EXHIBIT 12

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To: Senate State Government Oversight & Reform Committee

From: Carrie Davis, Executive Director, League of Women Voters of Ohio

Date: November 20, 2013

Re: Interested Party Testimony on SB 238

Chairman Burke, Ranking Member Smith, and Members of the Senate State Government Oversight & Reform Committee, thank you for the opportunity to present testimony on Senate Bill 238 on behalf of the League of Women Voters of Ohio.

The League is concerned with the haste in which SB 238 was introduced and is being rushed to passage. The League agrees that we should have a dialogue about how best to structure absentee and early voting. There are clearly a wide range of views on the subject that ought to be part of the discussion. But one can hardly have a meaningful dialogue about sensible reform, let alone study what works and what doesn't, when the process is so hurried. This Senate plans to have all testimony and vote this bill out less than a week after it was introduced. This is hardly a deliberative process. We urge this committee to take the time this issue deserves and give Ohio voters an opportunity to weigh in on absentee and early voting changes.

Here are some specific concerns that the League believes ought to be considered in any discussion about changing the dates for absentee or early voting.

Voters Like Early Voting

In the aftermath of the troubled 2004 election, Ohio put in place a variety of changes to ensure that the problems of 2004 remain in the past and do not repeat themselves.

One of the most beneficial changes made was to open up mail-in absentee and in-person early voting to all registered voters. Since this law change took effect in 2006, more and more Ohioans have taken advantage of the opportunity to vote prior to Election Day.

Early voting is popular with voters. Every time cuts to early voting have been proposed or carried out, voters have complained. Voters expect to be able to vote early.

That compels one to ask: why would we cut something that works? Cuts to early voting fly in the face of its increased popularity. Ohio voters like it. The goal should be to increase turnout and get more people to the polls. So while we can discuss how to reach a formula that works for everyone, we ought to keep in mind what the voters have told us they want.

Early Voting Improves Efficiency

The increase in voters casting a ballot before Election Day has allowed many Boards of Elections to improve efficiency.

Many BOEs have been able to consolidate polling places and precincts due to increased early voting turnout. This saves counties money that would be spent on more polling locations and more poll workers.

In addition, it has also allowed for an alteration in the number of voting machines required. Just recently, this committee amended SB 200 to lower the voting machine ratio in counties that use touch-screens to take account of ballots cast prior to Election Day. The County Commissioners and BOEs have wanted this change for some time, and it could finally be accomplished due to the growth of early voting.

Finally, it has improved voters' impression of good customer service. When voters are able to cast their ballot at a variety of times, either early or on Election Day, without long waits, that improves voter perceptions of the system working.

Early Voting Data

Before making changes to early voting, it would be wise to explore available data on how early voting has operated in practice.

- How many voters have cast their ballot early, in person or by mail, before 2006 versus after 2006 when it became a no-fault process?
- Do we have data on when those early ballots were cast? How many were cast during the so-called "golden week"? Are there any demographic trends in who is likely to cast a vote during "golden week"? How will those voters be impacted if "golden week" is eliminated?
- How many early ballots were cast in-person versus by mail?
- Did the growth or decline in early ballots cast vary county by county?
- Did the growth or decline in early ballots cast correspond to changes in election administration such as the days and/or hours early in-person voting was open, the location for early in-person voting, whether absentee applications were mailed to all voters in that jurisdiction, whether early in-person voting days and hours changed during the election cycle or remained consistent, etc.?

- The Ohio Association of Elections Officials' testimony makes reference to one irregularity that occurred during golden week. What, if any, official records exist on any irregularities that surfaced during early in-person or absentee voting? How many? What percentage of total early votes cast? Were they investigated? Were there any prosecutions or convictions? How did this compare to percentage of irregularities during Election Day voting? How did this compare to pre-2006 early voting? What changes, if any, could have prevented such irregularities?

There are a lot of questions that ought to be explored about current practices before we make major changes.

Instead of Simply Making Cuts to Early Voting, We Should Explore Solutions that Balance Competing Interests

Recently, Ohio has been engaged in a conversation about how much early voting is enough and how that early voting should be administered. This is an especially challenging issue in Ohio due to our state's diversity, ranging from large urban counties to small rural ones. Ohio is not a state that lends itself to a one-size-fits-all solution.

In a purported effort to ensure equal protection, far too often, any conversation about finding a uniform solution involves a race to the bottom, to the least common denominator, rather than taking the time to search for a solution that is in the interests of all Ohio voters. There are many approaches that might be considered. For example:

- Should Ohio move from our clunky in-person absentee voting system to a true early voting system -- treat early in-person absentee voters the same as Election Day voters rather than the same as mail-in absentee voters -- as the Ohio Association of Election Officials has proposed?
- Should Ohio allow counties to offer early voting at multiple satellite locations around the county? To ensure uniformity, the number of locations per county could be based on the county's voting age population, per the U.S. Census. This option may present a way for large and small jurisdictions to serve their voters' needs while still complying with the law's requirements to treat voters equally.
- Wouldn't it make sense for the Secretary of State or county BOEs to track usage of early voting options to see what dates, hours, and locations are most used by voters, so that future allocation decisions can be based on consumer habits?

These are but a few questions that Ohio should be considering. Rather than hastily racing to pass legislation to cut what we have, with little if any time allotted for public comment or consideration of the impact of these changes, this legislature should slow down and explore real solutions to improving the administration of early voting.

Thank you for the opportunity to share our thoughts on this issue.