

ELECTIONS ENHANCEMENTS FOR OHIO:

**A REPORT TO THE
GOVERNOR AND THE
GENERAL ASSEMBLY**

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OHIO SECRETARY OF STATE



April 22, 2009

Dear Governor Strickland and Leadership and Members of the Ohio General Assembly:

As Secretary of State, I serve as Ohio's chief election officer and am honored to present to you the enclosed Report on Enhancements for Ohio Elections. The recommendations in this report result from bipartisan cooperation that has occurred over a several months-long process to which those from a variety of backgrounds and experiences have contributed.

I am convinced that the recommendations presented in this report are a means to build on the successes of the 2008 presidential election while enhancing election administration for the future. They take into account the changed election technology in widespread use for the first time in presidential elections, as well as recent changes such as voter identification and provisional voting.

Ohioans were able to vote with renewed confidence in the historic presidential election of November 2008. The 2008 presidential election process involved significant preparation and partnership with our county boards of elections. The dedication and efforts of the hard-working, committed individuals at our 88 county boards of elections was evidence of this success. Together, state and local elections administrators achieved significant progress in election administration since the 2004 presidential election, evident in polls closing on time, no Election Day lawsuits and post-election audits that substantiated the accuracy of the vote count.

Most election administrators will agree that there is no such thing as a perfect election; although, we continually strive toward that end. With an eye toward continual improvement, the Secretary of State's office sponsored and fostered a collaborative, bipartisan post-election process to address issues surrounding the administration of the 2008 election. We did this swiftly, while the salient issues were still fresh in people's minds. We also recognized that the answers at hand were best explored in a comprehensive, deliberative and inclusive process. This effort would take a special meeting with all of our partners – elections officials, voting rights advocates, academic and election law professors, non-profit organizations, poll workers and, most importantly, concerned Ohio voters.

In this spirit, we partnered with the Brennan Center for Justice to convene the first Ohio Elections Summit on December 2, 2008, at The Ohio Historical Society. Our goal was to document what went well in 2008, while sparking conversations about a variety of enhancements needed for the future success of election administration in Ohio. We were fortunate to have the capable organizational skills of Larry Norden, Senior Counsel at the Brennan Center for Justice at New York University School of Law, to moderate and provide a full report on the variety of recommendations from that summit.

Our second effort toward this end was an expanded version of our one-day summit and was held in Columbus on March 12-13, 2009. This intensive, two-day event built on our initial discussions held a few months earlier. The expanded format and broad bipartisan participation of the March conference gave us the ability to go beneath the surface of many of the issues that were first identified at the summit.

Thanks to this deliberative, several-months process, we were able to develop broad, bipartisan agreement on a host of vital elections enhancements for Ohio. This report issued to you today is the culmination of the process where ideas were presented and thoroughly discussed at the Ohio Elections Conference, and it provides specific, action-oriented solutions in keeping with the excellent final report spearheaded by Larry Norden.

We all know that change is hard – and consensus about change is even harder. I believe this final report provides a cohesive, bipartisan, consensus-based roadmap for change. I appreciate your consideration and look forward to a robust discussion of the report, and swift action in adopting many of these changes, keeping in mind that the sooner they are adopted, the sooner they can be implemented and further improve elections in Ohio. Thank you for your interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Brunner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jennifer Brunner

Secretary of State of Ohio

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EXECUTIVE SUMMARY

The following recommendations to the Governor and General Assembly is a result of the active participation of hundreds of elections officials, voting rights advocates, academic and election law professors, non-profits, poll workers and concerned Ohio voters. Based on the Ohio Elections Summit, the Ohio Elections Conference and the final record of recommendations compiled by the Brennan Center for Justice, the Secretary of State crafted specific enhancements that can be implemented by the General Assembly and/or the Secretary of State. In some cases, the Secretary of State specifically recommends further studies, all of which would be incorporated into a single Secretary of State study group to enhance cost-savings and ensure best possible further recommendations.

SUMMARY OF RECOMMENDATIONS

Cost saving measures for boards of elections. Move special elections to primary or general election days, saving taxpayers an estimated \$2.7-5.4 million per year. Allow the use of vote-by-mail for vacancy in office special elections. Explore measures such as limiting state issue ballot language length, creating buying pools for elections materials, and implementing a voting centers pilot project.

Enhanced poll worker recruitment measures. Streamline difficult-to-administer provisional and voter ID laws. Study merit-based pay for poll workers and non-monetary retention incentives.

Implement usability testing for all elections materials. Redesign and test for usability all elections materials, focused especially on all ballots, provisional materials, and vote-by-mail materials.

Enhancements for the Statewide Voter Registration Database. Finalize a new voter registration matching process with the Ohio BMV and the SSA. Provide counties with a form of access to relevant nonmatches, with rules prescribing their treatment of relevant nonmatches. Specify that a nonmatch could not, on its own, be the basis for disenfranchising a voter.

Continue to improve voter registration processes in Ohio. Continue to partner with boards of elections to educate voters about registration best practices. Study the costs and benefits of the following in Ohio: same day registration, Election Day registration, and voter registration modernization reforms proposed at the federal level.

Streamline Ohio's voter ID laws. Bring Ohio into line with other states by focusing voter ID on verification of identity, not address. In particular, allow either an official photo ID or two non-photo IDs for voting purposes, a change that will provide both voters and poll workers with greater certainty and predictability in administering voter ID laws.

General Ohio Revised Code review and correction. Conduct a thorough, comprehensive review of the Ohio Revised Code to highlight conflicting, outdated and simply inapplicable and/or improper provisions in Title XXXV.

Provide constitutional processes for minor party ballot access. Implement a new minor party ballot access law for the state, lowering petition thresholds, shortening deadlines and providing access continuity.

Offer annual vote-by-mail ballot requests. Decrease the administrative burden on boards of elections by creating an annual vote-by-mail ballot request form.

Increase voting opportunities for military and civilian personnel overseas. Allow additional electronic and mail delivery options for both absentee ballot requests and unvoted absentee ballots.

Expand the number of in-person early voting locations and align Ohio's in-person early voting period with other states. Decrease the period for in-person early voting to 20 days before a general election, while increasing the number of locations allowed from one to four. End early voting no earlier than 5:00 p.m. the Sunday before Election Day.

Allow observers during in-person early voting. Create a statutory framework for allowing observers during in-person early voting.

Streamline provisional balloting. Limit the reasons voters are required to vote a provisional ballot and increase the instances where that ballot is counted. Modify the wrong precinct rule by allowing any ballot cast anywhere in a county to be remade and counted if cast by an eligible voter.

Provide voters with opportunities to correct material errors on their ballots. Strictly limit the data necessary to cast a valid provisional or absentee ballot. Create uniform processes for voters to be notified and given diverse opportunities to correct material errors. Follow the current timeline for processing provisional ballots.

Study uses for back-up paper ballots. Convene a study group to consider numerous policy issues surrounding back-up paper ballots. Focus on the opportunity to save counties money with back-up paper ballots, rather than procuring additional voting machines for high turnout elections.

Investigate instances of illegal voting in 2008. Fund a study group to investigate the allegations and instances of illegal voting in the 2008 election. Fund permanent illegal voting investigators in the office of the Secretary of State.

Build on the success of post-election audits. Continue the commitment to post-election audits in Ohio.

VOTING TECHNOLOGY AND ADMINISTRATION

ALTERNATE FUNDING SOURCES AND COST SAVINGS FOR ELECTIONS

American democracy and Ohio law recognize two core governmental functions that must be properly funded – courts and elections. Recognizing this, challenging budget times frequently spur the search for new and innovative solutions for elections administration, while preserving safeguards that maintain confidence in the most democratic of processes – voting. With that in mind, the Secretary of State offers the following recommendations to both stabilize funding for elections and to maximize resources currently allocated for administration.

Explore buying pools for boards of elections.

At many levels of government, participation in cooperative purchasing, buying pools or other procurement mechanisms for commonly used items like printing paper, ink cartridges, and computer equipment lead to significant cost savings for taxpayers. Part of this process may include consideration of state term contracting now available to boards of elections that opt into this process and increasing to \$25,000 the bidding threshold for ballots. The Secretary of State recommends studying the feasibility of establishing new and/or improving current methods to increase savings and opportunities for the purchase of elections items, ranging from paper ballots to ballot-on-demand supplies.

Create a revolving loan fund for election-related capital investments.

Funding election-related capital investments at the county level presents an ongoing challenge for boards of elections and county commissioners. A revolving loan fund can assist counties when they invest in evidence-based new technology, freeing up current local bonding authority for other governmental needs. The Secretary of State recommends the creation of a revolving loan fund to assist in capital investments for the best available voting technology, using the state's bond authority instead of county bond authority, along with no interest or low interest repayments as a financially stabilizing benefit to county governments who currently pay the lion's share of election administration expenses. The current proposal would seed the fund with a transfer of cash from the Secretary of State's Business Services fund until state bond funds could be authorized and available. The current proposal incorporates recommendations from the Ohio Association of Elections Officials (OAEO) that the enabling language for the loan fund not be limited to any specific type of voting technology.

Establish a process for reduction in total polling locations for both primary and general elections.

As the incidence of early voting increases, the extent of Election Day resources needed may decrease for both primary and general elections. Put simply, fewer Election Day voters may necessitate less expense for Election Day administration. This may be a basis for consolidation and attendant decrease in the number of polling places. However, such consolidation and resulting lesser number of polling places presents public challenges (e.g., resistance to change, accessibility) and potential legal challenges (e.g., equitable distribution of locations, minority access to voting locations).

While the Secretary of State supports efforts to maximize local elections budgets, boards of elections continue to need clear direction for reallocation of polling locations and resources. Such reallocation must be based on standards to ensure due process and equal protection under the law, and to minimize attendant voter protection lawsuits that may cause disruption to the election process, affecting many voters in the process. Standards devised pre-election will serve a preventive function to promote smooth election administration. Any such standards must recognize regional differences such as urban versus rural, overall population of a county, geographic topography of a county, availability and quality of roadway access throughout a county, and even differing weather patterns and history of roadway maintenance in inclement weather.

Study Interest on Political Funds Accounts.

At the recommendation of State Senator Bill Seitz and modeled after the very successful Interest on Lawyers' Trust Accounts program in Ohio (see R.C. 4705.09), we recommend a study group to consider the use of similar accounts for campaign funds. In particular, the group should study the impact of requiring that every candidate's committee, political party, electioneering campaign committee, PAC, PCE, or issue committee be required to place their campaign funds in an Interest on Political Funds Account with an eligible, participating, depository institution. All interest earned on the account shall be transmitted to the Treasurer of State for deposit in the Secretary of State's fund.

Enable a vote centers pilot project.

One intriguing opportunity to save money and provide better voting services for Ohioans may be converting Election Day polling places to vote centers. Vote centers allow any voter within a jurisdiction (in this case, a county) to vote at any polling location in the county. It is essentially an expansion of early voting centers used in 2008. Lucas County has advocated for a pilot project to test the feasibility of implementing vote centers in Ohio. The Secretary of State recommends authorizing an opt-in, multi-county vote center pilot project modeled on the successful laws of

HIGHLIGHT ON REFORM

Possible tax implications of Interest on Political Accounts

While Interest on Political Accounts may provide a new source of revenue to assist the Secretary of State in implementing campaign finance enforcement, potential federal tax implications require additional study. According to the IRS¹, the following federal tax filings are required, depending on the type of political organization, total receipts and total taxable income:

If you are a...	You may be required to file...
FEC political committee, state or local candidate committee or state or local committee of a political party	Form 1120-POL
Qualified state or local political organization (QSLPO)	Form 8871; Form 1120-POL; and Form 990
Caucus or association of state or local officials	Form 8871; Form 8872; and Form 1120-POL
Any other political organization, including other federal political organizations and other state or local political organizations	Form 8871; Form 8872; Form 1120-POL; and Form 990 or Form 990-EZ

¹ <http://www.irs.gov/pub/irs-news/fs-02-13.pdf>

HIGHLIGHT ON REFORM

The Benefits of Consolidating Special Elections

In 2008 alone, county boards of elections incurred at least \$2.7 million in direct costs for administering special elections (excluding vacancy in office special elections). Because non-presidential election years can present special elections during February and August, rather than the August specials in 2008, the costs during those years could be twice those of 2008. This figure does not take into account the additional costs that truly impact county boards, such as staff time for recruiting and training poll workers, postage for vote-by-mail, polling place costs (rental, ADA compliance), and general fatigue for overworked board staff.

Voters have clearly spoken when it comes to special elections. Turnout is universally low, regardless of the important issues being voted upon. While many of the costs can be recouped by county boards of elections, the payments come from other government entities – meaning taxpayers foot the bill no matter who writes the check.

Direct Costs for County Boards of Elections in Conducting Special Elections, 2008	
Precinct Judges	\$1,079,895
Presiding Judges, extra charges for delivering supplies	\$37,616
Printing ballots	\$267,210
Poll books and accompanying supplies	\$116,774
Transportation of precinct equipment	\$156,422
Advertising	\$1,016,031
Total Costs in 2008	\$2,673,949

By consolidating special elections into the normal primary and general elections calendar, we could have saved Ohio's taxpayers \$2.7 million in 2008 alone – a cost that would likely double in a non-presidential election year. Adding in the indirect costs, the total savings can only grow.

Not only were special elections expensive, they were also poorly attended by voters and produced very mixed results for districts. Only one-third (1/3) of the issues on August 2008 special election ballots were passed by voters. Of 53 issues voted on in the August special election, 19 were passed, 31 were not passed and 3 were withdrawn. ²

² While voters in 29 counties cast votes for 53 issues, there were technically 67 "questions" on the ballot. Some school issues included multiple questions.

Texas and Colorado. The pilot project must consider the diversity of Ohio by taking into account geographic and demographics differences both within and between counties. Projects must also be planned to fully track results by age, race and other demographic and geographic data points.

Move most special elections to primary or general election days.

Ohio voters express their “election fatigue” in many ways – most frequently in the very low turnout for special elections held on days other than primary or general election days. While current law allows a chargeback for counties to recoup the cost of special elections, other governmental entities frequently provide those funds from their own taxpayer-funded budgets. The Secretary of State recommends the consolidation of all special elections into existing primary or general election days, other than special elections called by the Governor or the General Assembly to fill a vacancy pursuant to state or federal requirements.

Study the costs and benefits of limiting state issue ballot language.

The OAEO has recommended that state issue ballot language be limited to 25 words or less. They argue that just as biographies for candidates are not printed on the ballot, pages of explanation for statewide ballot issues should not be required on the ballot. The Secretary of State recommends studying both the monetary and voter confidence costs and benefits of limiting state issue ballot language to 25 words or less. The Ohio Ballot Board members should be included as participants in this study.

Vote-by-mail for vacancy in office special elections.

See “Vote-by-mail for vacancy in office special elections” on page 19.

POLL WORKER RECRUITMENT AND TRAINING

Poll worker recruitment continues to pose significant challenges for boards of elections, especially as the complexity of elections administration grows and counties experience challenges recruiting the next generation of poll workers. This, in turn, exacerbates poll worker retention challenges felt by county boards of elections statewide.

Despite these challenges, poll worker training has significantly improved over the last two years. Best practices like poll worker resource guides (flip charts), online poll worker training, and uniform standards via directive and advisory provided poll workers with better tools to handle a variety of situations and problems on Election Day. Study should be given to the required frequency of poll worker training under current law, taking into account additional costs that may be incurred with greater frequency as opposed to finding more accessible technology to allow sustained self-study by poll workers, especially as voting technology changes. Additionally, the Secretary’s office implemented several projects and partnerships to support statewide poll worker recruitment efforts.

The Secretary of State recommends building on these successes with changes to Ohio law intended to streamline the voting experience and to increase funding for adequate numbers of sufficiently trained poll workers.

Streamline provisional and voter ID laws.

Making Ohio's provisional and voter ID laws more efficient and effective represents the simplest, no-cost solution to increase poll worker retention. See sections on provisional ballots and voter ID for specific recommendations.

Increase poll worker compensation and recognition.

Poll workers currently receive compensation based on a flat per-day rate, which is adjusted biannually. While current budget restraints may make further increases difficult, the Secretary of State recommends investigation into better overall pay and potential merit pay increases for poll workers, based on optimum performance levels related to excellent voter service. The Secretary of State further recommends non-monetary programs to recognize the hard work and dedication of poll workers, including awards programs, certificates of achievement and other best practices. Finally, the Secretary of State recommends an office commitment to partner with local boards of elections in documenting recruitment and retention best practices that may be shared among the counties and furthered by Secretary of State instruction and guidance.

ELECTIONS MATERIAL DESIGN

Investments in risk-prevention can greatly decrease Election Day problems, while saving state and local elections officials administrative headaches – and costs – over the long term. The best risk prevention remains usability testing for all elections-related materials. From errors on confusing provisional ballot envelopes to mistakes with complex absentee ballot forms, costly problems can be avoided with advanced planning. To achieve better outcomes for voters and elections administrators, the Secretary of State makes the following recommendations regarding elections material design.

Revise Ohio statutes that specify form layout and design.

The form and content of many elections materials have been prescribed by the Ohio Revised Code. Unfortunately, some requirements lead to overly complex forms that actually make it more likely voters will be confused and often disenfranchised for technical, non-material issues. The Secretary of State recommends an objective, thorough review of form and content requirements in the Ohio Revised Code in an effort to reduce complexity and remove unnecessary, technical requirements that do not enhance voting security. This review for comprehension and usability must include a representative group of voters.

Perform usability testing for all elections materials.

While elections administrators deal with government forms every day, most voters only encounter potentially-complex elections forms during the election – and, in the case of provisional ballot forms, during a hectic Election Day (provisional voting does not routinely occur during early voting). Testing these forms for usability by voters represents one way to eliminate problems before they happen and can be completed in a very short period of time – often as little as a single test session. The Secretary of State recommends implementation of usability testing prior to prescribing any elections materials, including ballots, for use by voters.³

Establish uniform materials for provisional balloting.

To assure uniformity in the provision of voting rights and equal protection under the laws and constitutions, the Secretary of State recommends the prescribing of singular provisional balloting forms and materials for use in all 88 counties. Such materials should only require the minimal information needed to identify the individual and determine his/her eligibility to vote (i.e., name, address, identification (if any), voter signature). Poll workers should be required to sign statements that they witnessed the voter's completion of the form and that the information required was or was not provided by the voter. Forms must be reviewed by a usability panel prior to use.

Establish uniform materials for absentee vote-by-mail.

To assure uniformity in the provision of voting rights and equal protection under the laws and constitutions, the Secretary of State recommends the prescribing of singular absentee vote-by-mail form and materials for use in all 88 counties. Such materials should only require the minimal information needed to identify the individual and determine his/her eligibility to vote (i.e., name, address, identification, voter signature).⁴ Forms must be reviewed by a usability panel prior to use.

3 The Usability Professionals' Association has model testing kit for local elections officials available at http://www.upassoc.org/civiclif/voting/leo_testing.html.

4 While some additional information may be helpful to boards in following up with a voter, such discretionary information should have no bearing on the validity of a form or ballot, and should be segregated from required information.

STATEWIDE VOTER REGISTRATION DATABASE

Under the federal Help America Vote Act (HAVA), every state was required to create and maintain a computer-based voter registration list. That list must be a central record of all eligible voters and must be interactive. Ohio's statewide voter registration database (SWVRD) was created in 2006. In Ohio, county boards of elections enter voter registration data into the system and maintain responsibility for processing duplicates, ineligible voters and other updates to voter registration data contained in the SWVRD.

The Secretary of State's office is currently engaged in a top-to-bottom review of the SWVRD, in coordination with the Ohio Bureau of Motor Vehicles (BMV). The office continues to inform the Social Security Administration (SSA) and the US Department of Justice (DOJ) on the progress of that review. Finally, the Secretary of State is exploring a cooperative agreement with an outside reviewer to assess the results of that review.

Revisions to Ohio BMV Change of Address laws in Ohio.

There has been recognized the need for a review of Ohio statutory law to ensure consistency with the requirements of the federal National Voter Registration Act (NVRA). Specifically, that review would address the NVRA requirement that any change of address form submitted to the BMV for driver's license purposes shall also "serve as notification of change of address for voter registrations with respect to elections for Federal office" unless the individual affirmatively states that the change of address submitted to the BMV should not be used for voter registration purposes. The Secretary of State recommends necessary revision to Ohio statutory law to address potential inconsistencies between Ohio law and this provision of the NVRA, and to help clarify the BMV's responsibilities under NVRA.

Clarification of Ohio law concerning nonmatched voter registration data.

Under Ohio statutory law, it should be provided that voters' names may only be removed from the voter registration list consistent with federal National Voter Registration Act (NVRA) procedures. The Secretary of State recommends legislation specifically providing that a nonmatch of SWVRD database information with the BMV driver's license database does not, standing alone, constitute a basis for refusal to allow a voter to vote, nor require the voter to vote provisionally, nor become the basis for removal of the voter's name from the active SWVRD database.

Develop clear rules for processing relevant nonmatches.

While no voter should be disenfranchised or placed in provisional status based solely on nonmatched database information, boards of elections need uniform, consistent rules for accessing and processing relevant nonmatches. The Secretary of State recommends that administrative rules be promulgated to specifically

HIGHLIGHT ON REFORM

National Change of Address Processing

Every two years, Ohio's county boards of elections engage in a uniform, nondiscriminatory general voter registration maintenance project, in cooperation with the United States Postal Service. Both federal and state laws require this process. Not only does this program assist voters in updating their registrations, it also helps boards properly identify and cancel registrations for Ohioans who are no longer eligible to vote.

As part of this process, county boards of elections mail a "Confirmation Notice/Confirmation Return Notice" to current voters identified through two separate processes – the USPS national change of address list and county lists of long-dormant voters. Each voter who receives the notice is allowed to fill out the return notice form and mail it back in order to update voter registration records.

Fortunately, no Ohioan is ever purged or removed from our Statewide Voter Registration Database. Rather, their registration record goes into "inactive" status, preserving the data while assuring that an ineligible voter cannot legally cast a regular ballot.

The *National Voter Registration Act of 1993* (NVRA), commonly referred to as the "motor voter law" (see 107 Stat. 77, 42 U.S.C. 1973gg), was signed into law on May 20, 1993. The purposes of the NVRA are to increase the number of voter registrations for eligible citizens, to enhance the participation of eligible citizens in the voter process, to protect the integrity of the electoral process and to ensure accurate and current voter registration rolls are maintained. Following passage of the NVRA, the Ohio General Assembly enacted Substitute Senate Bill 300 to incorporate the requirements of the federal law into Ohio law. The provisions of the state enactment also became effective January 1, 1995.

provide boards with an effective way to access and review relevant nonmatches, as well as provide clear guidelines to direct board activities when relevant nonmatches are found.

Review of existing matching processes with the Ohio BMV.

The Secretary of State's office has undertaken a review of existing matching processes used by the BMV and SSA in conjunction with the BMV's discussions with the US Department of Justice. The Secretary of State anticipates an enhanced agreement for matching voter registration data provided by county boards of elections against Ohio BMV and SSA databases.

Assess privacy issues regarding database use and access.

The Secretary recommends a study to examine current safeguards in place for SWVRD access, privacy and transparency. This review should seek to balance the privacy interest of voters whose information is contained in the SWVRD and the competing interest of ensuring transparency of the voter registration database and its administration.

Work with boards of elections to clarify SWVRD best practices.

Ohio's boards of elections often work under enormous pressure to quickly process voter registration forms in the lead-up to an election. Refining best practices for voter registration processing can provide an added layer of support for boards during these times. The Secretary of State recommends continued cooperation with board of elections to refine best practices for voter registration processing to be shared with all 88 county boards of elections.

Study the public voter database query system.

This interface allows an individual voter to check their registration status and certain information, such as name, address and polling location as assigned by the board of elections. The Secretary of State recommends continued study of potential enhancements for voters' easy access to this data.

Study the board of elections interface for the SWVRD.

Boards of elections need and receive information about the voters in their own county. As part of the review process for the SWVRD, the Secretary of State continues to review additional enhancements for the county-level SWVRD interface for boards of elections to increase ease of use and access to the full range of data on that particular county's voters.

HIGHLIGHT ON REFORM

Federal movement on voter registration modernization

As Ohio studies the costs and benefits of same day and Election Day voter registration, another trend also requires attention – voter registration modernization. In recent years, academics and advocates have called for a number of changes to the voter registration process, including portability of registration, interoperability of databases, automatic voter registration, and universal voter registration.

Improving portability of registration – Allowing previously registered voters to cast a regular ballot on Election Day even if they move from one jurisdiction to another within the state.

Interoperability of databases – Creating processes and rules for states to share their voter registration data to improve the accuracy of information.

Automatic voter registration – Instantly registering any person who takes a particular action, like request a driver’s license, graduate from high school or file their state taxes, unless they opt-out of registration.

Universal voter registration – Shifting the registration process from an opt-in, voter driven, paper based process to an automatic process run by the government, automatically registering every person who is eligible, keeping registration information up to date, and providing a safety net on Election Day for those who may not appear on the voter rolls or whose information is out of date.

To stay ahead of the curve, the Secretary of State will continue to monitor activity on these proposals at the federal level. The office will also consider the impact of these reforms in addition to the costs and benefits of same day and Election Day registration for Ohioans as part of the study proposed in this report.

NATIONAL VOTER REGISTRATION ACT AND VOTER REGISTRATION

Continue to educate voters regarding registration best practices.

The Secretary of State and county boards of elections currently provide a wealth of voter education materials. A continued focus voter education best practices can help eliminate potential headaches with SWVRD data and, as a result, Election Day problems. The Secretary of State recommends the following voter education best practices: further publicizing the existence of the public voter registration query system; further education on the preference for a driver's license number during voter registration, and on the location of that number on the license; and further study with boards of elections to identify voter registration best practices for sharing by all boards of elections.

Fund a study group to explore same day and Election Day registration.

In many ways, same day and Election Day registration provide clear solutions to Ohio's most longstanding voting challenges – high rates of provisional ballots, suggested upgrades to the Statewide Voter Registration Database, and up-to-date technologies for poll workers. However, a change to same day and Election Day registration also carries with it new challenges, such as capital investment costs and perceived increases in illegal voting. From Idaho to North Carolina, same day and Election Day registration have been successfully implemented – potentially yielding models that can provide Ohio with a roadmap for successfully decreasing provisional ballots, increasing elections security, and providing poll workers with new tools to simplify the voting process. For this reason, the Secretary of State recommends a study group to explore the costs and benefits of transitioning Ohio to same day and Election Day registration.

Currently, five states allow same day registration: Idaho, Minnesota, New Hampshire, Wisconsin, and Wyoming. Seven states also provide for Election Day registration: Idaho, Iowa, Maine, Minnesota, New Hampshire, Wisconsin and Wyoming. One state, North Dakota, does not require any voter registration.

HIGHLIGHT ON REFORM

Voter ID in Other States

According to the National Conference of State Legislatures,⁵ most U.S. states require no form of identification⁶ to vote. As of October 2008, 24 states had some form of voter ID law beyond HAVA requirements for some first time voters.⁷

- Twenty-six states have no voter ID requirement.
- Seven states require a photo ID – three of which allow a person without ID to vote a regular ballot after signing an affidavit. Only one of these states requires an address on the ID.
- Eighteen states require voter ID, but do not require photo – seven do not list specific ID requirements. Only four of these states require an address on the ID.
- Ten states do not have an official list of acceptable ID, relying, instead, on general provisions.
- Five states require address verification in addition to identity verification – and one of these states allows a person to vote a regular ballot by completing an affidavit.

In general, the trend among states that require voter ID has been to allow as many types of ID as possible. These states also provide an alternate path to voting a regular ballot, such as signing an affidavit, under penalty of fraud, that the person is registered, eligible, and should receive a regular ballot.

5 <http://www.ncsl.org/programs/legismgt/elect/taskfc/voteridreq.htm>

6 In this section, identification refers to any form of physical ID issued or provided to a prospective voter. Examples include a state driver's license, voter registration card, or utility bill. This definition of identification does not include verbal identification, such as providing one's name or date of birth, or provision of one's signature.

7 HAVA requires those who register by mail without inclosing proof of identity to present identification before casting their first ballot.

VOTER ID

With two major elections since the enactment of Ohio's current voter ID laws, experience has shown that the current law is confusing for voters and poll workers. As a result, the law's implementation has been inconsistent among Ohio's 88 counties, despite statewide efforts, including comprehensive directives to ensure accurate and uniform implementation. The Secretary of State recommends a returned focus on the core purpose of voter identification – verifying that the persons presenting to vote are who they say they are. To achieve that goal, Ohio voter ID laws should be focused solely on verifying personal identification, not voting address, and should be streamlined to better serve voters and poll workers.⁸

Streamline voter identification laws.

The focus of voter identification should be verification of identity, not address, at the polling location, especially given the numerous security layers boards of elections utilize to verify the address of a new voter. States such as Indiana and Kentucky do not require that poll workers check or verify address on the various forms of identification allowed in those states. The Secretary of State recommends the elimination of Ohio's current list of acceptable forms of ID and the requirement that identification present an address in favor of the following simple rules:

- a voter must present EITHER a current government-issued photo ID; or
- two current identifications that show the person's name, issued from any source.

This change would be easy for voters to understand, easy for poll workers to implement, and more effective at deterring would-be illegal voters by enhancing the number of non-photo IDs required. The Secretary of State further recommends adoption of the following policy at the suggestion of the OAEO: eliminate the requirement that poll workers record the last four digits of a driver's license number if a voter's address on their license does not match the address in the poll book. This time-intensive process does not enhance voting security.

Consider redesigning the Ohio driver's license.

Currently, the Ohio driver's license has two numbers – the driver's license number and a second number above the picture of the driver. Only the driver's license number may be used for voting purposes, yet Ohioans frequently provide the wrong number on registration forms and voting materials. The Secretary of State recommends partnering with the Ohio Bureau of Motor Vehicles to study the

⁸ County boards of elections already provide multiple processes for verifying the address of a potential voter, including a verification postcard, software-based address verification, and review by experienced board personnel.

potential for either redesigning or eliminating the second, non-driver's license number from Ohio IDs.

CAMPAIGN FINANCE ENFORCEMENT

The Secretary of State is currently reviewing recommended enhancements to Ohio's campaign finance laws. Those recommendations will be made in a separate white paper to the Governor and the General Assembly.

DIRECTIVES, ADVISORIES AND PRESCRIBED FORMS

Based on the experience of 2008 and the conversation in multiple sessions of the Ohio Elections Summit and Ohio Elections Conference, there is a need for more uniformity in elections materials. See the "Elections Material Design" section for a fuller discussion of that issue. In addition to these changes, the Secretary of State will continue successful partnerships such as the bipartisan elections officials workgroups convened by the Secretary of State for security issues in 2008.

Public comment on permanent directives.

The Secretary of State supports the new process for issuing permanent directives and looks forward to reviewing that process on a regular basis.

General Ohio Revised Code review and correction.

The interrelatedness and complexity of Ohio's elections laws and multiple court cases over the past two presidential election cycles has caused Title XXXV of the Ohio Revised Code to contain many conflicting, outdated and simply inapplicable and/or improper provisions. For example, R.C. 3501.02 does not currently reflect changes incorporated in 2008 state issue 1 regarding petition filing deadlines. In fact, many directives and advisories have been necessitated to simply cause the disparate pieces of the code to "fit together". The Secretary of State recommends a comprehensive review of Title XXXV by the experienced elections lawyers in the office, in consultation with the Ohio Attorney General's staff, to devise recommended corrections for these statutes.

BALLOT ACCESS FOR MINOR PARTIES

According to *Libertarian Party v. Blackwell*, the current deadline and signature requirements for political party ballot access, coupled with the requirement in Article V, Section 7 of the Ohio Constitution⁹ that political parties nominate their candidates by primary election, constitutes a "severe burden" on the First Amendment rights of

⁹ There has been some discussion of modifying the Ohio Constitution to allow nomination via convention for minor and intermediate parties. This very significant change in elections procedure requires greater study before the Secretary of State can make a final recommendation for or against altering the Ohio Constitution.

persons seeking to form a political party. Not only do these requirements hamper minor and intermediate party access to the political process, they also impose a significant burden on boards of elections that must process the signatures in question.

Participants at the Ohio Elections Conference discussed numerous pros and cons of potential changes to Ohio's ballot access laws. In general, the discussion focused on four key areas: petition signature requirements, deadlines for petition filing, vote percentage to maintain ballot access, and period of time before renewal of party status is required.

Revamp Ohio's ballot access laws.

To ensure requisite community support while lifting the "severe burden" on parties, the Secretary of State makes the following ballot access recommendations:

1. Ballot access. Provide ballot access to candidates of all recognized political parties. Define a recognized political party as any group of voters that has done either of the following:

At the most recent general election in which statewide offices appeared on the ballot, polled for its candidate for the office of governor, secretary of state, auditor of state, treasurer of state, attorney general, or United States Senator, or polled for its nominees for presidential electors, at least one per cent of the entire vote cast for that office;

or

Filed with the secretary of state a petition signed by qualified electors equal to one quarter of one per cent (0.25%) of the total vote for the office of governor at the most recent general election for that office, declaring their intention of organizing a political party, and of participating in the succeeding primary election, held in even-numbered years, that occurs at least seventy-five days after the date of filing.¹⁰

Define a major political party as any state party whose candidate for any of the following received no less than 20% of the total votes cast in either of the previous two even-year general elections: governor, secretary of state, auditor of state, treasurer of state, attorney general, elector for president, or U.S. Senator.

Define a minor party as any state party whose candidate for any of the following received less than 20% but more than 1% of the total votes cast in either of the previous two even-year general elections: governor, secretary of state, auditor of state, treasurer of state, attorney general, elector for president, or U.S. Senator; OR any state party whose members file at least seventy-five days before the next

¹⁰ For new parties, a candidate wishing to run for in the primary for a newly-formed party must meet the regular deadlines for filing. However, a primary election will only be held if the party's petition is deemed valid at least 45 days prior to the primary.

primary election valid signatures equal to one-quarter of one percent of the total votes for governor in the previous general election.

2. *Petition signature requirements.* As noted above, require that any new political party file with the Secretary of State valid signatures equal to one-quarter of one percent (0.25%) of the total vote cast in the most recent gubernatorial election in Ohio.

3. *Deadlines for petition filing.* As noted above, require that any new political party file its valid petitions no less than 90 days prior to the primary election upon which their candidate(s) would appear. Any less lead time would keep boards of elections from timely completing their ballots for early and overseas voting. The current requirement of 120 days prior to the primary has been stricken by the courts.

4. *Period of time before renewal of party status is required.* For any minor political party whose candidate for any statewide office did not receive at least one percent (1.0%) of the entire vote cast for that office at the last general election for statewide offices, party status must be renewed every four years via the filing of a petition with the Secretary of State as above. The current requirement that minor/intermediate parties file petitions every two years if its presidential or gubernatorial candidate did not receive at least five percent (5.0%) of the vote imposes a substantial burden on the parties and on boards of elections.

IN-PERSON EARLY VOTING, VOTE-BY-MAIL AND ABSENTEE VOTING

VOTE-BY-MAIL

In 2008, the incidence and use of absentee vote-by-mail usage exponentially increased in Ohio. Approximately 30% of the ballots cast in the 2008 general election were completed before Election Day – with the vast majority cast via absentee vote-by-mail. Thus, the Secretary of State supports efforts to expand the use of absentee vote-by-mail, as well as explore opportunities to save personnel and monetary costs by utilizing vote-by-mail for vacancy in office special elections. The Secretary of State further supports the maintaining of current deadlines for absentee vote-by-mail for all Ohioans to comply with federal, state and constitutional law.

Vote-by-mail for vacancy in office special elections.

Special elections to fill vacancies in office can create enormous monetary and personnel costs for local boards of elections. While the Secretary of State recommends consolidating local special elections (normally issue-only, such as levy issues for schools) into primary and general elections, special elections for vacancies in office, such as a federal office or municipal charter governed office, cannot always be addressed by this recommendation. The Secretary of State

recommends that counties have the option to conduct all special elections for all such vacancies in office with vote-by-mail only, with the added requirement that every county establish at least one and no more than four in-person early voting centers. For these elections, boards would be required to mail a notice of election and a vote-by-mail request form to all registered voters. Policy issues to be determined include who should be responsible for the cost of returned ballot requests and of returned voted ballots.¹¹

Annual absentee vote-by-mail requests.

The Secretary of State recommends allowing all Ohio voters to request, on an annual basis, absentee ballots for the elections that year. This should be augmented by mailing, on an annual basis, forwardable renewal notices for voters to “opt-in” to receive ballots by mail for the following year.

Redesign absentee vote-by-mail materials.

See “Elections Material Design” on page 8.

MILITARY, OVERSEAS AND ABSENTEE VOTING

Ohio has an opportunity to move to the forefront of providing greater accessibility to voting by military and overseas personnel (especially those involved in the two active wars in which the United States is engaged) by embracing new technological solutions for ballot requests from and transmissions to Uniformed Overseas and Civilians Absentee Voting Act (UOCAVA) voters. The Secretary of State recommends adopting proven best practices to better serve our overseas military voters.

Allow electronic transmission of applications.

Current Ohio law does not expressly provide for transmission by e-mail of absentee ballot request forms. Advisory 2008-29 allowed military personnel to request an absentee ballot via e-mail attachment. The Secretary of State recommends revising Ohio law to specifically provide for the electronic transmission, via e-mail and/or the Internet, of absentee ballot request forms to UOCAVA voters. The law should direct the Secretary of State to promulgate rules for ballot security and to submit a report on the process to the General Assembly.

Allow other ballot delivery methods.

An extremely strict reading of current Ohio law would only allow for transmission of voted ballots via United States Postal Service (USPS) or hand-delivery. Since

¹¹ Currently, vacancies in office for other statewide elected positions would follow the traditional track for primary and general elections. However, the Secretary of State recommends a similar option for any vacancy in office election that, for whatever reason, would not appear on a regularly scheduled primary or general Election Day.

HIGHLIGHT ON REFORM

Early Voting

Across the country, states offered expanded early voting options to a record number of voters in 2008. While laws vary significantly from state to state, a few trends emerge upon closer inspection. States have increasingly migrated to no fault early voting and extend that voting option at least through the Sunday before Election Day.

- Thirty states offered no excuse in-person early voting in 2008.
- The average length for no excuse in-person early voting was 21 days – a low of six days in Georgia and a high of 42 days in Idaho.
- Seventeen states ended in-person early voting on Election Day, or after the close of locations the day before Election Day.
- Thirteen states ended in-person early voting more than a day prior to Election Day.
- Fourteen states have an overlap between early voting and voter registration.

those statutes were enacted, other USPS-like, express delivery carriers have arisen, such as UPS, Fed Ex and DHL. The Secretary of State recommends specifically allowing such delivery methods for ballots.

Allow flexibility for UOCAVA materials.

Currently Ohio law is very specific in setting the size of the UOCAVA envelopes. Sometimes this results in a waste of taxpayer money as smaller, less expensive envelopes could be used. The Secretary of State agrees with the OAE0 that we should amend R.C. 3511.06 to allow boards flexibility in determining the size of uniformed overseas absentee envelopes.

Allow the electronic transmission of unvoted ballots.

Because of the difficulty of mail service for military and civilian personnel overseas, especially when security requires deployment or redeployment to a new location at unspecified and/or unplanned times, many military and civilian personnel are excluded from our country's democratic process of voting. The Secretary of State recommends a pilot project to electronically transmit unvoted absentee ballots for UOCAVA voters. The law should direct the Secretary of State to promulgate rules for ballot security and to submit a report on the process to the General Assembly.

IN-PERSON EARLY VOTING

Like absentee vote-by-mail, reliance on no fault in-person early voting increased exponentially in 2008. Ohioans clearly appreciate the convenience associated with in-person early voting. Unfortunately, the only sustained long lines during the 2008 general election took place at the single early vote center allowed per county by current Ohio law. The Secretary of State supports efforts to expand opportunities for in-person voter participation, in part by expanding the locations for early voting.

Expand the number of locations for in-person early voting.

In early 2008, well before the November general election, the Secretary of State advocated the option of additional early voting locations to alleviate potential long lines and add to voter convenience. The long lines during in-person early voting for the 2008 general elections demonstrate that many counties would benefit from this option in high-turnout elections.

The Secretary of State recommends that county boards of elections be authorized to establish up to four total locations for in-person early voting. The number of locations and designation of such locations should be established by a majority vote of the board, with any tie votes to be broken by the elected Secretary of State. Any other proposal where tie votes would result in a failure of an additional location beyond board of elections offices would be susceptible to partisan political maneuvering to make early voting less accessible to voters for whatever purposes

one or another party would deem less accessibility advantageous – and this is not in keeping with enhanced voter confidence in Ohio elections.

It is also recommended that boards of elections be required to submit to the Secretary of State a distribution plan for early voting sites that takes into account the unique geography, population distribution, minority voter access, and balance of partisan voter access to early voting locations.

Align Ohio’s period for in-person early voting with other states.

While early voting was extremely popular, opportunities to expand the number of locations offered must be weighed against the cost of such intensive operations. In 2008, the first week of in-person early voting was not as heavily used as the period close to Election Day, even during a heated presidential election. As a result, counties may be in a position to save funds while still offering the early voting services voters showed enthusiasm for and are likely to continue to utilize, especially in high volume elections.

The Secretary of State recommends that in-person early voting begin approximately 20 days before Election Day and continue through the close of business the Sunday before the election, no earlier than 5:00 p.m. Such a policy would bring Ohio’s early voting period in line with the national average.

OBSERVERS

Allow observers during in-person early voting.

The Ohio Supreme Court has ruled that observers should be allowed during in-person early voting. The Secretary of State recommends that the General Assembly amend the observer law to allow for such observers during the in-person early voting period, both at the board of elections offices and at any satellite location(s) established for the purpose of in-person early voting.

ELECTION DAY VOTING AND POST-ELECTION PROCEDURES

PROVISIONAL BALLOTING PROCESSES

As a recent Ohio Supreme Court decision makes clear, Ohio’s provisional ballot statutes are complex and extremely difficult to implement. While simply streamlining the law with no policy changes would help, consensus has emerged for broad changes to the state’s provisional balloting laws that would lessen the state’s reliance on and use of this controversial form of balloting and further increase the validity rate of provisional ballots. Unnecessary provisional voting not only increases voter anxiety and hurts confidence in voting in Ohio; it also creates unnecessary and costly administrative burdens for poll workers and local election officials. The Secretary of State recommends

a wholesale revamp of Ohio’s provisional ballot laws, drawing on national best practices and focusing on voter and poll worker concerns for an efficient voting process while ensuring only registered voters’ ballots are counted.

Modify the wrong precinct rule.

During the Ohio Elections Conference, elections officials, academics and advocates all agreed that Ohio should modify the rule that bars the counting of provisional ballots cast in the wrong precinct. Many of these ballots are actually cast by voters at the correct polling place but in the wrong precinct. The Secretary of State recommends the following change: for any registered voter casting a provisional ballot at any polling place in his/her county of registration, that ballot must be remade to count the races for which the person was eligible to vote.

Streamline Ohio’s provisional ballot laws.

There are currently 13 specific reasons for an Ohioan to be placed into provisional balloting status. This complexity creates an administrative burden on poll workers and discourages poll worker and voter confidence, as well as future involvement in the democratic process of voting. The Secretary of State recommends that provisional ballots only be required in the following instances:

- The voter’s name does not appear on the poll list;
- The voter requested an absentee ballot; or
- The voter could not produce proper identification.¹²

Establish uniform materials for provisional balloting.

See “Elections Material Design” on page 8.

Streamline Ohio’s voter challenge statutes.

Currently, Ohio’s voter challenge statute straddles multiple sections of the Ohio Revised Code and, taken together, creates a confusing set of standards and practices. The Secretary of State recommends streamlining the voter challenge statute and requiring all challenges other than presiding judge challenges to be adjudicated prior to the day of the election.

Establish uniform standards for processing and counting provisional ballots.

Not only must voters receive equal treatment in receiving and voting provisional ballots, they must also be treated equally when those ballots are processed and counted. The Secretary of State recommends as a core policy that a board

¹² Note that the full benefit of this streamlined policy would be reached with implementation of the Secretary’s recommendations for voter ID reform.

of elections must count any provisional ballot where, based on the information provided by the voter, the board can verify that the individual was registered to vote, eligible to vote in that election, and present to vote in his/her county of registration.

Notification and correction of errors.

See “Voter Notification” on page 25.

Reform voter ID laws in Ohio.

See “Voter ID” on page 16.

Fund a study group to explore same day and Election Day registration.

See “In-person Early Voting” on page 19.

VOTER NOTIFICATION

Voters are human and can make simple mistakes on complex government forms, like absentee ballot envelopes. In 2008, Directive 2008-109 allowed voters to be notified of absentee voting errors so they could correct them. The Secretary of State recommends the adoption of best practices for voters to be notified of absentee and provisional ballot errors, and for voters to correct those errors.

Clearly define “fatal error” for provisional and absentee materials.

While complex forms have been a challenge for Ohio voters, an equal challenge is the requirement that Ohioans provide information that may not be necessary to assess eligibility. The Secretary of State recommends a standard policy of limiting required information to those data points needed to identify the individual and determine his/her eligibility to vote. In most cases, this would be limited to name, address, signature and identification (if applicable), all of which should substantially conform to the records of the board of elections.

Notification and correction of provisional ballot errors.

While immaterial errors should not require voter correction, sometimes voters can make material errors that need to be corrected for their ballot to count. Any standards for notice and correction must take into account the needs of elderly and disabled voters, and the likelihood that many absentee voters will not be able to physically appear at a board office. The Secretary of State recommends development of uniform standards for voter notification of deficiencies in provisional ballots and for opportunity to correct those errors in time that the votes may be counted. This would include a provision for contact via telephone or e-mail, with specific security safeguards to verify the identity of the voter.

Notification and correction of absentee vote-by-mail ballot errors.

While immaterial errors should not require voter correction, sometimes voters can make material errors that need to be corrected for their ballot to count. Any standards for notice and correction must take into account the needs of elderly and disabled voters, and the likelihood that many absentee voters will not be able to physically appear at a board office. The Secretary of State recommends development of uniform standards for voter notification of material deficiencies in absentee vote-by-mail ballots and for a policy providing the opportunity to correct those errors in time that the votes may be counted, based on the existing model of provisional ballots (i.e, up to 10 days after Election Day). This would include a provision for contact via telephone or e-mail, with specific security safeguards to verify the identity of the voter.

BACK-UP PAPER BALLOTS AND BALLOT REMAKES

For touch-screen voting counties (using direct recording electronic (DRE) voting technology), back-up paper ballots played an important role in reducing long lines and providing a solution to emergencies that could have otherwise disrupted voting in the 2008 primary and general elections. Approximately 187,148 backup paper ballots were used in the two elections for which they were prescribed. In general, backup paper ballots provide a cost-effective means of meeting the increased turnout experienced during even-year elections, without forcing counties to acquire additional machines for those elections. During the HAVA machine acquisition process, for example, counties were directed to provide one touch-screen voting machine per 175 voters. Reaching that ratio today could cost counties significant capital and maintenance expenses, as opposed to reliance on vastly less expensive back-up paper ballots when all or nearly all of DRE voting machines are deployed in a higher turnout election.

Study group on back-up paper ballots.

The Secretary of State recommends a study group to determine what elections should rely on back-up paper ballots, how those ballots should be offered, formulas for determining how many ballots to print for a given election, when additional ballots in addition to the formula should be ordered, and how to consistently compensate boards of elections for the printing of such ballots.

Codify ballot remakes where voter intent is clear.

In 2008, boards of elections located 12,207 ballots where the voter both chose a candidate for office and wrote that candidate's name on the ballot as well. The Secretary of State recommends that boards process, remake, and count in public session ballots where voter intent is clear.

ILLEGAL VOTING

Fund a study group to investigate alleged instances of illegal voting in 2008.

While many concerns were raised regarding alleged instance of illegal voting in the run-up to the 2008 election, no state has undertaken a comprehensive review of the environment and related facts regarding the allegations – despite significant taxpayer costs for the investigations. In Texas, for example, the Attorney General invested \$1.4 million over two years to prosecute only 8 cases of alleged illegal voting and 18 cases of individuals improperly handling absentee ballots.¹³

The Secretary of State recommends funding for the office to study the allegations and instances of illegal voting in 2008 to better inform policy decision-making in the future.

The Secretary of State further recommends funding for permanent, in-house investigators to assist cash-strapped boards of elections with investigations into alleged voter registration fraud, illegal voting and voter suppression.

POST ELECTION AUDITS AND RECOUNTS

In 2008, all Ohio counties successfully implemented post-election audits. These audits provided voters with added confidence in the outcome of the 2008 elections, while proving that our boards of elections are following the law and consistently administering accurate elections in Ohio. As we look forward, we must determine important policy questions, such as when audits should be conducted, what processes should be used and how audits can be most cost-effective.

The Secretary of State remains committed to the use of post-election audits as a significant support for public confidence and commits to briefing the Governor and General Assembly regarding the ongoing progress seen in such post-election auditing procedures.

¹³ “Texas AG fails to unravel large-scale voter-fraud schemes in his two year investigation,” The Dallas Morning News, May 18, 2008.

SPECIAL ELECTION ISSUES IN 2008						
COUNTY	DISTRICT	YES	NO	ADOPTED?	ADOPTED?	ADOPTED?
Brown	Ripley Union Lewis Huntington School District	169	810	N		N
Clark	Northeastern Local School District	1,521	2,409	N		N
Clermont	Batavia Local School District (with a Tax Levy)	720	1,165	N		N
Clermont	Goshen, Township of	599	767	N		N
Columbiana	Leetonia Exempted Village School District	343	763	N		N
Crawford	Proposed School Income Tax - Gallion City School District	1,010	1,900	N		N
Cuyahoga	Proposed School Income Tax - Garfield Heights City School District	420	2,470	N		N
Cuyahoga	Brooklyn City School District	1,007	1,068	N		N
Cuyahoga	Gates Mills, Village of	221	277	N		N
Cuyahoga	Richmond Heights Local School District	428	888	N		N
Cuyahoga	Newburgh Heights, Village of	WITHDREW	WITHDREW	NA		NA
Delaware	Proposed Municipal Income Tax - Delaware City	2,307	2,191	Y		Y
Delaware	Senior Citizens Services & Facilities	8,056	2,612	Y		Y
Fayette	Miami Trace Local School District (with 2 bond issues)	1,651	1,537	Y		Y
Fulton	Pike-Delta-York Local School District (with a Tax Levy)	918	912	Y		Y
Hamilton	Harrison, City of	656	160	Y		Y
Hancock	Arlington Local School District (with a Misc. Question)	618	893	N		N
Hancock	Liberty Benton Local School District (with a Tax Levy)	713	726	N		N
Hancock	Liberty Benton Local School District (with 2 Bond Issues)	713	726	N		N
Hancock	Proposed School Income Tax - Arlington Local School District	618	893	N		N
Henry	Liberty Center Local School District	567	843	N		N
Holmes	West Holmes Local School District	2,497	2,178	Y		Y
Lake	Fairport Harbor Exempted Village School District	188	243	N		N
Lake	Madison Local School District	WITHDREW	WITHDREW	NA		NA
Licking	Newark City School District	3,034	5,212	N		N
Licking	Proposed Contract - Joint Economic Development Zone - Etna Township	398	118	Y		Y
Lucas	Anthony Wayne Local School District	4,420	4,618	N		N
Lucas	Anthony Wayne Local School District	5,830	3,207	Y		Y
Mahoning	Springfield Local School District (with a Tax Levy)	1,038	1,748	N		N
Mahoning	Jackson Milton Local School District	1,004	1,062	N		N
Medina	Montville, Township of	297	269	Y		Y
Morrow	Highland Local School District	1,060	907	Y		Y

SPECIAL ELECTION ISSUES IN 2008						
COUNTY	DISTRICT	YES	NO	ADOPTED?	ADOPTED?	ADOPTED?
Portage	Suffield, Township of	358	325	Y		Y
Preble	Twin Valley Community Local School District	526	943	N		N
Richland	Monroe, Township of	113	532	N		N
Sandusky	Woodmore Local School District	WITHDREW	WITHDREW	NA		NA
Sandusky	Bellevue City School District	895	704	Y		Y
Shelby	Hardin-Houston Local School District	1,023	957	Y		Y
Stark	Minerva Local School District	1,056	911	Y		Y
Summit	Stow-Monroe Falls City School District	2,641	4,349	N		N
Summit	Tallmadge City School District	2,307	2,739	N		N
Summit	Macedonia, City of	882	479	Y		Y
Summit	Twinsburg Public Library	954	697	Y		Y
Trumbull	Lordstown Local School District	338	613	N		N
Trumbull	Southington Local School District	249	655	N		N
Trumbull	Southington Local School District	287	622	N		N
Warren	Mason, City of	663	921	N		N
Warren	Springboro City School District	2,513	3,734	N		N
Warren	Waynesville, Village of	277	278	N		N
Warren	Waynesville, Village of	273	283	N		N
Warren	Mason, City of	958	630	Y		Y
Wood	Lake Local School District	978	599	Y		Y
Wood	City of Perrysburg - Way Public Library	1,309	824	Y		Y

VOTER ID REQUIREMENTS BY STATE						
State	States that Require ID		States that do not require ID	List specific ID allowed?	Require address?	Notes
	States That Request Photo ID	States that Require ID (photo not required)				
Hawaii	X			N	N	Only upon request of a poll worker.
Indiana	X			N	N	
Louisiana	X			N	N	If a voter does not have ID, he/she may provide other information, such as date of birth, and vote a regular ballot.
Florida	X			Y	N	If the photo ID does not include signature, the voter must present a second ID with signature.
Michigan	X			Y	N	If a voter does not have ID, he/she may sign an affidavit and vote a regular ballot.
South Dakota	X			Y	N	If a voter does not have ID, he/she may sign an affidavit and vote a regular ballot.
Georgia	X			Y	Y	
Arkansas		X		N	N	
Connecticut		X		N	N	Allows any pre-printed form that shows the voter's name and either address, photo or signature.
Delaware		X		N	N	
Kentucky		X		N	N	Kentucky allows identification by "personal acquaintance of a poll worker" or any ID.
Montana		X		N	N	If a voter does not have any photo ID, any number of other non-photo IDs are allowable.
Tennessee		X		N	N	If a voter cannot produce ID with a signature, he/she may sign an affidavit and vote a regular ballot.
Texas		X		N	N	
Alabama		X		Y	N	
Alaska		X		Y	N	
Colorado		X		Y	N	
Missouri		X		Y	N	
Virginia		X		Y	N	If a voter does not have ID, he/she may sign an affidavit and vote a regular ballot.
Washington		X		Y	N	
Arizona		X		Y	Y	Requires one photo ID or two non-photo ID

VOTER ID REQUIREMENTS BY STATE						
State	States that Require ID		States that do not require ID	List specific ID allowed?	Require address?	Notes
	States That Request Photo ID	States that Require ID (photo not required)				
North Dakota		X		Y	Y	If a voter does not have ID, he/she may vote a regular ballot by providing date of birth and being approved by an elections official.
Ohio		X		Y	Y	
South Carolina		X		Y	Y	
California			X			
Idaho			X			
Illinois			X			
Iowa			X			
Kansas			X			
Maine			X			
Maryland			X			
Massachusetts			X			
Minnesota			X			
Mississippi			X			
Nebraska			X			
Nevada			X			
New Hampshire			X			
New Jersey			X			
New Mexico			X			
New York			X			
North Carolina			X			
Oklahoma			X			
Oregon			X			
Pennsylvania			X			
Rhode Island			X			
Utah			X			
Vermont			X			
West Virginia			X			
Wisconsin			X			
Wyoming			X			

EARLY VOTING AND VOTER REGISTRATION DEADLINES BY STATE									
State	Voter Registration Deadline (days before election)	Allow no excuse in person early voting	Allow no excuse early vote by mail	Allow absentee voting with restrictions	Overlap between early voting and voter registration	Early Voting In Person Begins	Early Voting In Person Ends	Total days for in person early voting	
Alabama	11					N/A	N/A		
Alaska	30	Y	Y			10/20/2008	11/4/2008	15	
Arizona	29	Y	Y		Y	10/2/2008	11/4/2008	33	
Arkansas	30	Y	Y			10/20/2008	11/3/2008	14	
California	15	Y	Y		Y	10/6/2008	10/28/2008	23	
Colorado	29	Y	Y			10/20/2008	10/31/2008	12	
Connecticut	7					N/A	N/A		
Delaware	24					N/A	N/A		
Florida	29	Y	Y			10/20/2008	11/1/2008	13	
Georgia	29	Y	Y			10/27/2008	10/31/2008	6	
Hawaii	30	Y	Y			10/21/2008	11/1/2008	12	
Idaho	25	Y	Y		Y	9/22/2008	11/3/2008	42	
Illinois	28	Y				10/14/2008	10/30/2008	17	
Indiana	29	Y				10/6/2008	11/3/2008	29	
Iowa	10	Y	Y		Y	9/25/2008	11/3/2008	40	
Kansas	15	Y	Y		Y	10/15/2008	11/3/2008	20	
Kentucky	29			Y		10/17/2008	11/3/2008	18	
Louisiana	30	Y				10/21/2008	10/28/2008	8	
Maine	0	Y	Y		Y	10/6/2008	11/3/2008	29	
Maryland	21					N/A	N/A		
Massachusetts	20			Y		10/21/2008	11/3/2008	14	
Michigan	30					N/A	N/A		
Minnesota	0			Y	Y	10/6/2008	11/3/2008	29	
Mississippi	30					N/A	N/A		
Missouri	27			Y	Y	9/23/2008	11/3/2008	42	
Montana	30	Y	Y			10/6/2008	11/3/2008	29	
Nebraska	19	Y	Y		Y	9/29/2008	11/3/2008	36	
Nevada	21	Y	Y			10/18/2008	10/31/2008	14	
New Hampshire	0					N/A	N/A		
New Jersey	21		Y			N/A	N/A		

EARLY VOTING AND VOTER REGISTRATION DEADLINES BY STATE									
State	Voter Registration Deadline (days before election)	Allow no excuse in person early voting	Allow no excuse early vote by mail	Allow absentee voting with restrictions	Overlap between early voting and voter registration	Early Voting In Person Begins	Early Voting In Person Ends	Total days for in person early voting	
New Mexico	28	Y	Y			10/18/2008	11/1/2008	15	
New York	25					N/A	N/A		
North Carolina	25	Y				10/16/2008	11/1/2008	17	
North Dakota	0	Y	Y			10/20/2008	11/3/2008	15	
Ohio	30	Y	Y		Y	9/30/2008	11/3/2008	35	
Oklahoma	25	Y	Y			10/31/2008	11/3/2008	5	
Oregon	21		Y			N/A	N/A		
Pennsylvania	30					N/A	N/A		
Rhode Island	30					N/A	N/A		
South Carolina	30	Y	Y			N/A	N/A		
South Dakota	15			Y	Y	9/23/2008	11/4/2008	43	
Tennessee	30	Y				10/15/2008	10/30/2008	16	
Texas	30	Y				10/20/2008	10/31/2008	12	
Utah	30	Y	Y			10/21/2008	10/31/2008	11	
Vermont	6	Y	Y		Y	10/6/2008	11/3/2008	29	
Virginia	29			Y	Y	9/19/2008	11/1/2008	44	
Washington	15		Y			N/A	N/A		
West Virginia	20	Y		Y		10/15/2008	11/1/2008	18	
Wisconsin	0	Y	Y		Y	10/6/2008	11/3/2008	29	
Wyoming	0	Y	Y		Y	9/25/2008	11/3/2008	40	
TOTAL/AVERAGE	21	30	27	7	15			23	

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