

EXHIBIT C

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

**OHIO STATE CONFERENCE OF THE
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED
PEOPLE, et al.**

Plaintiffs,

v.

JON HUSTED, et al.

Defendants.

Case No. 2:14-cv-00404

Judge Peter C. Economus

Magistrate Judge King

DECLARATION OF VINCENT KEERAN

I, Vincent Keeran, declare under penalty of perjury that the following is true and accurate:

1. I am currently serving as the Clerk of the Ohio Senate. I have served in that role since November 2007. In that role, I am the custodian of records for all bills, amendments, resolutions, and other legislative documents of the Senate.

2. Attached as Exhibit 1 is a true and accurate copy of testimony submitted by Aaron Ockerman, Executive Director of the Ohio Association of Election Officials, on November 19, 2013 to the Senate State Government Oversight and Reform Committee regarding Senate Bill 238 of the 130th General Assembly.

3. Attached as Exhibit 2 is a true and accurate copy of sponsor testimony submitted by State Senator Frank LaRose on November 19, 2013 to the Senate State Government Oversight and Reform Committee regarding Senate Bill 238 of the 130th General Assembly.

4. Attached as Exhibit 3 is a true and accurate copy of testimony submitted by Matthew Damschroder on behalf of the Ohio Association of Election Officials on December 3, 2008 to the Senate State and Local Government and Veterans' Affairs Committee regarding Senate Bill 380 of the 127th General Assembly.


5. Attached as Exhibit 4 is a true and accurate copy of the sponsor testimony submitted by Representatives Dan Stewart and Tracy Heard on February 2, 2010 to the Senate State and Local Government and Veterans' Affairs Committee regarding House Bill 260 of the 128th General Assembly.

6. Attached as Exhibit 5 is a true and accurate copy of testimony submitted by Llyn McCoy on behalf of the Ohio Association of Election Officials on May 12, 2011 to the Senate Government Oversight and Reform Committee regarding Senate Bill 148 of the 129th General Assembly.

7. Attached as Exhibit 6 is a true and accurate copy of testimony submitted by Ohio Secretary of State Jon Husted on May 5, 2011 to the Senate Government Oversight and Reform Committee regarding Senate Bill 148 of the 129th General Assembly.

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

Executed on: July 23, 2014


Vincent Keeran

TAB 1

Interested Party Testimony
Ohio Association of Election Officials
SB 238

Chairman Burke, Ranking members Smith and members of the Senate State Government Oversight and Reform Committee:

My name is Aaron Ockerman. I am Executive Director of the Ohio Association of Election Officials (OAE) and am here to offer my association's thoughts on SB 238. As you are aware OAE is a bipartisan organization comprised of the members of Ohio's 88 county boards of elections, directors, deputy directors and staff.

In March of 2013, the trustees of the OAE endorsed a plan for reforming and improving Ohio's absentee voting system. Our trustees consist of 20 members, those being 10 Democrats and 10 Republicans, 10 staff members and 10 board members. They come from large, medium and small counties from all over the state. I note this because we believe that any changes to the absentee voting system must consider the impact it will have on all 88 counties, and our trustees are truly representative of our entire state. The recommendations call for both in-person absentee voting and mail-in absentee voting to begin the day after the close of registration. In most elections this will be 29 days before the election, but in some it will be 28 days before the election. Thus, while we support the direction SB 238 takes us, we would ask that the bill be amended to specifically reflect that recommendation.

While we understand that reducing the number of days of absentee voting may not be "politically correct," my members are not concerned about the politics of this proposal, but rather the policy reasons it makes sense. First, Ohio is an outlier in

the days it allows for absentee voting to be conducted. Some states do not allow any in-person voting, while most allow 10 or 15 days of in-person voting. Those states that do allow in-person early voting presumably understand and accept what Ohio's election officials also recognize to be true; absentee voting is a good thing, if reasonable parameters are put in place.

Prior to 2006, Ohio only allowed very limited in-person and mail-in absentee voting. In opening up absentee voting in the way that we have, we are effectively now running three elections in Ohio. The first is Election Day. The second is 35 days of early in-person voting. The third is a mail-in election. We believe the consequences of this change have been profound for voters and election administrators alike.

First, Ohio has arguably the most convenient system of voting in the country. We are justifiably proud of this. However, despite this convenience, our voter turnout numbers have dropped not risen, while the cost of administering elections has skyrocketed. This makes many election administrators and county commissioners ask the prudent question, "as stewards of our taxpayers' dollars, where is the return on investment, and are we using our limited resources as effectively as possible?" While we are not suggesting that money is the only, or even most important factor in setting election law, to not take it into consideration would be irresponsible. My members take their responsibility to spend other people's money very seriously, and are always looking for ways to operate as efficiently and effectively as possible.

The second effect has been a noticeable reduction in Election Day lines. Large counties in particular attribute this to the rise of in-person and mail-in absentee voting. However, given the

facts outlined above, they are also asking if there is a way to more effectively use their resources and achieve these same positive results.

Our trustees reached the conclusion that boards of elections can continue to be ultra-customer friendly and reduce lines on Election Day while being more efficient with our tax payer dollars. The way to do this was to reasonably shorten the period for casting absentee ballots in the manner I have outlined above.

A second reason for shortening the absentee voting period is to close what has come to be known as "Golden Week," a 5 day period of time where a voter can register to vote and cast a regular (ie. not provisional) ballot at the same time. While this unique confluence of laws has existed on the books for some time, it was greatly exacerbated when Ohio moved to no-fault absentee voting. Ohio law does not allow for this activity known as "same day registration" to occur on Election Day and a statewide ballot attempt to allow for this was resoundingly rejected by voters when it was put before them. Ohio has a registration system and a registration deadline for very clear purposes, namely so that we can confirm that a voter is who they say they are before they cast a ballot.

The overlap between the close of registration and the beginning of early in-person absentee voting places this system of checks and balances in jeopardy. I have had first hand conversations with election officials who have had votes count by people who fraudulently registered during this period, because the election officials could not confirm their registration status before Election Day. Only after their ballot was counted did they discover that the registration was fraudulent, but by then it was too late to do anything about it.

People from both political parties who led reform efforts in 2009 and 2010 understood that this was an issue. Bills sponsored by members of both parties passed their respective chambers with provisions to remedy this included.

For these reasons, we believe SB 238, with the aforementioned amendments, is deserving of passage. This concludes my written testimony. I would be happy to answer any questions the committee might have.

TAB 2



Ohio Senate
27th District

Frank LaRose

State Senator

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Columbus, Ohio 43215
(614) 466-4823

Committees:

Public Safety, Local Government, and Veterans
Affairs, Chair
Public Utilities, Vice Chair
Agriculture
Criminal Justice
Finance
State Government Oversight and Reform
Transportation
Joint Committee on Agency Rule Review

Sponsor Testimony
Senate State Government Oversight and Reform Committee
November 19, 2013

Chairman Burke, Vice-Chairman Uecker and Ranking Member Smith, thank you for allowing me to present sponsor testimony this afternoon on Senate Bill 238. This legislation addresses the problematic current practice of allowing registration and voting simultaneously during the first week of early voting, commonly known as "Golden Week".

These concerns were brought to the Senate by our bipartisan boards of elections from across the state. They have been clear that allowing individuals to register and cast a ballot on the same day is problematic from the standpoint of administering fair and accurate elections.

Senate Bill 238 addresses the concerns of our boards of elections with a simple fix that changes the day absentee voting starts from thirty-five days to twenty-nine days before an election, ensuring that absentee voting can only occur on the day after the registration deadline closes.

Since early voting was expanded in 2006, through Substitute House Bill 234, absentee voting has become more commonly used by voters. This has created new challenges for Ohio's election administrators. According to the Secretary of State, 25.8 percent of the votes cast in 2010 were made through early voting. By contrast, only 10.6 percent of votes were cast on an absentee basis in 2004, before no fault absentee was instituted in Ohio.¹

Same day registration and voting has created a situation where boards of elections do not have adequate time to properly verify a registration application. Ohio election law

¹ Ray C. Bliss Institute of Applied Politics, the University of Akron, "A Study of Early Voting in Ohio Elections."

establishes a registration system and registration deadline so election officials can confirm that a voter is who they say they are before they cast a ballot. Maintaining the current number of absentee voting days at thirty-five days, overlapping with the Ohio Constitution's requirement that voters must register thirty days before an election, perpetuates an election system that is susceptible to voter fraud and undermines citizens' confidence in this crucial aspect of our democratic process.

Amending the start date for absentee voting to be less than thirty days before an election, thereby preventing this overlap, has enjoyed bipartisan support since expanded early voting came into effect. Secretary of State Husted and former Secretary of State Brunner both supported attempts to address the problems created by Golden Week. The bipartisan group of local boards of elections, the Ohio Association of Election Officials (OAEO), investigated means to reform our absentee voting statutes by commissioning a task force of six members from different political parties and different sized communities in 2010. In March of this year, this bipartisan task force issued a "Report and Recommendations for Absentee Voting Reform," explicitly urging the abolition of this overlap period. Since the 127th General Assembly, members of both parties have attempted to improve Ohio's elections by reducing the number of days for absentee voting to below thirty days before Election Day. Significantly, House Bill 260 of the 128th GA attempted to address this problem by starting the period for absentee voting twenty-eight days before the election. This bill was supported by the Majority Democrats in the Ohio House and was co-sponsored by members of the current Senate Minority Caucus.²

Widely recognized as a suboptimal way to conduct elections, other GAs attempted to address the problems created by the overlap of registration and early voting with the following legislation:

- S.B. 380 of the 127th GA;
- S.B. 8, H.B. 260, and H.B. 92 of the 128th GA;
- S.B. 148, H.B. 194 of the 129th GA; and,
- H.B. 250 of the 130 GA

Following the spirit of these other reform efforts, our bill provides a narrow fix to this problem. This bill simply clarifies a time period to register and a time period to vote. This bill does not reduce opportunities for Ohioans to register to vote. It does not inhibit anyone from exercising the right to vote. Ultimately, this bill makes a modest reduction to the number of days allowed for absentee voting so we can ensure that elections are administered properly in Ohio. Even still, Ohio remains a national leader in voter convenience, allowing our voters to cast early ballots on more days than most states, something of which we should be proud.

Thank you for the opportunity to provide testimony today. I would be happy to answer any questions at this time.

² H.B. 260 (128th GA). http://www.legislature.state.oh.us/bills.cfm?ID=128_HB_260.

TAB 3

Interested Party Testimony
Matthew Damschroder
Ohio Association of Election Officials
Senate Bill 380

Good morning, Chairman Cates and members of the Committee.

I am Matthew Damschroder and I am the immediate Past President of the Ohio Association of Election Officials (OAEO). Thank you for the opportunity to present testimony relative to SB 380 on behalf of the Association. We appreciate your willingness hear from local boards of elections.

SB 380 seeks to make changes to four aspects of Ohio's election law.

First, SB 380 would require the state voter registration database to provide information on "mismatched voters" to local boards of elections. While the information presently is available in one sense of the term, it is not available in usable form to county boards of elections at this time.

It is in everyone's best interests to have voter rolls that are accurate, complete, and current. However, OAEO does believe the language could be more specific in providing clear guidance on the following key questions:

- What constitutes mismatched information?
- How are voters to be notified of mismatched information?
- What are the duties of the Secretary of State, the BMV, the county boards of elections, and the voter in resolving mismatched information? And
- What is the impact, if any, to the voter and for the boards of elections, of mismatched information?

These are important issues that should be resolved as a part of any comprehensive change to the statutory provisions of a statewide voter registration database.

Second, SB 380 will require BOEs to notify absentee voters if the information they provide on their identification envelope is incomplete and the ballot, therefore, subject to rejection. Furthermore, the bill would provide voters with the opportunity to correct their errors and omissions. We believe that the way the bill is drafted is a fair method to provide absentee voters with a "second chance." However, given a recent federal court decision, the General Assembly may want to consider prescribing statutory standards for accommodating voters who are unable to appear in person to provide the necessary information in order to have their ballot counted. I do not believe it is necessary for the law to prescribe the precise method, in favor of setting standards for accommodation.

Third, SB 380 allows for observers during in-person absentee voting. This amendment codifies an Ohio Supreme Court decision from earlier this year, and OAEO supports this provision. As you consider amending Ohio's observer statutes, you may want to consider providing clearer guidance on the roll of these observers and observers in general. While the overwhelming majority of Observers performed their duties without interference to voters and elections officials, many boards of elections have reported problems with observers who exercised inappropriate influence during the period of their appointment. Having clearer guidelines will help manage expectations of the observers, voters, and elections officials.

Finally, SB 380 would close the overlap period during which individuals can both register and vote on the same day. The bill seeks to do this by requiring anyone who requests an absentee ballot to register 30 days prior to requesting the ballot. In effect,

the bill requires persons casting absentee ballots to be registered as many as 65 days before the election under the current absentee voting calendar.

OAE0 supports closing the overlap. However, we encourage the committee to reconsider the approach to eliminating the problem as presently contemplated in the bill, which is simply not the easiest or most efficient way to eliminate the overlap. Indeed, the administrative hardships created on boards of elections far outweigh the problem the solution seeks to fix; the question of what constitutes the date of registration being not the least of the potential difficulties.

OAE0 strongly encourages the committee to consider moving the start of absentee voting from its current 35 days prior to the election to 28 days prior to the election, while keeping the 35 days for out-of-country and military absentee voters. This approach would close the overlap while allowing the current process for voter registration to continue. In addition, it gives boards of elections an additional seven days to have ballots printed and delivered. The committee should also consider adopting early voting procedures similar to those in other states with both in-person early voting, during a smaller window of time preceding the election, and absentee, or mail-in, voting that is open for the longer period of time.

In conclusion, OAE0 supports many of the provisions of the bill, but encourages you to reconsider your approach to eliminating the overlap period. Please do not take a bill that is otherwise good for the elections system and turn it into one that creates undue and unnecessary hardships for local boards of elections.

Chairman Cates, thank you for allowing me to share the perspective of local boards of elections with the committee. I would be happy to answer any questions.

TAB 4



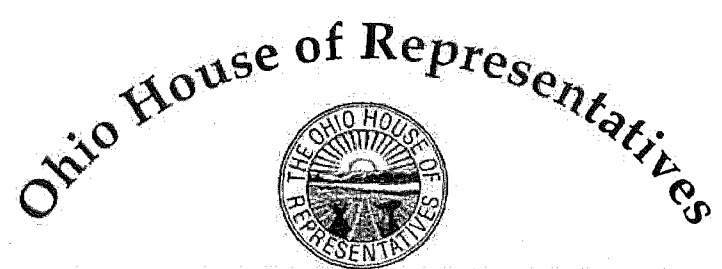
Senate Committee on State and Local Government and Veteran Affairs
House Bill 260, Elections Enhancement
Representative Dan Stewart
Representative Tracy Heard

(Heard) Good morning Chairman Hughes, Vice Chair Stewart, Ranking Member Fedor, and members of the Senate Committee on State and Local Government and Veterans Affairs. As we stand before this Committee today to present sponsor testimony on House Bill 260, we are reminded that the cornerstone of our democratic system is the right of our citizens to cast their ballots. And it is the responsibility of those of us in government to make sure that system is fair, open and accurate.

We have made great strides in recent years. In Ohio in 2008, we saw much shorter and more manageable lines at the polls and fewer accusations of voter suppression, which at one time marred our elections and made the State of Ohio a target for national criticism. These positive trends have less to do with changes in legislation and are more the result of the tireless work and sincere dedication of elections officials at the local level and within the office of the Secretary of State (SOS).

But there is more work to be done, and that is why we are here today. Since its introduction in the House Elections and Ethics committee, Am. Sub. HB 260 had seven hearings, and Representative Stewart and I help hundreds of hours of interested party meetings. Our goal is to ensure that Ohio's election process achieves the highest levels of openness, fairness, efficiency and integrity. Our citizens must have confidence in the system, and the laws that govern that system. They must know that their vote will count, and that the results are accurate.

Election laws are constantly being revised and clarified to improve the system. But today we have a unique opportunity to engage in comprehensive reform. Instead of taking a piece-meal approach to change, Ohio has undertaken (led by the efforts of Secretary Brunner, local board officials, legislators from both sides of the aisle and



many elections experts and voting rights advocates) a top-to-bottom review of the system. What developed were two statewide elections summits that analyzed a range of topics, from in-person absentee voting to provisional balloting. This process examined election successes (i.e. what works), and identified areas that could use improvement. Am. Sub. H.B. 260 includes many of the recommendations from the *Elections Enhancements for Ohio* report, which was issued following the two summits and the statewide Election Conference.

By undertaking comprehensive reform now, we can address all aspects Ohio's voting experience together, as a whole. We are truly excited about having produced a seamless package of improvements that will make Ohio a leader in election integrity and efficiency.

This comprehensive enhancement bill will also make life easier for Ohio voters and elections officials. Instead of frequent and often bewildering changes in the law, we can now eliminate huge areas of confusion by making necessary changes all at once.

The result will be an elections process that is fairer, more accurate and more transparent than ever....one that will make all Ohioans proud.

(Stewart) Ohio for many years had a reputation of having difficult and problematic elections that had people around the country raising a critical eye; often due to confusing laws, unnecessary burdens and out-of-date operations. Changes and improvements have been made over the years.

The bill under consideration today builds on those fixes. Introduced in August after nearly a year of bipartisan collaboration and consensus-building, this bill promotes greater civic engagement in our elections by making comprehensive, common-sense changes to Ohio's election laws. It modernizes Ohio's inefficient voter-registration system. It streamlines confusing laws. It makes targeted improvements to ensure that our state's elections are easier on voters, as well as local elections officials who are often frustrated by litigation and piecemeal procedural changes shortly before Election Day.

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I would like to give you a closer look at some of these important updates and changes.

Modernizing Ohio Voter Registration

Am. Sub. H.B. 260 further modernizes Ohio's inefficient and error-prone voter-registration system. Building upon the success of the National Voter Registration Act (the NVRA or "Motor Voter" Act), the bill incorporates enhanced methods for voter registration. It creates an opportunity for secure electronic registration and updates that streamline the process for registering Ohioans who visit an NVRA-designated agency (such as the department of health, or job and family services) or obtain a driver's license. These methods achieve more complete and accurate voter rolls at a lower cost.

Standardizing Ohio's Voter ID Laws

Am. Sub. H.B. 260 changes Ohio's very confusing law to a simple requirement that would apply to all voters uniformly, whether they vote absentee by mail, absentee in person, or in person on Election Day. Voters would be required either to show government, or to provide an affirmation as to their identity, which would include their birth date, signature, and either the last four digits of their social security number or their driver's license number. This places the focus on verifying the identity of the voter.

Improving the Absentee Voting Process

Am. Sub. H.B. 260 further improves the absentee voting process. It standardizes the absentee voting period for both in-person absentee and traditional absentee voting to be 28 days. The sub bill also modifies the vote period, ending in-person absentee voting on Monday at noon before Election Day. Am. Sub. H.B. 260 improves in-person absentee voting by allowing for local flexibility around operating hours and number of locations. Counties can still have up to four early voting locations. Boards must vote to have additional locations no less than 60 days before an election.



Tackling Provisional Ballot Complications

Ohio has one of the highest provisional voting rates in the country, which increases costs and administrative burden, invites litigation, and results in many uncounted votes. The bill fixes the problem by creating clear and fair rules for provisional voting. The bill limits the reasons voters must cast a provisional ballot and increases the instances where that ballot will be counted. Additionally, it modifies change-of-name and -address laws to allow those voters to cast regular ballots. The bill also provides voters with notice and the opportunity to correct mistakes on their provisional ballot envelopes.

Protecting Individual Voting Rights

Currently, a challenge to a voter's registration may be upheld by any one election official. Am. Sub. H.B. 260 stipulates that a challenge is upheld only with an affirmative vote from a majority of the election officials present. Additionally, a challenger must be able to establish clear and convincing evidence that an elector's registration should be canceled. The provision also specifically prohibits challenges based solely on foreclosure lists or other vote-caging sources.

Cutting Costs and Easing Local Burdens

This legislation includes several cost-saving measures such as allowing the use of vote-by-mail for vacancy in office special elections, decreasing administrative burden on local boards with an annual vote-by-mail ballot request form, and limiting state issue ballot language length. Am. Sub. H.B. 260 retains special elections but creates a Joint Taskforce on Special Elections and Cost Reductions to study special elections consolidation and other innovative cost-saving strategies.

I am deeply appreciative of Secretary of State Jennifer Brunner's leadership on this legislation. Her efforts to bring together experts and interested parties from around the state and country allowed the kind of open dialogue that helped make this bill a common-sense solution borne out of a thorough, deliberate and bi-partisan process.

I am also proud of the leadership shown by members of the Elections and Ethics committee as we deliberated and improved upon the bill. The result of this process – the legislation I present to you today – is a comprehensive and fair measure that takes Ohio elections in the right direction.

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Ohio House of Representatives

Again, thank you for your time today; I will take any questions the committee has.

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TAB 5

**Testimony of Llyn McCoy
First Vice President
Ohio Association of Election Officials
SB 148**

Chairman Faber, Ranking member Smith and members of the committee:

My name is Llyn McCoy and I am Deputy Director of the Greene County Board of Elections, and First Vice President of the Ohio Association of Election Officials (OAEO). On behalf of my association, I want to thank you for allowing us to share our thoughts with you on this important piece of legislation. The OAEO is a bipartisan organization that represents Ohio's 88 county boards of elections. Our purpose is to provide for continual training and education of our members, as well as advocate for stronger election laws at the state and federal levels of government. We always welcome opportunities such as this to work with our elected policy makers to advance positive legislation for Ohio's voters and election administrators. My goal today is to provide you with the unbiased and bipartisan views of Ohio's election professionals as it pertains to SB 148.

Let me start by saying that the association is supportive of the vast majority of provisions in SB 148, thus we are testifying today as proponents of the bill. However, we do believe that a few of the numerous provisions of the bill are in need of amending.

OAEO wholeheartedly supports the following provisions and encourages you to retain them in the bill:

- Removing the unnecessary provision in the ORC that requires poll workers to record the last four digits of a voter's driver's license if the address on the license does not match the address in the poll book.
- Provisions allowing boards of elections to contract with others boards for goods and services, and allowing the Secretary of State to enter into bulk purchasing agreements. Both provisions could lead to significant cost savings at the local level.
- Allowing boards to reduce the number of poll workers at special elections and thus cut costs.
- Elimination of special congressional elections. Again a major cost savings for local boards.
- Changing the basis for determining whether or not a special election needs to be held, a change that will reduce the number of elections and thus save the counties money.
- Allowing counties with ballot on demand systems to print less ballots for primary elections, thus reducing printing costs.
- Allowing boards to utilize death certificates to remove deceased voters from the rolls, and clean up our voter registration lists.
- Changes to provisional voting that will ease the provisional voting process for voters and election officials.
- Allowing election officials to count absentee ballots if the "inside" envelope is not sealed, or if the ballot stub is detached but included along with the ballot.
- Allowing for the use of the federal write in absentee ballot for state and local elections.
- Certification of electronic poll books, which hold the potential for costs savings and greater efficiencies at boards of elections.

- Numerous technical clean ups and clarifications of court decisions in the ORC.

I would also like to note one provision in particular that we are very excited about.

This particular provision brings clarification to the process for counting provisional ballots. The way SB 148 approaches the problem is well thought out. It requires a uniform affirmation statement for all counties, so forms do not vary. This uniformity is extremely important for contests that overlap county lines. It also makes the form simpler for both poll workers and voters to fill out, and eliminates much of the clutter on the current form. In addition SB 148 makes it crystal clear what information must be on the form for the ballot to be counted. It also has the added bonus of allowing us to use the form for a voter registration form, a change of address form, and a change of name form. This will help us prevent these voters from casting a provisional ballot in the future, and eventually lead to less provisional ballots cast.

Despite our support for many aspects of the bill, we wish to express concern with a couple of provisions:

The first issue we wish to raise is the reduction of early in person voting days to 16, and mail in voting to 21. We are suggesting 21 days for in person voting and 28 for mail in voting. With regard to the mail in timelines, our reasoning is simple. The post office needs all the time they can have to get ballots out and back to the boards. While I hate to speak ill of another government agency, the fact is that many of us have had less than satisfactory experiences with our post offices. It is always sad to have to reject an otherwise valid vote because the post office failed to deliver it in a timely manner.

Most all election officials agree that the current 35 days is simply too long for in person voting. However, in our opinion 16 days is too short. Our suggestion is 21 days which will allow voters to have plenty of convenient times to vote without back loading the system in a manner that could create long lines at early voting locations. Our suggestion still eliminates "Golden Week" which we know is a priority for many legislators.

On the question of hours of operation, we would suggest a couple of amendments. The bill currently calls for hours of operation from 8-6 during the week and Saturdays 8-noon for early in person voting. We fear that this current framework amounts to an unfunded mandate for small counties whose normal hours of operation are much less than this. However, many large counties feel the need to be open longer to accommodate the considerable number of early voters that pass through their doors. We would suggest amending the bill to require boards to be open at least their normal business hours for early voting. Should a board wish to offer extended hours, they should only be allowed to do so with a supermajority vote. We believe that this arrangement gives boards some flexibility to work within their resources and remove any tinge of partisanship from the decision making process.

One final provision we wish to comment on is the prohibition of counties sending out unsolicited absentee ballot applications, and including return postage on the applications and ballots. OAE0 enthusiastically endorses bringing consistency to this practice. The "wild west" situation that currently exists is confusing for boards and voters alike. However, our members are deeply divided on how to handle

the issue. Small counties fear an unfunded mandate should the legislature require this practice. Large counties worry about long lines and having to add more polling places should the bill pass in its current form. Ultimately, the legislature must make a difficult decision on the issue. We just ask that you contact and work with your local boards to understand how these changes will impact your counties and your voters. We trust that with enough due diligence, you will make an informed decision on this deeply divisive issue.

Mr. Chairman this concludes my prepared remarks. Thank you for the opportunity to present them. I would be happy to answer any questions the committee may have.

TAB 6



JON HUSTED
OHIO SECRETARY OF STATE

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Chairman Faber, Ranking Minority Member Smith and members of the Senate Government Oversight and Reform Committee, thank you for the opportunity to present testimony on Senate Bill 148. Given the importance of this bill and what it means for Ohio's elections process, I would like to take this opportunity to recognize the sponsor, Senator Wagoner and Chairman Faber, for their willingness to work with me on this legislation.

Several weeks ago I announced a package of election reform priorities I believe provide the right **balance** between **access** and **accuracy** -- that is, making it easy to vote while protecting against voter fraud. Voter confidence in the process and outcome of our elections is critically tied to maintaining a level of balance between those principles of **access** and **accuracy**. Too much of one and not enough of the other is problematic. This is why I chose to present these changes in a package -- alteration to one ingredient can make the recipe either too bitter or too sweet.

Additional and equally important priorities are:

Cost: Resources are tight at all levels of government, we must be mindful of costs and work together with local elections officials to find efficiencies where we can.

Uniformity: Building voter confidence in the system by ensuring that we cast and count ballots the same way in all 88 counties.

Simplicity: Making it easier for our elections officials to administer elections and our voters to cast their ballots.

But having outlined what we can do to help, ultimately, a level of **personal responsibility** is required from the voters. The process of voting should be problem free if voters do three things: 1) REGISTER TO VOTE AND KEEP THEIR ADDRESS UPDATED; 2) BRING THE PROPER FORM OF ID TO THE POLLS; 3) VOTE AT THE CORRECT PRECINCT. This said the reforms I proposed and before you today in SB 148, will make it easier for voters to fulfill their personal responsibilities.

Let me address a few of these provisions and explain their value.

One of the things we hope to achieve is to make it easier for Ohioans to keep their personal information updated. Senate Bill 148 includes a provision that would allow registered voters to update and change their name and address and allow new voters to register to vote through an online system. Paper change of address/voter registration forms would still be available to all, but in an effort to properly validate the voters' information, those using the online system must have a valid Ohio driver's license or state-issued I.D.

Online voter registration, change of name and address would be a cost saver for local county boards of elections by reducing data entry needs and errors. According to an informal survey of the 88 county boards of elections, more than half of provisional ballots cast in the last general

election were done so because the voter moved or changed their name and did not notify their board of elections prior to Election Day. This online system would make it easier for Ohioans to keep their information up-to-date so they can vote a regular ballot on Election Day.

Also included in the legislation is the development of an enhanced statewide voter database. Developing a more centralized database to help improve accuracy by cross-checking voter information files against existing data from the Bureau of Motor Vehicles, the Ohio Department of Health, the Ohio Department of Job and Family Services and the Ohio Department of Rehabilitation and Corrections will help reduce errors, double registrations and ensure a more accurate statewide voter registration database.

As it relates to ensuring ballots are cast and counted by the same standards across Ohio, I have proposed establishing uniform statewide standards to govern absentee and early voting. My proposals set the window for absentee voting at 21 days prior to Election Day by mail and 16 days in-person prior to Election Day. The early voting period for military voters would remain unchanged at 45 days before the election.

During early in-person voting boards of elections in Ohio would be required to be open regular business hours Monday through Friday and Saturdays 8am – 12pm. All boards of elections would be closed on Sundays. Boards of elections would be required to end all in-person voting at the close of business the Friday before Election Day, in order to provide adequate time for the boards of elections to prepare for the upcoming Tuesday election.

Let me be clear, I support early voting and encourage voters to take advantage of it. However, to ensure fairness, the decision by boards of elections to send unsolicited absentee ballot request forms or prepaid postage for returned absentee applications or ballots must be uniformly applied from county to county. In applying the principle of uniformity to this situation, it would be fair to allow none or require all counties to mail ballot requests, but given the financial situation of many smaller counties, I believe none is the most prudent recommendation.

Finally, Senate Bill 148 would address inconsistencies related to provisional ballots. Required by federal law, provisional ballots are typically given to individuals who have not updated their voting information, failed to provide identification at the polls or to those who may have already voted absentee or in another precinct. It is important to note ALL voters must be given a ballot. We do not, nor should we have the right to deny voters a ballot. However, only legally cast ballots can and should be counted.

In the 2010 election, there were 105,000 provisional ballots cast, and of those, 90 percent were counted. Nearly half of the remaining ballots were not counted because these individuals were not eligible Ohio voters, so the system works for most. However, the remaining five percent does highlight an area of concern that has been a source for confusion and controversy.

Let me explain the problem. Provisional ballots have to be hand-processed and tabulated after election night. In a close election situation, they lead to contentious debate and deliberation by board members as to which ballots should be included in the final tally (just as we saw in a

handful of counties in 2010). And that means more chance for elections contests to be thrown to the courts to determine the outcome.

In a presidential election when more people are participating, there will undoubtedly be more provisional ballots. My proposals are meant to mitigate the provisional ballot problem where we can, by providing voters more opportunity to fulfill their personal responsibilities prior to Election Day so they can cast a regular rather than provisional ballot. These include the online registration and change of address piece, as well as a proposal to allow those who change their name, but have not updated it prior to Election Day to fill out a form at their polling place and vote a regular ballot.

Even more important, I want to make the counting and verification process uniform from county to county so that ultimately, more provisional ballots will be counted rather than contested. To that end, provisional ballot forms should be standardized statewide ensuring boards of elections have the basic information needed to verify a voter's eligibility.

I want to ensure that boards of elections have the best possible chance of verifying the voters' identity and counting their ballot. Under current law, a voter has several options to choose from when providing a valid form of identification for provisional ballots. If they *choose* to use their Social Security number I would like them to provide all nine digits instead of just the last four. It is important to note that this information would only be used by boards of elections so they can more definitively determine the validity of the ballot and count it. It would not be considered a public record.

I am concerned that in a close election, what punch cards were to Florida in 2000, provisional ballots will be in Ohio come 2012 if we do not strike the right balance and work together to provide more uniformity in the casting and counting process.

Why does all of this matter?

I believe our nation faces some of the greatest domestic challenges in its history. The next generation is going to be strapped with an unprecedented amount of debt and deficit and the American people are already deeply divided on solutions to creating jobs, providing affordable health care, ensuring a quality education and a strong national defense.

I want to ensure that as we have this important national discussion the focus of that election will be on the candidates and their ideas, and not on the process of electing them.

No matter what solution you want to see for our problems, it is important that the American people have confidence in our system of elections. It is the legitimacy of our elections, our democracy and its leaders that provide the moral and legal authority to lead our government.

Thank you Chairman Faber and members of the committee for the opportunity to present testimony on Senate Bill 148. I will be happy to answer any questions you may have.