



**LEAGUE OF WOMEN VOTERS®  
OF OHIO**

17 South High Street, Suite 650 • Columbus, Ohio 43215  
Phone (614) 469-1505 • Fax (614) 469-7918  
www.lwvohio.org

**Testimony before the Senate Committee on Government Oversight and Reform  
Peg Rosenfield  
League of Women Voters of Ohio  
Thursday, May 12, 2011**

Chairman Faber, Ranking Member Smith, and members of the Senate Government Oversight and Reform Committee, thank you for the opportunity to present testimony on Senate Bill 148. I am Peg Rosenfield, Elections Specialist for the League of Women Voters of Ohio.

One of the League's Principles reads: "The League of Women Voters believes that every citizen should be protected in the right to vote." The consent of the governed means that we absolutely believe in the importance of every vote, and that the right to vote is hollow without access and unless your vote is counted.

There are a number of administrative proposals in Senate Bill 148 that we agree are needed changes in election laws and we welcome these. We are particularly pleased to see that voters who change their names would again be able to vote a regular ballot instead of a provisional ballot and that ballots that were not sealed in the secrecy envelope may still be counted. We also are pleased that the affirmation statement on the provisional ballot will serve as a change of address/name, and that absentee ballots with detached stubs will be counted. We heartily agree that no one should lose his or her vote because of a minor oversight.

I would like to concentrate on our concerns about just four provisions of the proposed bill that we believe unnecessarily limit Ohioans' right to vote and to have that vote counted.

1. Social Security Number
2. "Right church, wrong pew"
3. Restrictions on absentee voting
4. Voter intent

**1. Social Security Number**

In order for the last four digits of a voter's social security number to not accurately identify a voter, there must be two voters with the same name, the same signature, at the same address, with the same date of birth and with the same last four digits of their Social Security Numbers -- but with different numbers in the first five digits of their Social Security Numbers. The potential for identification theft in providing all nine digits does not warrant the essentially non-existent chance of a person with the same name, same signature, same address, same date of birth and same last four digits of their Social Security number existing. And many persons desiring to register will not do so if they must provide their complete Social Security number.

Encouraging the informed and active participation of citizens in government  
Working to increase understanding of major public policy issues  
Influencing public policy through education and advocacy

## **2. Right church, wrong pew**

Because of the ongoing consolidation of polling places into fewer voting locations, it is increasingly likely that voters may get to the correct voting location and then be directed to the incorrect precinct table. If a poll worker does not catch the error, the voter will vote a provisional ballot in the wrong precinct, which will not be counted because as this bill is written, the voter is required to vote only in his own precinct. His or her vote would not count if it is cast in the wrong precinct. Most people do not live and breathe elections as some of us do, and it is hardly reasonable to expect someone to know s/he is in precinct 16B not 16C, or even to know exactly what candidates and issues should appear on their ballot. Nor do we believe that any voter will deliberately choose to vote in the wrong precinct. So the reason that a voter votes in the wrong precinct is an error on the part of the polling place officials. To cast out such votes deprives legitimate voters of their right to vote. We strongly believe such votes should be counted for all races and issues for which the voter was eligible to vote. It is my understanding that the Ohio Association of Election Officials also supports the counting of these ballots.

## **3. Absentee voting**

The increase in absentee voting has helped prevent a repeat of the long lines of voters that caused hardship for voters and embarrassed Ohio in 2004. To that same end, and to increase convenience for voters, boards of elections have initiated a variety of innovations that have also been successful in reducing some of the stress on poll workers and have afforded voters a variety of means to cast their vote. I have been questioned whether these differences violate the right to equal protection embodied in the 2009 settlement of the League's lawsuit against the Secretary of State. So I checked with our attorneys and was assured that the lawsuit and settlement were designed to insure a fair and even playing field protective of voters' rights. The aim was to prevent voters from being disenfranchised or unduly burdened by individual counties that were interpreting and applying the law in varying ways that took away the right to vote. Neither the settlement nor the right to equal protection provides that counties should only do the minimum – and no more. Counties may provide additional assistance to voters beyond the minimum the law requires, taking into account their particular demographic, geographic and financial circumstances.

Therefore, the League of Women Voters of Ohio urges –

- that all counties provide in-person absentee voting for more than the effective 5 1/2 days that is currently allowed in the bill;
- that all counties be allowed to choose whether to mail absentee ballot applications to all of their registered voters;
- that all counties be allowed to choose whether to prepay postage for the return of voted ballots;
- that all counties be allowed to choose whether to open one or more alternative sites for in-person absentee voting, both for voters' convenience and so that the election board may use its board office space to prepare for election day; and
- that all counties be allowed to choose whether to be open for in-person absentee voting all day on Saturdays and hours of their choice on Sundays, and on the weekend before election day.

## **4. Voter intent**

Again, let me stress that most people do not pay a lot of attention to the finer points of election law, and they may be caught inadvertently in an error. If a voter wants to be absolutely sure that his vote counts for candidate "George Washington," he may fill in the bubble beside Washington's name, then make doubly sure by also writing in "Washington" in the space for write-in votes. While technically that could be called a double vote, it is clear what the intent of the voter was. Ohio has always used "intent of the voter" to determine whether a ballot could be counted. Not counting that vote seems to smack of punishing the voter for not paying attention in class. We urge that "double bubble" votes should be counted whenever the intent is clear.

There are also a number of places in the bill where we believe clarification would be helpful; we would be very pleased to work with the sponsors, committee, and the Secretary of State and his staff to address these issues. In light of these and our major concerns, we strongly urge that this bill needs more consideration.

Thank you for your kind attention. I will be happy to try to answer any questions.