or a building that is used

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<sup>2</sup> I have referred to GA's Board of registrars as BOES herein

as an election day polling place, notwithstanding that such building is not a government building as additional sites for submission of mail in absentee ballots. ***HB 458 limits the submission only to the county BOE and specifically prohibits other sites for collection of ballots.***

HB 458 also limits the duration and hours for dropboxes. Under HB 458 dropboxes will be limited only to the submission of ballots thereby excluding submission of voter registrations, request for absentee ballots, campaign filings, etc. Further, it limits the hours dropboxes are functional to align with the hours the BOE is open. Many Ohioans today live in the suburbs and work in places not that close to their residence. Many Ohioans have to drop their children off at daycare/school or have to remain home until the bus arrives to pick their children up for school and may be unable, in light thereof, to get to their polling location in the morning and many have to retrieve their children at daycare after work. Not everyone that used dropboxes did so because they were “covid cowards”. What could possibly be the rationale for this? Why are we making it more difficult for Ohioans to cast their ballots. As far as I know there have been no negative incidences involving dropboxes since they were put in use. Just because we started using them during covid does not mean we should cease using them when they are facilitating the submission of voter registration, requests for ballots, submission of ballots, etc.

HB 258 also eliminates the ten (10) day grace period for ballots postmarked the day before the election to be received. What could possibly be the rationale for this? There are many voters that after receiving their ballots

take the time to research the issues and the candidates. Some of them may be out of town especially Ohioans in the military. I was recently sent a postcard from the state of Washington. It took sixteen (16) days to get to me in Ohio. I sent a letter from the Orange Road post office in Delaware County to Worthington, less than 10 miles away and it took three days, a letter from Pickerington to me, five (5) days. These are days utilizing the postmark. Why are we making Ohio voters victims of the United States Postal Service especially when seven (7) days after the election voters are permitted to cure their ballots? What difference does an additional three (3) days make?

Although I have not heard an explanation from this committee others have suggested the rationale for this change was so we would not have to wait “forever” for election results. Really? Within one (1) hour of the polls closing the race for Governor was called. Within 24 hours of the election all races with the exception of a few (approx 2) were called. I fear that this limitation on the dropboxes which have proven to be very successful for the last election cycles is a reaction to the “Big Lie”. Why else with one brush would the legislature limit the hours of the dropbox use while at the same time requiring a specific form to request an absentee ballot, and then eliminate the grace period for receipt of the same? To me this appears to be a way to make voting absentee by mail harder and to me it appears to be an attack on mail in absentee voting to appease advocates of the “Big Lie”.

This ID purportedly would be free of charge but I wonder how many members of this committee actually know what is required to obtain an Ohio state ID. There is probably no scenario that obtaining a state ID would be “free”.

One must provide documentation to establish their legal name, date of birth, legal presence, social security number, street address, and proof of name. A certified copy of a birth certificate in Ohio costs \$21.50, it is recommended that the request be made online with a credit card and the time to get the certificate is about three (3) weeks. The birth certificate would establish your date of birth, and your legal presence and if you have not changed your name, your name. If your name has changed you would also need a certified copy of your marriage certificate, court document, etc. In Franklin County Probate Court certified copies are \$1.00 per page. There are various ways to establish your social security number however, if you do not have your social security card it could prove to be more difficult as many paychecks, etc now only contain the last four (4) digits of your social security number. And then one needs some document like a bill, statements, etc. establishing residence for the last twelve (12) months. This would differ with each county. If you do not internet access or a credit card then you will have to ascertain where a local office is to present your request in person. How would a voter without a photo ID who votes provisionally be able to obtain the state ID in seven (7) days if one of the required documents is lacking?

Keeping this in mind, HB 458 fails to take into account the elderly, handicapped, hospitalized, and jailed eligible voters. My mother was confined to a wheelchair. She no longer drove and did not have a valid Ohio driver’s license

nor did she have a State ID. My mother was living in an assisted living facility. Although they had a transport bus, the rides were limited to a specific mileage range. Thus, if the BMV was outside that range I would have to arrange for a private taxi to transport her. A taxi in which she could be rolled into. Normally the cost round trip was no less than \$75.00. If I was unavailable, she would then have to pay for an aide to accompany her at the rate of \$21.00/hr whether by facility bus or taxi. Neither the bus nor taxi wait for you. She called when done and would have to wait. There were times when we were forced to wait over two hours for the bus/taxi. Wait at the BMV for two hours??

My mother would not be alone. How many residents in assisted living and nursing homes facilities face this same problem and what about those who are handicapped and not in such a facility? Unless the state had a mobile ID unit , HB 258 would disenfranchise the elderly and the handicapped. But perhaps this legislature has no problems disenfranchising the elderly and handicapped.

What about those eligible voters confined in hospitals, comfort care, hospice, jail? They may have drivers licenses and or state IDs but may not have their numbers memorized nor have access to the same. Recently a close friend of mine passed away while in hospice. Before then she was hospitalized unexpectedly. She secured an absentee ballot, texted me to send her information on the Columbus bond issues and then used her social security number to vote. On her death bed she felt the importance of voting. She did not have her Ohio drivers license with her and her family could not locate it. Under this bill, she

could not have even applied for a mail in ballot as she did have that number with her. And I am betting she would not be alone.

And what about those eligible voters confined in jail? They are not permitted to retain their drivers licenses or IDs. How will they be able to vote?

Reducing Early Vote Hours: Eliminating Monday early vote is a big change. Voters are accustomed to voting on Monday and it is a day when many voters present themselves to vote. Additionally, this bill fails to account for the hours deleted like increasing hours to vote on weekdays during the early vote period to accommodate working voters.

Reducing time to Request Ballot: There may be times when a voter is called away, out of town, etc unexpectedly which would cause them to change their plans about in person voting. Unlike Georgia, Senator Cirino one needs a specific form to request an absentee mail in ballot and unlike Georgia the request cannot be communicated via facsimile or electronically but must be mailed or personally delivered to the Secretary of State and unlike Georgia no other person can request the ballot for you (GA 21-2-381) under these circumstances. Reducing the time to request a ballot from 3 days before an election to seven (7) is unnecessary and could be detrimental to voters.

Prohibiting Unsolicited Mailing by SOS of Application for Absentee Ballots: As it stands the law permits the Secretary of State to mail applications for absentee ballots to registered voters for a general election and **only if** the legislature has appropriated the funds for the same. So the authority is limited to general elections and the legislature controls the funding. What is the legislature



afraid of ? That at some point in time Democrats will control the legislature and appropriate funds? Sending applications remind voters that this is a voting option; is a way for the forms to be uniform without requiring it; creates “red flag” if returned because a voter is no longer at the address; and speeds up the request process especially if this body is going to limit the use of dropboxes and reduce the time to request the same and eliminate the grace period for their return.

Curbside Voting: HB 458 fails to define “disabled” and refers to someone who cannot enter the building. While someone may be able to walk to the entrance of the building, that same person may be unable to wait in line for long periods of time. Further, there may be voters with various health conditions which would make it unsafe for them or others to vote inside the building.

And the timing of this bill is problematic. My understanding is if the bill passes it will be effective in ninety (90) days shortly before the May, 2023 primary, barely enough time to educate voters on the changes especially those on absentee voting and hardly enough time to get a state ID if one is lacking any of the required documents.

I would strongly urge this Committee to vote NO on this Bill.

*Andrea R. Yagoda*