



# Spotlight

*A monthly email from the League of Women Voters of Ohio focusing on a state policy issue*

## **New Election Administration Laws Under Consideration**

The Ohio General Assembly has been busy considering two legislative proposals that will affect the time, place and manner in which Ohioans exercise their right to vote.

The Ohio House passed House Bill 194 ([HB 194](#), Mecklenborg, R-Cincinnati) May 18<sup>th</sup>. A competing bill containing Secretary of State Husted's proposed changes, Senate Bill 148 ([SB 148](#), Wagoner, R-Toledo), passed out of committee last week and is headed for a Senate vote. Secretary Husted would like SB 148 passed in the next few weeks so the new election-administration laws can be tested in the 2011 general election and be fine-tuned, as needed, for the 2012 Presidential Election. It is anticipated that the Ohio House and Senate will soon resolve their differences on the two bills.

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## **An Analysis of HB 194 and SB 148**

HB 194 and SB 148 propose a number of changes, including allowing voters who change their names, e.g., through marriage, to vote a regular ballot instead of a provisional ballot, and permitting ballots that were not sealed in the secrecy envelope to still be counted.

**While these are improvements to current law, the League of Women Voters of Ohio has concerns about other provisions of the proposed legislation and , in particular, the following three areas:**

- 1) the "Right Church, Wrong Pew" issue for polling locations with multiple precincts,**
  - 2) reducing options for absentee voting, and**
  - 3) recognizing voter intent.**
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## **Right Church, Wrong Pew: Eliminating Poll-Workers' Responsibility**

Because of the ongoing consolidation of polling places into fewer and fewer voting locations, it is increasingly likely voters may get to the correct voting location and then end up at the incorrect precinct table. Until now, it was the poll workers' responsibility at the polling location to direct voters to the right precinct table. The bills eliminate that requirement for poll workers and place that responsibility on the voter. Therefore, if the voter is in the "right church, wrong pew" - the right polling location but the wrong precinct table, she/he will cast a provisional ballot in the wrong precinct, which will not be counted under the current or proposed Ohio laws.

The League believes it should continue to be the responsibility of the poll worker to assure the voter is in the right precinct. Moreover, the League believes that if the voter still votes in the wrong precinct, the board of elections should have the authority to "remake" the ballot so the votes still count for any races in which the voter was eligible to vote.

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## **Reducing Options for Absentee Voting:**

Many reforms of the last decade that increased voters' convenience, such as allowing early voting at temporary polling places and providing a week during which same-day registration and early voting were permitted (known as "Golden Week"), are being reduced, restricted or removed by these bills. Furthermore, boards of elections will no longer be permitted to mail absentee-voter applications to every voter in the county, but only to voters who affirmatively request them. The likely result of reducing opportunities for absentee voting-coupled with the ongoing consolidation of precincts-will be long lines on Election Day that may discourage citizens from exercising their right to vote. In this alternative, the boards of elections will have to hire additional poll workers, which would likely cost more than the cost of mailing absentee-voter applications to every voter in the county.

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## **Decreased Recognition of Voter Intent:**

A "double vote" occurs when a voter attempts to vote for two candidates when she/he is only permitted to vote for one. A "double vote" invalidates the voter's selection for that race. It makes sense to cancel the vote when the voter's intention is not clear. However, sometimes the voter's intention is clear.

Peg Rosenfield, LWV-Ohio Election Specialist, in her testimony on HB 194, described this best: "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 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

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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."

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**LWV-Ohio has testified on these bills and continues to advocate for legislation that promotes the highest level of voter access and also ensures that legitimately cast ballots will be counted. As Peg says, "Just like camp is for the campers not the counselors, elections are for the voters, not the administrators."**

**For more information, [click here](#) to visit the LWV-Ohio website, legislative update section. Please watch for an upcoming action alert later!**

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