

# EXHIBIT M



November 15, 2012

Jon Husted  
Ohio Secretary of State  
180 East Broad Street, 16<sup>th</sup> Floor  
Columbus, OH 43215

Re: Improvements in Ohio's Election Administration

Dear Secretary Husted,

AMERICAN CIVIL  
LIBERTIES UNION  
OF OHIO  
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During every election, the American Civil Liberties Union of Ohio collects stories from voters around the state who wish to report their election experience. As a non-profit, non-partisan organization, our goal is to ensure that every citizen is able to exercise his or her right to vote, free from unnecessary barriers and restrictions.

We were encouraged by your recent remarks to the press indicating that you believe Ohio voters are best served by thoughtful bipartisan compromise on administrative changes that will both ensure the integrity of our election system and allow all citizens to exercise their right to vote. In that spirit, we would like to offer the following suggestions based off trends we have witnessed through years of monitoring Ohio elections.

**Create uniform, extended early in-person voting hours.**

The ACLU of Ohio agreed with your concerns over inconsistent early voting hours among the state's 88 counties. While we often champion local control of elections, we also recognize that voters should have equal access to the ballot. It is expected that large, urban counties will have a larger turnout of early in-person voters, but rural and suburban counties may also have significant turnout in terms of overall percentage of voters. In addition, early voting is a service to voters who wish to cast an in-person ballot, but are unable to vote on Election Day. It is important to make sure that service is equally available to all Ohio residents, regardless of where they reside in the state.

Uniform early voting hours should not be achieved by reducing the number of hours, but by offering the greatest number of hours possible. As evidenced by the unprecedented turnout across Ohio in 2012, early voting on the weekends is incredibly popular. Cutting these hours would be an administrative disaster. Because 2012 turnout was so high during the one weekend of early voting, we believe additional hours on other weekends during the early voting period are needed. It is also important to remember that any cuts to early in person voting, while they may or may not reduce the total number of voters, would certainly result in more voters showing up on Election Day, creating long lines and confusion. Uniform early voting hours are fair, but we cannot take a step back by restricting those hours.

**Institutionalize the sending of absentee ballot applications to all registered voters**

A notable success from the 2012 presidential election was the plan to send absentee ballot applications to every registered voter in Ohio. This plan led to a surge in vote by mail, and helped alleviate long lines on Election Day. Unfortunately, there is no permanent plan to provide this

important service in future elections, and some counties may not be able to afford to undertake this process. We urge the state to provide funding for statewide mailings of absentee ballot applications for all future general presidential and gubernatorial elections. While these mailings will certainly come with a cost, we believe this is a crucial aspect of Ohio's election system, and that additional benefits such as cost savings from precinct consolidation may help offset costs.

**Improve poll worker training on provisional ballots, clarify identification rules, and increase public education on identification rules.**

Across the state, there were reports of significant numbers of voters being required to cast a provisional ballot instead of a regular ballot. Provisional ballots should be used as a last resort, not a default when poll workers are unsure of an issue with a voter. Many reports indicated that poll workers did not understand some of the nuances of what constitutes acceptable identification, causing the voter to cast a provisional ballot. Poll workers also reported that some voters did not bring the correct identification and spent a significant amount of time in line before realizing their mistake. While the voter should bring the correct ID to the polling place, we believe the Secretary of State's office could increase its public education efforts to ensure voters know what ID they must have in order to cast a ballot. Options like Public Service Announcements (PSA) on a diverse array of television and radio stations, online advertisements, and collaborating with other government agencies to distribute printed information should be utilized. For the day of the election, we recommend requiring large signage outside each polling place, clearly stating the correct ID requirements for all to see. In addition, we recommend similar signage where the poll worker sits, so ID requirements are clear to poll workers and voters alike.

**Clarify rules for counting provisional ballots.**

Far too many Ohio voters are compelled to cast a provisional ballot. As mentioned above, provisional ballots are relied on too heavily, rather than seen as a last resort for voters who would otherwise not be allowed to vote. Unfortunately, far too many of those ballots are rejected—in 2008, nearly 20% of all provisional ballots were not counted. Over the last several elections, the ACLU has received numerous reports of voters who were forced to cast provisional ballots because their names did not appear in poll books. To ensure all these votes are counted, officials should provide additional detailed guidance to local Boards of Elections on verifying whether a person is a registered voter in Ohio. In addition, we encourage officials to adopt policies that will allow voters who mistakenly cast ballots in the wrong precinct—whether through their own fault or because of poll worker error—to have their votes counted. While we recognize that voters have a responsibility to know their correct polling location, widespread precinct consolidation has led to changes where voters who have cast ballots in one location for years have been relocated to another place. As election officials, it is important to protect the integrity of the election system, but the larger responsibility is to ensure voters have their voices heard. Voters should not be disenfranchised because of an innocent error, and all applicable federal and statewide votes must be counted.

**Establish clear rules for updating the statewide voter registration database.**

Numerous voters across the state reported being wrongly removed from the list of registered voters. In many instances, these were voters who had voted before at the same precinct, sometimes even in the primary earlier this year, only to find that their names did not appear on the rolls on Election Day. There has not been a satisfactory answer as to why these names were dropped from the rolls or who is responsible. The Secretary of State and county boards of elections must work together to ensure that lawful voters are not inadvertently disenfranchised by database management problems.

**Increase innovative use of technology.**

By most accounts, the Secretary of State's website allowing voters to update their voter information was popular and successful. These opportunities should be expanded to allow voters to register online. One shortcoming of the program is that only voters with an Ohio driver's license may change their address, which is unnecessarily restrictive. We encourage the Secretary of State's office to expand the program to

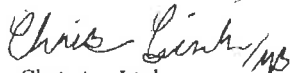
allow Ohio voters with other forms of ID to update their voting address using additional approved forms of ID. In addition, new technologies like electronic poll books piloted by the Franklin County Board of Elections should be rigorously evaluated and implemented statewide if found effective.

**Create contingency plans for voters affected by natural disasters.**

We received multiple complaints from voters who never received their absentee ballots, or received their ballots late because of Hurricane Sandy-related postal delays. In addition, many first responders were unable to vote because of the timing of the storm. The Secretary of State's office should allow voters who receive their ballots late to mail in their absentee ballots before the deadline for overseas and military voters. Those who do not receive a ballot should be allowed to vote electronically or by fax machine, if available.

We hope you take these suggestions in the collaborative, non-partisan spirit in which they were intended. In the coming year, we hope to work with your office on implementing these and other ideas that will enhance voters' access to the ballot. Please feel free to contact our office at (216)472-2220 if you have any additional questions or need more information.

Sincerely,



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