

OAEO Legislative Committee Meeting Minutes
12.9.2022
1:00 pm Via Zoom

Democrats present on the call were Shane Breckel, Diana Dulebohn, Gail Garbrant, Marlee Gibson, Beth A Goldenfield, Ben Kline, Dee Keister-Smith, Alex Linser, Bill Rich, Brett Raffle, Co-Chair LaVera Scott, Deb Sneddon. Republicans present were; Cecilia Blevins, Chris Burnett, Co-Chair Terry Burton, Bill Freytag, Jane Hanley, Charlie Hardman, David Koehl, Nicole Mickley, Bryce Miner, AJ Nowaczyk, Carla Patton, Jeff Rezabek, Tonya Wichman.

Aaron opened the meeting by giving an overview of the three House Bills that were on the agenda for today's call. HB 294, a comprehensive election bill, HB 458 which eliminates most August Special Elections and HB 457 which addresses ballot printing contracts and vendors.

For brevity's sake, he asked us to state our positions on items such as Voter ID and the new proposed deadlines. He turned the meeting over to LaVera who wanted to understand if we were in agreement with the following items that had been sent by memo earlier in the day from Jason Maul, Chief of Staff at the SOS. Each item was discussed, and the concerns or comments of the committee are written in red.

“Thank you for your willingness to consider our input as the Senate considers several election reform proposals during the final days of the current legislative session. I'm following up to reiterate our issues with Sub HB 458 as currently drafted. We support many aspects of the bill, including the elimination of August special elections, the elimination of voting on the Monday immediately preceding Election Day, the voter identification requirements, the required use of official absentee ballot request forms, and several provisions that would codify administrative election integrity procedures undertaken by the boards.

Among the concerns we would like to express and see addressed before final passage of the bill:

Online Absentee Ballot Applications: Our office supports the creation of a secure, accessible, online method of requesting an absentee ballot. We believe, with the appropriate resources allocated by the General Assembly, this system can be developed and deployed with the same security protocols currently used to maintain the integrity of the online voter registration portal, a successful and secure mainstay of Ohio's elections system for nearly six years. This resource, as proposed in Sub HB 294 and removed from Sub HB 458, would allow Ohio voters to request a ballot and exercise their right to vote more efficiently. This is a growing trend nationwide, with 19 states now offering this resource ([NCSL](#)). **We respectfully ask that this language, as proposed in Sub HB 294, be restored in Sub HB 458. We agreed.**

Absentee Ballot Application Mailings: We believe the General Assembly should retain its appropriation authority allowing the Secretary of State to send absentee ballot requests to all eligible Ohio voters. This mailing has been done by the Secretary of State's office for the past decade in response to individual

counties and independent political groups sending their own mailings, often using flawed data and incorrect application forms. See the attached directive dated August 2011, which first attempted to address this disparity. The General Assembly has full authority under state law to deny the appropriation request for this mailing (through the Controlling Board), and we believe it should retain that discretion to avoid reverting to less accountable voter contact methods. Simply restricting the Secretary and other governmental entities from sending unsolicited ballot applications does not prevent independent political groups from doing so, and constitutional protections may limit the legislature's ability to completely restrict these private groups from sending such a mailing. **We respectfully ask the Senate to remove the language restricting our office from sending absentee ballot applications with legislative approval. We agreed.**

Number of Drop Boxes: The new language in the bill codifying that boards of elections can use a ballot drop box placed outside of the board office (as defined in current law) is a great step forward. However, Ohio's boards of elections offices and early voting centers vary greatly by county. Due to parking and property configurations, including traffic flow, some boards of elections have provided at least two drop boxes on their premises. Larger county boards have stationed a drop box accessible by foot traffic and another drop box that can accommodate voters in a drive-thru/drop-off format. This allows voters the option of dropping their ballot in a secure box near the door, while also allowing voters the efficiency of securely delivering their ballot without leaving their vehicle. This policy has greatly reduced congestion during high-volume turnout times, and all drop boxes remain subject to 24-hour surveillance and bipartisan security protocols. **We respectfully ask the Senate to allow up to three drop boxes on board office property (as defined in current law). And allow for 24x7 operation of the drop box**

Immediate Disclosure of Video Surveillance: This office has serious concerns about the burden placed on the county boards of elections in requiring the immediate disclosure of drop box video surveillance records. Many boards operate with extremely limited staff support, and this requirement to *immediately* disclose the video footage upon request (unlike any other public records provision in state law) would create unnecessary obstacles to the administration of the elections process. This office fully supports transparency and security, but the immediacy of this requirement is problematic. The boards are already inundated with duplicative requests for election data, resulting in added stress on staff and budgets. Any additional records compliance requirement should not be a deterrent to election security and administration. The General Assembly could revisit this matter in future legislation dealing with election data retention and transparency, which our office hopes to propose for consideration in the upcoming legislative session. **We respectfully ask the Senate to remove this requirement. Security, practicality concerns, bandwidth needed, money provided for install and ongoing support, may cause other area of immediate response for record requests.**

Drop Box Availability: Our office has concerns with limiting the availability of drop box usage only to the operating hours of a board of elections. We believe this provision is a solution in search of a problem, given the security and surveillance protocols that already apply to the box(es). Further, we are concerned that such a restriction will result in voter confusion and possibly deterrence, specifically by limiting the ability of voters to return a ballot who can't otherwise get to a board during its operating hours. **We respectfully ask the Senate to allow for a drop box to be utilized under 24/7 surveillance and full security protocols without the restriction only to board operating hours, as the General Assembly originally provided in Section 32(E)(1) of Am. Sub. HB 197 of the 133rd General Assembly.**

Absentee Ballot Returns: While this office supports setting a statutory deadline for requesting absentee ballots prior to Election Day, we have concerns with restricting the return of such ballots *by* Election Day. This provision has the potential to disenfranchise voters, particularly those living and serving overseas, through the occasional inefficiency of postal service delivery. **We respectfully ask the Senate to allow for ballots to be returned by the postal service for at least five days after Election Day. Most agreed not to end the receipt period on election day. How did 5 days get selected? Provisional would still be 10 days. 1st day after was huge on response form the counties as well as 6th day, the Monday after the weekend**

Voter Verification & Registration: Finally, our office supports the creation of a secure, electronic method of verifying voter registration data using information provided to the Bureau of Motor Vehicles. This system simply builds on the Motor Voter requirements *already* being implemented at BMV locations, where federal law requires eligible voters to be offered a voter registration option upon requesting a new or updated driver's license or other BMV service. Under the proposed system, these eligible voters would be able to submit that registration using the same verified, electronic identification data provided to the BMV for other transactions. This option is completely voluntary and provides a greater degree of accuracy in processing registration data, therefore improving the integrity of Ohio's voter rolls. It also helps to ensure non-citizens are not able to submit a voter registration accidentally or intentionally. **We respectfully ask that the Senate add this language to Sub HB 458. AVR or VVR we are in support.**

Thank you again for your consideration of these concerns. We're supportive of many provisions in the bill, and we're ready and willing at any time to provide additional context or clarification as you move it to the Senate floor for final passage in the coming days. I trust you will share these concerns with President Huffman, Senator Gavarone, and other members as you deem appropriate

On Photo ID requirement, LaVera was opposed to fixing a system that was not broken. It would make a different class of people who could be discriminated against in other areas of having to show ID. BMV and VR communicating would be a solution. Bethe asked if an online version of ID would be acceptable. Religious exemption would be a nightmare, having a copy of the ID would be needed for provisional voters. No one was in support of the changes

On requiring two IDs for absentee voting- Making a copy and requiring two forms would disenfranchise voters. What if we only have the DL# and they provided SS4?

Discussion on allocating the Monday hours Jeff thought we should suggest hours, other comments were if we didn't address it would be left to the SOS

Aaron left the meeting at 2:30. He will send out a letter for comments over the weekend.

LaVera added that she wants everyone to weigh in on the letter, so the trustees have a good idea on where we stand on the changes.

Bill Rich moved that the committee take a vote on whether we should recommend set hours to the legislature and if that vote would pass, we would then agree on what those hours should be. Bethe A Goldenfield seconded the motion. There was a roll call vote with nine members voting yes and 11 members voting no. The motion failed.

Terry adjourned the meeting without objection.

DRAFT