

Statement of the National Network on State Election Reform on substitute H.B. 3

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As organizations committed to advancing voting rights and protecting the integrity of the electoral system in Ohio, we are writing to provide comments on H.B. 3, the omnibus election reform legislation currently being considered in the legislature. While we commend Mr. DeWine for continuing to shine the light on election reform issues, and believe that H.B. 3 contains some positive provisions, we are unable to support enactment of the bill in its current form.

We are concerned that the extensive and dramatic rewriting of this massive legislation was done on too short a timeline with insufficient input from the general public, including from public interest organizations and groups. As a result, the legislation is poorly organized, confusing and filled with vague language, making statutory interpretation of the bill difficult. We do not think that there has been sufficient time to analyze the policy implications of this wide-reaching legislation.

Nonetheless, we applaud H.B. 3 for addressing the continuing problem of voter intimidation by restricting disruptive challengers' access to the polling place; however there should also be restrictions against disruptive and potentially discriminatory challenges being filed with election officials before Election Day. Since hearings on some challenges could take place after the election, those voters would have to vote provisionally. Even holding such a hearing before Election Day places a burden on the voter, particularly if the challenge is frivolous or malicious in nature.

In addition, we support the requirement in H.B.3 that a list of people in a precinct who have voted be posted in the polling place on Election Day and be made available to the public. H.B. 3 should also provide that the same list is made available prior to Election Day to include people who have voted early.

We also fully support H.B. 3's provision for no-excuse absentee balloting and the criminalization of marking or destroying absentee ballots.

However, despite these positive provisions, we believe that H.B. 3 should not be enacted without the following amendments:

The definition of “jurisdiction” in H.B. 3 is too narrow. We recommend defining “jurisdiction” as the *county* in which one is registered to vote, instead of the *precinct* in which one is registered for purposes of processing provisional ballots. This change would allow more eligible voters the opportunity to vote on a regular ballot.

We believe the new burdens that would be placed on groups doing voter registration drives, such as the requirement that any person being paid to do voter registration work must register with election officials in each county where s/he will be working, could have a chilling effect on activities that increase the number of voters participating in the political process. The 2004 elections saw the greatest increase in voter participation since 1968, due, in significant part, to organizations doing non-partisan voter registration work around the country. The very important work that these organizations have done to increase citizen participation, especially among historically underrepresented communities, strengthens democracy and benefits everyone. These organizations’ work should be encouraged, not discouraged.

H.B. 3 requires that if change of address or change of name forms are returned to boards of elections as undeliverable, the voter is required to vote by provisional ballot even if the voter produces the proper identification and proof of residence at the polling place on Election Day. Voters that have the required identification should be allowed to vote with a regular ballot.

H.B. 3 should allow non-partisan observers access to the polling place and the counting process. Having observers who are interested in the integrity of the election without political concerns would only improve elections in this state. Bipartisan observers are in fact only serving the partisan interests of their parties or candidates, not necessarily the interests of all voters.

H.B. 3 does not go far enough in assuring an adequate number of voting machines at polling locations. It should include explicit standards that are uniform and non-discriminatory.

In addition, we believe that the bill should be amended to include the following provisions that would further reform the electoral system in a very positive way:

We strongly support educating ex-felons about their right to register and vote upon being released from prison. Although voting rights for Ohioans convicted of felonies are automatically restored after release from incarceration, a recent survey by the Prison Reform Advocacy Center showed that almost 25% of Ohio’s county election boards misinformed callers inquiring about the right to vote, mistakenly telling them that ex-felons could not vote while on probation or parole. To help address this problem, H.B. 3 should include a provision that would require government officials to inform ex-offenders that their voting rights have been restored and to provide them with a postage prepaid voter registration application during the release process.

We also urge the inclusion of provisions that would explicitly outlaw the use of deceptive practices by any individual or organizations during the electoral process. Deceptive practices were employed far too extensively during the past federal elections in an effort to disenfranchise voters. Such abuses of our electoral process can not be allowed to continue.

Finally, we encourage the inclusion of provisions that increase voters' ability to exercise their right to vote such as Election Day registration (EDR) and early voting. The inability for voters to have their votes counted if they voted by provisional ballot in the wrong precinct was a far too common occurrence during the 2004 Election; however, Election Day Registration helps to prevent this disenfranchisement by enabling most voters, including those who are mistakenly left off of the registration list to register on-site and vote by regular ballot. Furthermore, required or expanded early voting sites provide greater accessibility to the polls – again increasing the civic participation of all citizens.

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