



TO: Senate State Government Oversight & Reform Committee

FROM: Mike Brickner, Director of Communications & Public Policy,  
ACLU of Ohio

DATE: November 19, 2013

RE: Senate Bill 238

AMERICAN CIVIL  
LIBERTIES UNION  
OF OHIO  
4506 CHESTER AVENUE  
CLEVELAND, OH 44103-3621  
T/216.472.2220  
F/216.472.2210  
WWW.ACLUOHIO.ORG  
contact@acluohio.org

SHARES

To Chairman Burke, Vice Chair Uecker, Ranking Minority Member Smith, and members of the Senate State Government Oversight and Reform Committee, my name is Mike Brickner, Director of Communications & Public Policy for the American Civil Liberties Union of Ohio ("ACLU of Ohio") and I appear to present opponent testimony on Senate Bill 238.

The right to vote is fundamental to our democracy, and the ACLU has actively defended and expanded that right through public education, legislative advocacy and litigation. In particular, Ohio has had a long history of elections marked with controversy and partisan rhetoric that does little to instill trust in voters.

S.B. 238 moves Ohio election administration in the wrong direction. Under current law, voters may utilize a five-day period where they may simultaneously register to vote and cast an early in-person ballot. This convenient practice has been a benefit for many voters in the nearly seven years it has been in existence. Unfortunately, S.B. 238 would eliminate this window, and shorten the overall early voting period from 35 to 29 days.

Allowing voters to simultaneously register to vote and cast an early ballot is a tremendous benefit for many voters. Among those who may benefit most from this service include:

- Voters with disabilities or lack of transportation, who wish to complete registration and voting in one trip to their board of elections;
- Voters who have recently moved within Ohio or from another state who would like to register and vote simultaneously;
- New voters who are registering for the first time and wish to vote in person; and,
- New voters with inflexible work schedules or childcare needs who would like to vote early in person.

By forcing these voters to make two separate trips, or send in two separate forms, S.B. 238 needlessly complicates the voting process for these individuals.

Those who support S.B. 238 may point to concerns over possible voting irregularities, but there is almost no evidence to justify those fears. Ohio's election officials have a robust system of checks and balances to ensure that all those who simultaneously register and vote are properly vetted, just as any other voter would be. Few voting irregularities have arisen from this early voting period, and when issues have been presented, election officials have properly responded.

In fact, several other states have analogous systems and found them to be a substantial benefit to voters. Ten states and the District of Columbia have Same Day Voter Registration, which allows voters to register to vote at polling places on Election Day. States such as Wyoming, Wisconsin, New Hampshire, Minnesota, Maine, and Idaho have utilized Same Day Voter Registration for decades, allowing voters greater flexibility while maintaining a secure election system. In only the last year, three additional states have adopted Same Day Voter Registration, signaling renewed interest in this valuable program. New technologies like electronic poll books, which currently are being piloted in Ohio, have made Same Day Voter Registration programs even more efficient and secure.

Rather than seeking to curtail the ability of voters to register and cast a ballot simultaneously, leaders should look to the example of these states that have provided a flexible and secure system that benefits all voters. S.B. 238 makes Ohio's election system less convenient for voters, does not solve any significant irregularities, and moves our state away further away from future improvements that election officials should consider.

As always, if the ACLU of Ohio can be of further assistance please let us know. We expect to follow this bill closely, and welcome any questions from legislators on this issue.