



TO: Senate General Government Committee
FROM: Greer Aeschbury, Ohio Campaign Manager, All Voting is Local Action
DATE: 5/16/2023
RE: SB 71: Enact Data Analysis Transparency Archive (DATA) Act

Chair Rulli, Vice Chair Schuring, Ranking Member DeMora and members of the Senate General Government Committee:

My name is Greer Aeschbury, and I am the Campaign Manager at All Voting is Local Action, an organization that exists to expose and dismantle threats to voter freedom in order to make voting safe, fair, and accessible, to build a democracy for us all. AVL Action Ohio is also a member of the Ohio Voter Rights Coalition, a coalition of pro-voter organizations. I am writing to offer testimony on SB 71 as an interested party.

At its heart, Ohio's election system should be designed to ensure every eligible Ohioan who wants to vote can cast their ballot without any barriers. True transparency is about making the state accountable to its citizens and assuring pathways to vote for all eligible citizens. All Voting is Local Action has long called for increased transparency from our state officials in order to conduct robust data analysis to determine voting access in the state.

In April of 2021 All Voting is Local published the report [“Too Many Ballots of Last Resort: Disparities in Provisional Ballot Use in Ohio’s 2020 Election”](#) on provisional ballot usage in the state. It highlights the need for more accessible and uniform data collection and found that counties with higher populations of people of color, of young people, and of lower incomes had higher rates of provisional ballot usage. This alarming finding demonstrates that there are systemic barriers preventing those populations from casting their ballots. In its report, All Voting is Local recommended that the state “collect and publish data on why, under election law, a voter is asked to use a provisional ballot (and) begin to collect reasons for provisional ballot use and make the data publicly available to ensure full transparency and allow researchers to further investigate disparities in usage rates.”



Upon news of SB 71, we had hoped this transparency bill would address these and other findings in order to make data analysis more accessible. However, we've become aware that none of the proposed changes in SB 71 would address this glaring issue. In fact, under SB 71, provisional ballot usage is specifically excluded from voter activity for the purposes of voter list maintenance if the vote is not counted. Here is a chance to make data lead to more equitable access to the ballot, but this bill so far fails to do that.

To be effective, data transparency law should include protections for voters' sensitive information, provide accessible ways to compare data across counties to identify trends and barriers to the polls, and should not be overly burdensome to elections officials. We do welcome a uniform process for counties and regular updates to the Secretary of State. However, we have several concerns about the lack of privacy and security within this bill.

The bill allows the Secretary of State to provide voter list information to "persons or organizations that are engaging in legitimate governmental purposes related to the maintenance of the statewide voter registration database." It goes on to provide the Secretary of State with the power to make rules as to who can receive that information. Considering that our Secretary of State just pulled Ohio out of ERIC, the only effective multi-state organization that exists to assist with list maintenance, we are concerned that the law provides no other protections to ensure that any organization that Ohio's Secretary of State chooses to interact with and share voter data with be a reputable, trustworthy organization. We must be clear: no proven alternative to ERIC currently exists, and Ohio would be foolish to use this new bill as an excuse to attempt to recreate the wheel and replace ERIC with an alternative system. ERIC provides the only existing avenue for states to adequately and safely share voter information to ensure list accuracy.

This bill designs a new system to purportedly maintain the accuracy of our lists by requiring daily snapshots of voter registration data. We have no problem with keeping a day to day record of voter registration. However, we have concerns about the *implementation* of this piece. Currently, we are unaware of any existing process or system for providing such daily snapshots and none is laid out in the bill. This is an extremely onerous task for Boards of Elections, and if left up to human inputs, will likely include human error. Again, when an organization like ERIC exists in order to solve this same



problem, we are puzzled as to why the state is pulling out of that effective agreement and seeking to implement an untested and cumbersome new system.

Ohio's leaders have increasingly been feeding conspiracy theories and lies to their constituencies in order to drum up support for voting restrictions that do the opposite of ensuring a democracy for all. As we've seen in bills like HB 458, needless barriers are being erected that will result in disenfranchisement of our fellow Ohioans. As such, in evaluating SB 71 we seek to identify possible cracks and weaknesses that could be exploited to lead to voter intimidation or outright disenfranchisement. We remain highly concerned that conspiracy theorists will begin offering what are touted as "replacements" for ERIC that will prove to be unsafe and unreliable databases.

Another security concern includes the use of electronic ballot images. Ballots are incredibly sensitive and preserving a voter's secret ballot is one of the most important aspects to a free democracy. We are highly concerned that this bill includes the use of electronic ballot images with no explicit process or safeguards to ensure these remain secure. Ohio's certification and audit system has proven incredibly effective in the past, as our Secretary of State notes whenever he touts the 99.9% accuracy rate of the 2020 election.

All Voting is Local Action urges the legislature to improve transparency responsibly without fueling conspiracy theories or further creating barriers to the ballot for Ohioans. We would welcome robust debate and research into the systems proposed in SB 71. Without that, we cannot endorse this legislation and will remain an interested party, strongly urging the legislature to strengthen the legislation.