

To: Senate Local Government and Elections Committee

From: Collin Marozzi, Deputy Policy Director, ACLU of Ohio

Date: December 12, 2022

RE: HB 458 – Opponent Testimony

Thank you Chairwoman Gavarone, Vice Chairwoman O'Brien, Ranking Member Maharath, and the members of the Senate Local Government and Elections Committee for the opportunity to provide written opponent testimony on House Bill 458 (HB 458). My name is Collin Marozzi, and I am the Deputy Policy Director for the American Civil Liberties Union of Ohio.

Following my testimony to this committee on December 7, 2022, there was continued discussion regarding the rationality of imposing a strict photo ID requirement, in light of the suspected voter fraud identified by the Secretary of State's office since 2019. I write today to share with the committee pro-voter strategies that have the benefit of improving voter list accuracy without subjecting voters to an unnecessary, burdensome, and costly photo ID mandate.

First and foremost, we need to remember that we are talking about 630 referrals for **potential** voter fraud over the course of the 2018, 2019, 2020, and 2021 elections. Ohioans casted nearly fourteen million votes across those elections. That's a **potential** fraud rate of around .00004%. Recalling my previous testimony, you'll remember that 513 of the 630 individuals referred to the Attorney General were referred for registering to vote as non-citizens, not for actually voting. These figures indicate that over 80% of the individuals referred over this period may not have cast a ballot at all, but rather mistakenly registered. This is a critically important fact when debating a policy proposal that could disenfranchise the estimated one million Ohioans without a compliant photo ID.¹ That said, we all agree that only eligible Ohioans should be voting in our elections. Below are some pro-voter ways to make that happen.

The most obvious way to eliminate unqualified registrations, is to implement an automated voter registration and verification system. Implementing this system would have significant benefits. It would clean up our sloppy voter registration rolls, streamline county Boards of Election operations, and boost voter participation.² It cannot be overstated how an AVR-type system's front-end verification of elector qualifications would eliminate the potential for unqualified individuals to register to vote. Federal and Ohio law requires applicants for both a REAL ID and standard ID to produce evidence of lawful status, so citizenship status will already be recorded prior



4506 Chester Avenue
Cleveland, OH 44103
P: (614) 586-1959
F: (216) 472-2210

1108 City Park Avenue
Suite 203
Columbus, OH 43206
P: (614) 586-1959
F: (614) 586-1974

acluohio.org
contact@acluohio.org

Dr. Ebony Speakes-Hall, LISW-S
President

J. Bennett Guess
Executive Director

¹ December 7, 2022 written testimony on HB 458 from Franklin County Auditor Michael Stinziano

² <https://www.brennancenter.org/our-work/research-reports/case-automatic-voter-registration>



4506 Chester Avenue
Cleveland, OH 44103
P: (614) 586-1959
F: (216) 472-2210

1108 City Park Avenue
Suite 203
Columbus, OH 43206
P: (614) 586-1959
F: (614) 586-1974

acluohio.org
contact@acluohio.org

Dr. Ebony Speakes-Hall, LISW-S
President

J. Bennett Guess
Executive Director

to any opportunity to register to vote.³ A strict photo ID requirement has no ability to curtail this type of mistaken registration. Implementing an automated voter registration and verification system also negates the need for a new citizenship designation on driver's licenses and state IDs, which if codified could subject the thousands of lawfully documented immigrants in Ohio⁴ to unnecessary harassment, intimidation, and even potential violence.

Next, when looking at the individuals identified for double-voting, it's important to know that Ohio has taken proactive steps to stop this form of voter fraud. Ohio is one of over 30 states that partner with the non-profit organization Electronic Registration Information Center (ERIC). This partnership is invaluable for identifying persons who have recently moved across state lines and cross referencing voter registration data to help remove non residence from state registration lists. To better understand the workings of ERIC, this committee could invite Amanda Grandjean to come and testify to that effect. Ms. Grandjean serves as the Ohio Deputy Assistant Secretary of State and Director of Elections, and she is also the 2022-2023 board chair for ERIC.⁵ Her expertise and advisement would be a rich addition to this discussion. Further, the partnership currently enjoyed by Ohio and ERIC is at risk, because of a hastily added provision into the state's most recent operating budget (Am. Sub. HB 110). In part, that provision states "*no public official that is responsible for administering or conducting an election in this state shall collaborate with, or accept or expend any money from, a nongovernmental person or entity for any costs or activities related to voter registration...*"⁶ The General Assembly should strike this overbroad and detrimental provision from the Revised Code, and encourage partnerships like the one Ohio enjoys with ERIC to continue monitoring and updating our voter registration lists. Implementing a strict photo ID requirement will do nothing to prohibit double voting.

Lastly, for individuals suspected of voting as a deceased voter, again, the General Assembly has all the tools at their disposal to boost reporting requirements between the Secretary of State's office and other state agencies for the purpose of voter registration list maintenance. State law already says "*state agencies, including, but not limited to, the department of health, the bureau of motor vehicles, the department of job and family services, the department of medicaid, and the department of rehabilitation and corrections, shall provide any information and data to the secretary of state that is collected in the course of normal business and that is necessary to register to vote, to update an elector's registration, or to maintain the statewide voter registration database established pursuant to this section, except*

³ <https://www.bmv.ohio.gov/dl-identity-documents.aspx>

⁴

https://www.americanimmigrationcouncil.org/sites/default/files/research/immigrants_in_ohio.pdf

⁵ <https://ericstates.org/who-we-are/>

⁶ ORC 3501.054

*where prohibited by federal law or regulation.”*⁷ The Bureau of Vital Statistics (BVS), under the Ohio Department of Health already issues State and Territorial Exchange of Vital Events (STEVE) reports to the Secretary of State’s office on a monthly basis. The General Assembly could amend this statute to compel the BVS to transmit death certificates on a biweekly, weekly, or even daily occurrence in the lead up to elections should you choose. This would bolster the state’s ability to remove deceased voters from the rolls. Implementing a strict photo ID requirement will do nothing to prohibit voting on behalf of a deceased voter.

The point is there are numerous ways to improve Ohio’s elections without imposing a prohibitive photo ID mandate. The ACLU of Ohio stands at the ready to assist in any effort to bring these common sense, pro-voter proposals to reality. Until then, we continue to call on this committee to reject HB 458.



4506 Chester Avenue
Cleveland, OH 44103
P: (614) 586-1959
F: (216) 472-2210

1108 City Park Avenue
Suite 203
Columbus, OH 43206
P: (614) 586-1959
F: (614) 586-1974

acluohio.org
contact@acluohio.org

Dr. Ebony Speakes-Hall, LISW-S
President

J. Bennett Guess
Executive Director

⁷ ORC 3503.15 2(a)

SAVE AS

SAVE AS

SAVE AS

SAVE AS

SAVE AS

SAVE AS

SAVE AS

SAVE AS

SAVE AS

SAVE AS