



PROTECTING THE VOTE FOR ALL AMERICANS

Senate Local Government and Elections Committee
Submitted via email

December 10, 2022

Dear Chair Gavarone, Vice Chair O'Brien, Ranking Member Maharath, and Members:

Fair Elections Center¹ writes to express its strong opposition to HB 458. This bill would make it harder for Ohioans to vote, and almost certainly lead to expensive, protracted litigation paid for by Ohio taxpayers. The Center respectfully requests that this letter be entered into the record as written testimony.

This legislation does not address any pressing issue facing Ohio voters or election officials, and would in fact undermine voting access and election administration in the state. It would especially impact senior voters, voters with disabilities, military voters, and voters who maintain traditional business hours by:

- **Establishing the strictest voter ID law in the country**, by requiring voters to possess an unexpired Ohio-issued driver's license or ID card, military ID, Ohio National Guard ID, or Veterans' Affairs ID card to vote. Although adults would be able to obtain a free ID from the Bureau of Motor Vehicles, taxpayers would ultimately bear these costs. Moreover, so-called "free" IDs are not free, as the underlying documentation needed to obtain them can cost more than \$100.² Seniors and people with disabilities—who make up 22 percent³ and one-quarter⁴ of Ohio adults, respectively—are at heightened risk of disenfranchisement

¹ Fair Elections Center is a national nonpartisan, nonprofit voting rights organization based in Washington, D.C. Its mission is to use litigation, education, and advocacy to remove barriers to registration and voting, particularly those disenfranchising underrepresented and marginalized communities, and to improve election administration. Since 2012, Fair Elections Center has operated Campus Vote Project to help students understand and exercise their freedom to vote, including in Ohio.

² Richard Sobel, *The High Cost of 'Free' Photo Voter Identification Cards*, CHARLES HAMILTON HOUSTON INST. FOR RACE & JUSTICE 2 (June 2014), available at <http://charleshamiltonhouston.org/wp-content/uploads/2015/01/FullReportVoterIDJune2014.pdf>.

³ Table S0101, "Age and Sex," U.S. CENSUS BUREAU, available at <https://data.census.gov/table?q=S0101&g=0400000US39&tid=ACSSST5Y2021.S0101&moe=false> (last visited Dec. 8, 2022).

⁴ *Disability & Health U.S. State Profile Data for Ohio (Adults 18+ years of age)*, CENTERS FOR DISEASE CONTROL & PREVENTION (May 18, 2022), <https://www.cdc.gov/ncbddd/disabilityandhealth/impacts/ohio.html>.

because they are less likely to possess unexpired photo ID⁵ and often lack reliable access to transportation.⁶ It would also disproportionately impact Black and Latino Americans, who are much less likely to possess driver's licenses than white voters and more likely to experience barriers to obtaining such ID.⁷

- **Wasting tens of millions of taxpayer dollars that could be invested in improving election administration.** Five states have spent at least \$36 million to implement and defend voter ID laws, with one of them, Indiana, spending \$30.5 million between 2006 and 2020.⁸ Voters' hard-earned money should be used in a manner that serves their needs, not to add needless impediments to the ballot box.
- **Removing voters' ability to vote by mail or in person during the absentee voting period using the last four digits of their Social Security Number.** Secretary LaRose has vouched for the security of Ohio's elections. There is therefore no reason to remove this option for voters who may have difficulty obtaining other forms of voter ID.
- **Eliminating the option for provisional voters without acceptable ID to supply the last four digits of their Social Security Number and have their ballot counted.** Under current law, Election Day voters without voter ID can cast a provisional ballot, which will count if they provide election officials with the last four digits of their Social Security Number. *See* Ohio Rev. Stat. 3505.181(B)(7)(a)(ii). HB 458 would eliminate this option, while those with a religious objection to being photographed would have the option to sign an affirmation. Notably, similar voter ID rules enacted in other states have led to multiple lawsuits; for example, Texas was effectively required to adopt a reasonable impediment exception to its voter ID law in 2017 following several years of litigation.⁹
- **Requiring all absentee ballots by mail to be received by close of polls on Election Day.** The bill eliminates the current 11-day grace period for receipt of absentee ballots returned by mail, meaning that many voters will be disenfranchised due to mail delivery delays, through no fault of their own. This provision would especially hurt military voters located overseas, while doing nothing to enhance election security.
- **Limiting the usefulness of drop boxes,** by limiting each county to just one drop box, which must be located on a board of elections office's property and would only be open to receive ballots during business hours. These restrictions will be especially problematic for voters in more populous or geographically expansive counties, voters who work during traditional business hours, and voters with disabilities, for whom transportation remains a major voting barrier (see above). Drop boxes are an important access point for voters casting mail ballots and are particularly important in light of shorter deadlines to deliver mail ballots (see above).

⁵ *See, e.g., Barriers to Voting for Older Americans*, U.S. SENATE SPECIAL COMM. ON AGING AND U.S. SENATE COMM. ON RULES & ADMIN. 4 (2017), available at <https://www.aging.senate.gov/imo/media/doc/Voting%20Rights%20Report.pdf>.

⁶ Lisa Schur et al., *Disability and Voting Accessibility in the 2020 Elections: Final Report on Survey Results*, RUTGERS UNIV. 14 (Feb. 16, 2021), <https://www.courthousenews.com/wpcontent/uploads/2021/02/voting-accessibility-in-2020-elections.pdf>.

⁷ *The Id Divide: How Barriers To ID Impact Different Communities and Affect Us All*, MOVEMENT ADVANCEMENT PROJECT 1, 8 (Nov. 2022), available at <https://www.mapresearch.org/file/MAP-Identity-Documents-report-2022.pdf>.

⁸ Spenser Mestel, *Revealed: US spends millions of taxpayer dollars on ineffective voting restrictions*, THE GUARDIAN (July 22, 2020), <https://www.theguardian.com/us-news/2020/jul/22/voter-identification-laws-cost-taxpayers-36m>.

⁹ *Veasey v. Abbott*, 888 F.3d 792, 796–97 (5th Cir. 2018).

HB 458 will almost certainly result in extensive litigation, the costs of which would unfairly fall on Ohio taxpayers—the very same voters affected by this legislation. Any government interest in implementing these measures is far outweighed by their severity. **For these reasons, Fair Elections Center respectfully urges the Committee to vote no on HB 458.**

Thank you for your consideration. Fair Elections Center can be reached for additional questions or information through its Counsel, Cecilia Aguilera, at caguilera@fairelectionscenter.org.

Sincerely,

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