



The New Frontier: How Ohio Can Expand Voting Rights

OHIO
VOTER RIGHTS
COALITION

“There is no Constitutional issue here. The command of the Constitution is plain. There is no moral issue. It is wrong - deadly wrong - to deny any of your fellow Americans the right to vote in this country. There is no issue of States' rights or National rights. There is only the struggle for human rights.”

President Lyndon B. Johnson, Address to a Joint Session of Congress on Voting Legislation, delivered March 15, 1965, Washington, D.C.

The right to vote is foundational to our democracy, as an important vehicle to express citizens' political beliefs and to support candidates and initiatives that will carry out the will of the people. However, the same right has been hard fought for many citizens over the course of American history. While more people are granted the right to vote today than when our nation was founded, obstacles to the ballot box remain. In Ohio, new initiatives such as online voter registration and early voting hold great promise to enfranchise more people, but must be leveraged for maximum benefit.

Legislators and the Ohio Secretary of State have a responsibility to improve the voting system to enhance convenience and ease in navigating what can sometimes be a complex maze of rules and regulations to simply cast a ballot. Local officials, such as boards of elections, city councils, mayors, and other agencies that interact with the public also have the ability to expand access to the ballot. This reform agenda will outline what reforms can be undertaken on the local level, and which require statewide changes.

Reforms are needed in the following areas:

LEVERAGE TECHNOLOGY TO IMPROVE THE VOTER REGISTRATION PROCESS

- Adopt online tools to allow third party groups and governmental agencies to register voters efficiently.
- Implement pre-registration for 16 and 17-year-olds.

MAXIMIZE OPPORTUNITIES FOR EARLY VOTING

- Expand and make permanent evening and weekend early in-person voting hours.
- Create a permanent absentee ballot mailing list.
- Allow multiple early voting centers in counties that wish to utilize them.

FULLY ENFRANCHISE PEOPLE IN THE CRIMINAL JUSTICE SYSTEM

- Require voter registration and absentee voting be conducted at local jails for eligible voters.
- Maintain voter registrations of eligible voters who are convicted of a felony but are not incarcerated.
- End the limitation on people with criminal convictions from circulating petitions.

ADDITIONAL VOTING RIGHTS REFORMS

- Expand eligible voter identification.
- Maintain accurate voter registration lists.
- Implement robust language assistance programs.



Improvements to Voter Registration

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Nearly **ONE IN FOUR** eligible Ohioans are not registered to vote, and those who are registered may find it difficult to keep their registration updated. People who move frequently or those who vote only in presidential elections are more likely to have their registration purged if they miss a notice in the U.S. mail or choose not to vote in an election. Technology has the potential both to ensure that individuals can easily register to vote and keep their registration updated, while also making our voter rolls more accurate and secure.

ALLOW TECHNOLOGY THAT WILL MAXIMIZE ONLINE VOTER REGISTRATION.

In 2016, there were 397,257 applications submitted from registration drives by advocacy groups or parties in Ohio, accounting for over 11% of all registration forms received.¹ However, Ohio's online voter registration system is limited and does not provide a way for voter registration groups to follow up with individuals later to encourage them to vote, provide assistance with getting to the polls, or answer questions about their voting rights. Without technical enhancements, voter registration groups in Ohio will continue to rely on paper applications.

In order to maximize the benefits of online voter registration, Ohio should follow the lead of states like Pennsylvania and Virginia and adopt online tools that allow voter registration groups to utilize cell phones, tablets and/or laptops so individuals can fill out registration forms electronically and retain a copy for voter engagement.

Other governmental agencies could also harness this technology, by allowing the online tool to be populated by already existing data from clients. For instance, a worker at a county veterans' affairs office could simply ask her client whether she wishes to register to vote, and if so, click a button to send the registration to the local board of elections or Secretary of State.

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MAKE VOTER REGISTRATION CONVENIENT

Thirteen states and the District of Columbia already allow state agencies to automatically register a person to vote when they utilize their services.² For instance, a person in West Virginia who renews their driver's license would be registered to vote, unless they opt out. Their data is sent automatically to the Secretary of State who would then register the person to vote. Automated Voter Registration (AVR) is incredibly beneficial to both the voter and to election officials. It allows the secure transmission of information from one government agency to another, and decreases the likelihood of errors in a voter's registration. Additionally, it makes the registration process more efficient and less costly for election officials. The benefits in civic engagement are also profound; Oregon was the first state to implement AVR and its registration rates quadrupled at BMV offices.³

Another reform that officials should consider is same day voter registration (SDR). SDR allows voters to register and cast their ballot at the same time, either during the early voting period or on Election Day. Deadlines for voter registration are one barrier many people face to be able to vote. While a person can register or update their registration at any time, many voters have hectic lives and voting may take a lower priority behind paying bills, working jobs, providing childcare, or seeking out health care for a disability or illness. Citizens who fail to update their registrations are forced to cast provisional ballots, which may or may not be counted.

¹ United States Election Assistance Commission, The Election Administration and Voting Survey: 2016 Comprehensive Report, 69, https://www.eac.gov/assets/1/6/2016_EAVS_Comprehensive_Report.pdf.

² National Conference of State Legislatures, <http://www.ncsl.org/research/elections-and-campaigns/automatic-voter-registration.aspx>, retrieved September 21, 2018

³ Brennan Center for Justice, <https://www.brennancenter.org/blog/automatic-voter-registration-oregon-huge-success>, retrieved September 21, 2018.

SDR increases participation by streamlining the registration and voting process into a single visit at their polling place or board of elections. Seventeen states and the District of Columbia have successfully implemented SDR, ensuring voters have maximum participation while also ensuring registrations remain accurate and secure. Washington State will start SDR in 2019, making it the 18th state.⁴

ENGAGE YOUNG PEOPLE

Sixteen and 17-year-olds should be allowed to pre-register to vote, even if they will not be 18 by the upcoming general election. This encourages young people to be politically engaged, but also capitalizes on schools that are able to assist them with registering.

Ohio law already allows 17- and 18-year olds to receive course credit for volunteering as poll workers.⁵ The state should partner with local schools to make Election Day a holiday for all public schools, which would make it easier for young people to volunteer as poll workers. Additionally, the state Board of Education should consider curriculum that specifically encourages civic participation and partnerships with local boards of elections. This could take the form of bringing the board of elections into the school to show students how the voting process works, or providing credit for students who wish to extern at the board of elections—not just as poll workers but as volunteers throughout the semester.

Improvements to Early Voting

Since 2006, when Ohio implemented no-fault absentee voting, the use of vote by mail and early in-person voting has increased significantly.⁶ Early voting benefits all kinds of voters, whether they live in rural, suburban, or urban counties. Voters across the state have opted to cast an early ballot, which is especially important for people who cannot easily get

to their polling place on Election Day (e.g. people with disabilities, people without reliable transportation, people with inflexible work schedules, and those with childcare needs). However, early voting can still be improved, and the following sections outline some important reforms that Ohio should implement.

EXPAND THE AVAILABILITY OF EARLY IN-PERSON VOTING

Currently, Ohio offers evening and weekend early voting hours for people who wish to cast a ballot in person. However, these hours will be subject to the discretion of the incoming Secretary of State in 2019.⁷ Evening and weekend hours must be retained, and the new Secretary of State should expand weekend hours and make them uniformly 8 a.m. – 7 p.m.

Additionally, the legislature should rescind its prohibition⁸ on multiple early voting centers in a county. This restriction hurts voters across Ohio, particularly those who rely on public transportation or have inflexible work schedules. While public transportation exists in many urban counties, some voters must travel more than an hour just to get to their early voting site. People without transportation in rural or suburban counties may fare even worse, as they often have little access to public transportation to get them to their early voting site that may be 15 or 20 miles away. Allow counties the option to have additional early voting sites to make voting more convenient for the communities they serve.

Both of these changes would help to alleviate the long lines that we have seen at early voting centers in past elections, particularly the weekend before Election Day. Early voting benefits all voters, as it cuts down on Election Day lines and helps election officials with high turnout.

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⁴ National Conference of State Legislatures, <http://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx>, retrieved September 21, 2018.

⁵ R.C. § 3501.22(C)(2)(a)

⁶ Ray C. Bliss Institute of Applied Politics, <https://www.uakron.edu/bliss/research/archives/2010/EarlyVotingReport.pdf>, retrieved September 21, 2018.

⁷ ACLU, <https://www.aclu.org/legal-document/naACP-v-husted-settlement-agreement-among-plaintiffs-and-defendant-secretary-state>, retrieved September 21, 2018

⁸ R.C. § 3501.10(C).

PROVIDE GREATER SERVICES TO PEOPLE WHO VOTE BY MAIL

Vote by mail is also a popular alternative for voters who cannot or do not wish to cast a ballot in person early or on Election Day. The number of people who use vote by mail has increased steadily since no-fault absentee voting was approved, and there are many voters who utilize this option each election cycle. For those voters, one helpful reform would be to institute a permanent absentee ballot mailing list, where voters would opt in to getting their ballot by mail each election, unless they alerted the board they wish to vote a different way or become ineligible to vote. This would help many voters who might forget to request a ballot, military or overseas voters who need more time for ballots to arrive, and voters with a disability who wish to vote independently at their home.

Another reform would be to require absentee ballot applications be sent to all registered voters **every** year, and not dependent on the legislature or Secretary of State designating funds for the mailings. To alleviate some of the cost of absentee ballot mailings, officials should also expand the online voter registration system to allow voters to request absentee ballots online. This would save resources, provide another tool for elections officials to reach voters and ensure voters have the freedom to choose how to cast their ballot.

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Voting Rights Restoration

Compared to many other states, Ohio has progressive rules around the right to vote for people who come into contact with the criminal justice system. The only people who are disenfranchised are those

currently incarcerated who have been convicted of a felony.⁹ Those awaiting trial, serving a sentence for a misdemeanor, or are on probation or parole may vote.¹⁰ However, these rules are only beneficial if there are policies and programs to ensure that these voters can cast their ballot.

For those who are incarcerated in local jails, being able to vote is usually dependent on a loved one, social worker, or civic organization that assists the voter. Neither jails nor boards of elections are specifically tasked with proactively registering eligible voters who are incarcerated, and ensuring they receive a ballot. As a result, thousands of eligible voters are disenfranchised each election. In order to remedy this problem, the Secretary of State should require that all county boards of elections work with jails in their county to conduct registration, ensure that absentee ballots are delivered to those eligible voters who are incarcerated on Election Day, and that those voted ballots are timely delivered to the board of elections.

When a voter is released from jail, they are often placed on probation. County boards of elections should also work with probation and parole offices to update voter registration information and reach out to people whose registrations need to be renewed because of a felony conviction. Voters who are convicted of a felony but never incarcerated should not have their voter registrations cancelled.

Lastly, eligible voters with criminal convictions should have full access to the democratic process, just as any other voter does. In Ohio, there is unclear law that seemingly prevents a person with a criminal conviction from circulating petitions. This unfair policy not only deprives people with felony convictions from fully expressing their political beliefs, it also can be a barrier to employment, as many campaigns provide salary and benefits for people who circulate petitions.¹¹ This should be clarified and people with felony convictions who are eligible to vote, should also be able to circulate petitions.

⁹R.C. § 2961.01

¹⁰R.C. § 3509.08

¹¹2010 Op. Att'y Gen. No. 2010-002

Additional Suggested Reforms

Ohio could further improve its election system by implementation of reforms to its voter ID laws, maintenance of accurate voter registrations lists, and increased access to multilingual poll workers.

EXPAND PERMITTED VOTER ID

There are two important types of ID that should be included as valid identification for a person who wishes to cast a regular or provisional ballot. U.S. Passports and student IDs from public universities are two forms of identification that are used by a wide range of voters in the state, and are issued by government agencies. Many people who relocate to Ohio may lack an acceptable ID such as a driver's license, state ID or utility bill, but may have a passport or student ID.

MAINTAIN ACCURATE VOTER REGISTRATION LISTS

Ensuring that voter registration lists are accurate is critical to free and fair elections.¹² When there is direct evidence that a voter has moved, been convicted of a felony and incarcerated, or died, they should enter the purge process that is outlined in federal law. While the U.S. Supreme Court has affirmed Ohio's current process of purging voters, the state may still alter it. As it stands now, the current purge process risks removing voters from the registration rolls who have simply not voted in a few elections. No eligible voter should be removed from the rolls, especially without any evidence that their eligibility may have changed.

There are a few ways that Ohio could minimize the impact of its aggressive purge practices. Secretary of State Jon Husted recently announced¹³ that voters who renew their driver's license or state ID

at the Bureau of Motor Vehicles using the same address as their voter registration will not be purged. This should be expanded to other agencies covered under the National Voter Registration Act, such as libraries and Departments of Job and Family Services.

Alternative modes of communication with voters who may be purged should also be explored. While U.S. mail can reach some voters, others may be more responsive to phone, email, text message or other alternative sources. Boards of elections and the secretary of state should encourage creative solutions that ensure voters who were once engaged with the political system are not purged and left with a negative experience of being turned away at their polling place.

IMPLEMENT ROBUST LANGUAGE ASSISTANCE PROGRAMS

Many local jurisdictions do not provide significant language assistance for non-English proficient voters unless they are subject to federal requirements to do so.

The experiences and perspectives of newly naturalized citizens is vital to our political process. We must ensure that citizens are able to cast their vote easily regardless of their language ability. Therefore, it is critical that jurisdictions work with community organizations to implement language assistance programs to break down barriers to voting. Intentionally recruiting bilingual poll workers and creating multilingual election materials is an incredibly effective method of increasing democratic engagement from new Americans.

WHO WE ARE: The Ohio Voting Rights Coalition (OVRC) is a non-partisan network of local, state, and national voting advocates. Members supporting this proposal include: All Voting is Local, American Civil Liberties Union of Ohio, Campus Vote Project, Common Cause Ohio, Fair Elections Center, Northeast Ohio Voter Advocates, ProgressOhio, Ohio Conference NAACP, Ohio Student Association, Policy Matters Ohio, and The League of Women Voters Ohio.

¹² National Public Radio, <https://www.npr.org/2018/06/11/618870982/supreme-court-upholds-controversial-ohio-voter-purge-law>, retrieved September 21, 2018.

¹³ Secretary of State Directive 2018-21