

# EXHIBIT B

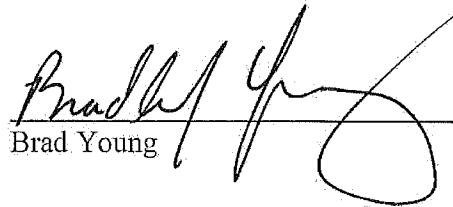
- IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

4. Attached as Exhibit 3 is a true and accurate copy of testimony submitted by Mary Siegel, one of the founders of the Ohio Voter Integrity Project, before the House Policy and Legislative Oversight Committee in support of SB 238.

5. Attached as Exhibit 4 is a true and accurate copy of testimony submitted by Ronald J. Kochler, former deputy director and then director of the Summit County Board of Elections from March 2010 until March 2012, before the House Policy and Legislative Oversight Committee in support of SB 238.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 18, 2014

  
Brad Young

**TAB 1**



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*Advocating for Life, Faith, and Freedom in the Public Square*

Proponent Testimony on S.B. 238  
Ohio House of Representatives  
Policy and Legislative Oversight Committee

Chris Long  
President, Ohio Christian Alliance

December 10, 2013

Chairman Dovilla and Members of the House Policy and Legislative Oversight Committee:

I would like to begin by thanking Chairman Dovilla for the opportunity to present testimony today in support of S.B. 238. The Ohio Christian Alliance is a statewide public policy grassroots voter education organization that encourages voter registration and participation in the political process. OCA has conducted nonpartisan voter registration efforts in thousands of churches across Ohio over the past 23 years. It is because of our experience and concern that we present testimony today on S.B. 238. We would like to commend Senator LaRose and the co-sponsors of S.B. 238 for introducing this important legislation that corrects an overlap that currently exists in Ohio's election laws which was unknowingly created with expanded early voting in the 126<sup>th</sup> General Assembly.

This legislation fixes the glitch that was created when early voting was expanded to 35 days and voting registration was then permitted until 30 days before the election. Some political campaigns interpreted this as an opportunity to encourage people to register and vote at the same time in the newly-created early voting days. The problem was realized almost immediately by boards of election officials when they experienced voter registrations being presented at the same time early ballots were cast. The obvious problem was that no time

was allowed to vet the registration of the voter. Confusion existed as to how to process these voter registration forms and the ballots that came in with them at the same time.

When many Ohioans learn that this actually has been in practice over the last handful of years, they cannot believe that it is actually occurring and they are opposed to the practice. The practice historically has been that an individual registers to vote, the board of election verifies the identity and address of the registrant, and sends the registrant a confirmation card in the mail with information directing them to their precinct polling location. This was generally a 30-day process. S.B. 238 addresses the problem that exists in the current law; it simply limits early voting from 35 to 28 days. With the passage of S.B. 238, Ohio will still lead the region and most of the country in early voting days, allowing citizens plenty of opportunity to participate in the election process. Citizens and election officials together have expressed support for S.B. 238 that gets rid of so-called "Golden Week". Today, the Ohio Christian Alliance lends its voice to those supporting S.B. 238, and we urge the committee to quickly pass this common sense legislation.

Thank you, Chairman Dovilla and members of the Policy and Legislative Oversight Committee. I would be happy to address any questions you may have at this time.

**TAB 2**

**Proponent Testimony**

**Submitted by: Dana Walch**

**Ohio House of Representatives Policy and Oversight Committee**

**Tuesday, December 10, 2013**

**2:00 P.M.**

Chairman Dovilla and members of the committee, thank you for allowing me a few minutes to share my thoughts on Senate Bill 238. My name is Dana Walch and I currently serve as the Deputy Director of the Franklin County Board of Elections. I have also previously served as Director of Elections for the Ohio Secretary of State's office.

I am not here today representing the views of the members of the Franklin County Board of Elections or the Ohio Association of Election Officials. I am simply here to offer proponent testimony on this bill as an individual election official with 15 years experience.

I believe this bill is a positive step for election administration in Ohio for a number of reasons. First, eliminating that period of time known as "Golden Week", when someone can register to vote and then vote at the same time is a step that has been endorsed by the bi-partisan trustees of the Ohio Association of Election Officials. This professional organization equally comprised of members of the Democratic and Republican parties has been studying this issue since 2010. Eliminating the week in which someone can register and then vote on the same day is also a concept that was passed by the Ohio House just a few short years ago.

Second, historical in-person absentee data in Franklin County show that only a small percentage of voters actually vote during the first week of absentee voting. In General Elections since 2006, when no-excuse absentee voting became most widely used, only 8% of those casting a ballot early in-person did so during the first week. By comparison, 53% of those casting a ballot early in-person did so in the final week before the election. Another 21% did so in the fourth week of the five week period, meaning that 74% of voters casting an early in-person ballot did so in the final two weeks of the five week period. This compares to only 16% on average doing so in the first two weeks of the current five week period.

Next, eliminating this first week of the five week period still allows for 28 days of early in-person absentee voting... plenty of time for people to be able to cast a ballot. In fact, this still keeps Ohio as the most liberal state in the Midwest for casting an early in-person absentee ballot. Also, if this bill passes well in advance of the 2014 primary election, there is plenty of time to inform voters of the change in timing so they can plan to vote during the new timeframe. In addition to providing this four week period to vote



early in-person, Ohio also allows voters to request an absentee ballot by mail and vote that ballot any time convenient for them from the comfort of their home, without requiring any excuse in order to do so.

Finally, eliminating the period in which a person can register to vote and then cast a ballot on the same day does a great deal to enhance the security of our absentee process. Under the current scenario, boards of elections must go through a lengthy process of holding a "Golden Week" ballot until we gain confirmation that the newly registered person truly is who they say they are. We must first send the voter an acknowledgement notice (like we do every voter when they register). Then, if that acknowledgement notice gets returned to the board as undeliverable, that voter's ballot is considered challenged. Boards are then required to send the voter a confirmation notice. If we do not get the confirmation notice back by the 10<sup>th</sup> day following the election, that voter's ballot might not get counted.

Just so you know, I am a big fan of the U.S. Postal service. I think they generally do a great job getting people their mail in a timely fashion. But with the steps necessary in what I just described, and the tight timeline in which it needs to take place, it can be very difficult for all of this to get done in a timely fashion. Mail does get lost or delayed. This current process sets our system up for circumstances in which an undeliverable acknowledgement card could get returned to us after the election and thus allowing an unqualified voter to cast a ballot. Also, delays in the mail could cause a confirmation card to not be returned to us by the 10<sup>th</sup> day after the election and thus putting a legally cast ballot in jeopardy.

The current system of having to hold the ballot until the person's identity can be confirmed simply creates another category of provisional ballot. Election officials already get beat up enough over how many provisional ballots get cast. Let me assure you, election officials of both political parties take every step possible to get people not to have to vote a provisional ballot. Unfortunately, keeping this provision as-is only creates another category of provisional ballot that adds to confusion with our election system.

I want to make it clear to the members of this committee that I am a strong proponent of our absentee process here in Ohio. I was proud to take part in numerous discussions with members of the Ohio General Assembly while I was with the Secretary of State's office to advocate removing the former reasons needed to vote via absentee ballot. I was an advocate of no-excuse absentee voting long before it passed in 2005. I remain an advocate of no-excuse absentee voting today but do encourage you to pass this common-sense piece of legislation that still allows for more than adequate access to voting prior to the election while also increasing the security of our electoral system.

I believe it is time to pass this measure which has been supported by the bi-partisan trustees of the Ohio Association of Election Officials, by our former and current Secretary of State, and was supported by members of both political parties in the Ohio General Assembly just a few short years ago.

Does voter fraud occur as much as some people say it does...no. But it does occur. And when we know that there is a procedure in place that could possibly lead to fraud, shouldn't we take every step possible to thwart it before it happens? The process as it currently stands with allowing people to register and then vote on the same day is ripe for potential fraud. We should do everything we can to stop this before it happens. I think passing this piece of legislation does just that.

I thank you again for allowing me to speak with you today and would be most happy to answer any questions that any of the members might have.

**TAB 3**



Ohio House Policy and Legislative Oversight Committee  
Written Testimony for SB 238  
By Mary Siegel, Ohio Voter Integrity Project  
December 10, 2013

Chairman Dovilla, Vice Chairman Buchy, and members of the House Policy and Legislative Oversight Committee, I thank you for the opportunity to speak with you today about Senate Bill 238. My name is Mary Siegel and I am one of the founders of Ohio Voter Integrity Project (Ohio VIP), a non-partisan, nonprofit organization dedicated to ensuring accurate and unbiased elections in Ohio.

I am offering proponent testimony for SB 238 because I believe the elimination of "Golden Week" will help to prevent fraud in an already vulnerable voter registration system.

Under current law, the verification of voter registration information by the local Board of Elections (BOE) includes sending a registration confirmation card to confirm the voter's address and verifying Social Security Number or Ohio Driver's License information with the appropriate agencies through the Ohio Secretary of State. However, the law imposes reverse logic as confirmation cards that are not returned to the BOE are assumed to be delivered to the registrant. Social Security Number and Driver's License number verification is not real time and when mismatches occur, they are noted but may or may not be resolved before the voter is allowed to vote. The result is thousands of voter registrations that are either completely erroneous or contain incorrect voter information.

Although the eighty eight (88) county Boards of Elections abide by the same election laws, our organization has found that in the case of the voter registration verification, the administration of these laws varies greatly from county to county. In Franklin County new voter registrations are not entered onto Ohio's voter rolls until after the information is verified, whereas in Hamilton County, new voter registrations are entered onto the voter rolls before any verification of the information is begun. This lack of verification by some counties is a huge concern for voter registrations in general but is especially troubling when it comes to Golden Week.

During Golden Week of 2012, the Hamilton County Board of Elections (HC BOE) received and accepted the voter registration for "The God Devine Refinement Allah." Mr. Allah registered on October 3<sup>rd</sup> and was entered onto the voter rolls for the 2012 General Election, even though it was later established by

the HC BOE that his registration confirmation card had been returned as undeliverable and his Social Security number was a mismatch with the Social Security Administration. In other words, not one item of information on Mr. Allah's registration could be substantiated. However, Mr. Allah remained on the voter rolls as an eligible voter until his registration was challenged (by Mary Siegel, Ohio VIP) and removed off of the rolls in October of 2013.

Although no vote has ever been reported for Mr. Allah, there was NOTHING to prevent the dishonest person who submitted this fraudulent voter registration from voting under his name that same day because it was Golden Week. And the vote would have counted in the 2012 Presidential Election because the HC BOE never questioned the legitimacy of the registration until it was brought to their attention through the voter challenge in 2013.

It is my hope that election legislation will be proposed to address my concerns with respect to voter registration verification in the near future. Until then, I believe the elimination of Golden Week is necessary to prevent voter fraud in our current system and to instill confidence in our electoral process for the voters of Ohio.

Chairman Dovilla and members of the Committee, thank you for allowing me to speak to you today and I would be happy to answer any questions you may have.

**TAB 4**

Ronald J. Koehler  
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Hon. Michael D. Dovilla  
Ohio House of Representatives  
Policy and Legislative Oversight Committee

Dear Representative Dovilla:

Please accept this as my written testimony on S.B. 238, which would eliminate Ohio's Golden Week. I was privileged to serve as deputy director, then director, of the Summit County Board of Elections from March, 2010, until March, 2012. This term included the 2010 general election during which we conducted off-site walk-in voting during the 35 days before election day. In order to conduct off-site voting, and process mailed-in absentee ballot applications, we had to hire dozens of extra temporary workers. Of course, at the same time we were packing 475 bags with ballots and election supplies, one for each precinct, recruiting and training 1,900 precinct election officials, who work the polls on election day, and charging, testing and then transporting 475 voting machines to the polling locations throughout the county. The board of elections is a very busy place during the weeks leading up to an election, but the least busy part of our operation was the off-site voting location during the first week of the 35-day walk-in voting period. Very few people vote during this time. In a time when budgets are being cut, it is frustrating to have temporary workers sitting around waiting for voters to walk in and vote during the first week. We did take some mailed-in absentee ballot applications to the off-site workers to process, but there wasn't enough work to keep them busy.

I think most walk-in voters don't vote during this first week because many candidates haven't yet campaigned, and daily and weekly newspapers haven't published information such as candidate profiles and articles explaining the issues.

Eliminating the Golden Week will not make voting more burdensome. If you pass this bill, walk-in voters will still have 28 days to vote early. That is plenty of time. The boards of election will save 20% of the cost of extra temporary workers, since they will be working four weeks instead of five.

Eliminating the Golden Week will make voter fraud more difficult. Those who decide to "become Ohio residents for the day" and cross over from a non-swing state to help candidates win the swing state of Ohio, would not benefit from the current overlap of the registration and voting time. While those who oppose eliminating Golden Week may claim that this sort of voter fraud is not wide-spread, we know that even some voter fraud is unacceptable. Many elections are decided by a few votes, and we only want to count votes that are legitimate.

Thank you for taking the time to hear my perspective on this bill.

Ronald J. Koehler