

REJECTED

**How the Provisional
Ballot System in
Franklin County, Ohio
Fails Voters.**

ALL  VOTING IS
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OHIO

INTRO DUCTION TION

All Voting is Local fights to eliminate needless and discriminatory barriers to voting before they happen, to build a democracy that works for us all.

It is a collaborative campaign housed at The Leadership Conference Education Fund, in conjunction with the American Civil Liberties Union Foundation; the American Constitution Society; the Campaign Legal Center; and the Lawyers' Committee for Civil Rights Under Law.

AVL launched in 2018 in Ohio to advocate on the state and local level to expand access to the ballot, especially for Americans historically silenced at the ballot box, to achieve a democracy where all voices are heard. The campaign uses data-driven organizing, strategic communications and grassroots powerbuilding to achieve its goals. *Rejected: How The Provisional Ballot System in Franklin County, Ohio Fails Voters* aims to expose and remedy the problem of provisional ballot use and rejection in Franklin County, Ohio.





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Chart data taken from
Franklin BOE public records and **SOS**

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The Problem

Provisional ballots are generally considered a “last resort” for voters who encounter a problem that prevents them from casting a regular ballot. Voters who go to the wrong polling location or don’t appear in the poll book on Election Day may need to cast a provisional ballot. Election officials work to resolve the issue in the days and weeks after the election to ensure the provisional ballot is counted, if they find the voter was eligible to cast a ballot. High rates of provisional ballot use - and rejection - not only raise questions about the health of the election system, but also reflect barriers to voters being able to cast a ballot that counts.

Columbus is one of the fastest growing communities in Ohio and Franklin County trails Cuyahoga County only slightly in total number of votes cast in recent elections. As a large election system, Franklin County must manage the needs of a diverse community while also administering elections fairly and efficiently.

Franklin County has a provisional ballot problem.

Our analysis found:

- 1** Voters in Franklin County cast a disproportionate number of ballots compared to their percentage of the statewide electorate.
- 2** Black, low-income, and young voters were far more likely to cast provisional ballots in the 2018 general election, underscoring troubling inequalities for many historically disenfranchised voters.
- 3** Over one in five rejected provisional ballots statewide came from Franklin County.
- 4** Nearly two-thirds of all provisional ballots statewide rejected due to a mismatched signature are from Franklin County.
- 5** Voters who cast a provisional ballot because of insufficient ID or because they are in the wrong location may have their ballots rejected. Franklin County made up one-third of the total number of ballots rejected statewide for these reasons.



Voters in communities with the **most Black voters were 2.44X more likely** to cast a provisional ballot than voters in communities with the most white voters.



Voters in communities with the **highest rate of poverty were 3.72X more likely** to cast a provisional ballot than areas with the lowest rate of poverty.



Voters in communities with the **highest percentage of young voters were 4.79X more likely** to cast a provisional ballot than voters in communities with the lowest percentage of young voters.

Our Proposed Solution

County officials should address these problems with increased poll worker training and recruitment, as well as voter education. Unfortunately, the Franklin County Board of Elections and Franklin County Commissioners have been locked in a stalemate since 2018 over funding for voter education, with some members of the Board of Elections claiming that voters in Franklin County do not need additional education. Our analysis indicates otherwise. The ongoing failings of the county's provisional ballot system show the need for robust voter education.

To ensure free and fair access to the ballot, the Board of Elections and County Commissioners must adopt the following measures:

1 VOTER EDUCATION

Fully fund a voter education program that targets provisional ballot issues and the communities most impacted by them.

Improve systems to notify voters of polling location changes. Far too many voters cast provisional ballots and have them rejected because they cast their ballot in the wrong precinct and wrong location. The Franklin County Board of Elections should have clear and prominent signage outside of polling locations that have had any changes instructing voters where to report. Additionally, elections officials should invest in potential solutions through civic technology that could better alert voters to changes in their polling location. This could include targeted digital advertisements directing voters to check their polling location, and development of technology that could automatically alert a voter via text, email, or phone call if there are last-minute changes or other problems at their polling location.

Increase education on voter identification. Franklin County rejects a disproportionate number of provisional ballots due to issues with voter ID. This indicates a clear need for voters to better understand what ID they must bring to the polls.

Dedicate funding for voter registration education for college students. One in 10 voters who cast a ballot at the Ohio Student Union in 2018 were forced to cast a provisional ballot. Nearly 65% of those ballots were rejected, many because the voter was not already registered. The Franklin County Board of Elections must focus additional resources on educating and registering young voters. Other states have been successful by opening voter centers on college campuses, and integrating voter registration into the orientation for first-year students.

Our Proposed Solution

② POLL WORKER TRAINING

Ensure poll workers are directing voters to their correct polling location. With the advent of electronic poll books, elections officials should be able to identify a voter's correct polling location and direct them there. Some electronic poll books print instructions and a map for voters to take with them, and poll workers should be trained on how to effectively utilize this.

Increase training on proper forms of voter identification. Voters who present alternative forms of identification should not be required to cast a provisional ballot, and training and procedures should reflect that.

Mandate that poll workers record the reason a voter cast a provisional ballot. Records from the Franklin County Board of Elections showed that a large number of provisional ballots included no information as to why the voter cast a provisional ballot. To tackle the inequalities at the polls, officials must first understand why they happen. Officials must be trained to record this information and there must be accountability for officials who fail to do so.

Elections officials should not reject provisional ballots unduly for signature mismatch. Franklin County accounts for the vast majority of provisional ballots rejected for signature issues in the entire state. Officials who review signatures on provisional ballots should receive additional training and clear protocols about when ballots should be rejected. Such disproportionate numbers indicate potential disparate treatment of those provisional voters who may have a disability or other reason their signature may have changed over time.

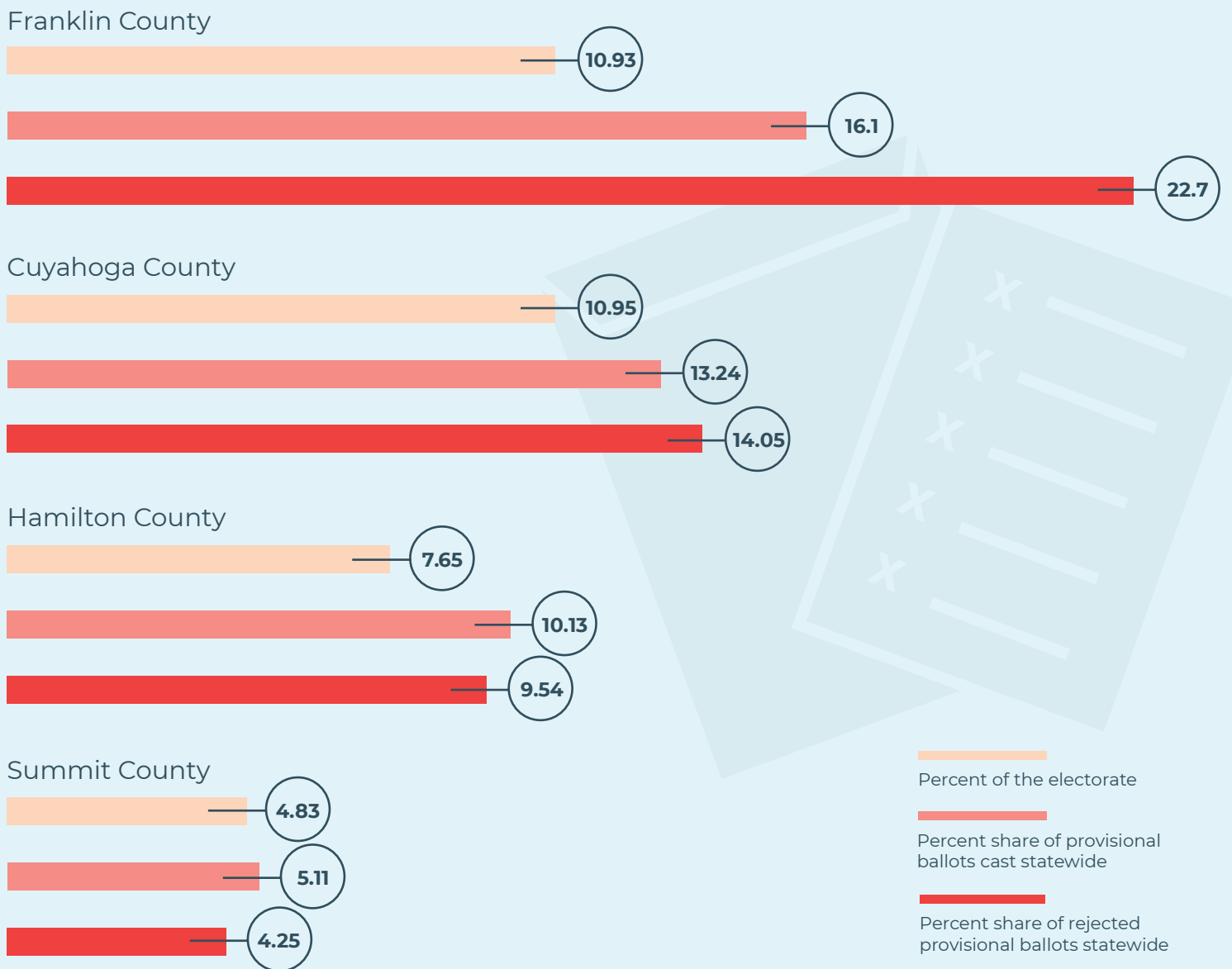
Instructions for provisional ballots should be available in multiple languages and a multilingual poll worker should be available to voters who are not English proficient. While Franklin County has implemented a multilingual poll worker recruitment program, it must expand its efforts. Many voters who are not English proficient may make mistakes on provisional ballots because of complicated provisional ballot rules. Translators who speak Somali, Spanish, Arabic, Chinese, Nepalese, and American Sign Language should be deployed to polling locations with a high density of these voters. All instructions should be translated and simplified, so they may have broad accessibility.

Facts Behind the Problem

Franklin County is an outlier in its use of provisional ballots compared to the other largest counties in the state. As can be observed in Chart 1, Franklin County trails Cuyahoga County only slightly in its share of the statewide vote, accounting for 10.93% and 10.95%, respectively. However, this is where the similarities end, as Franklin County accounts for a much larger

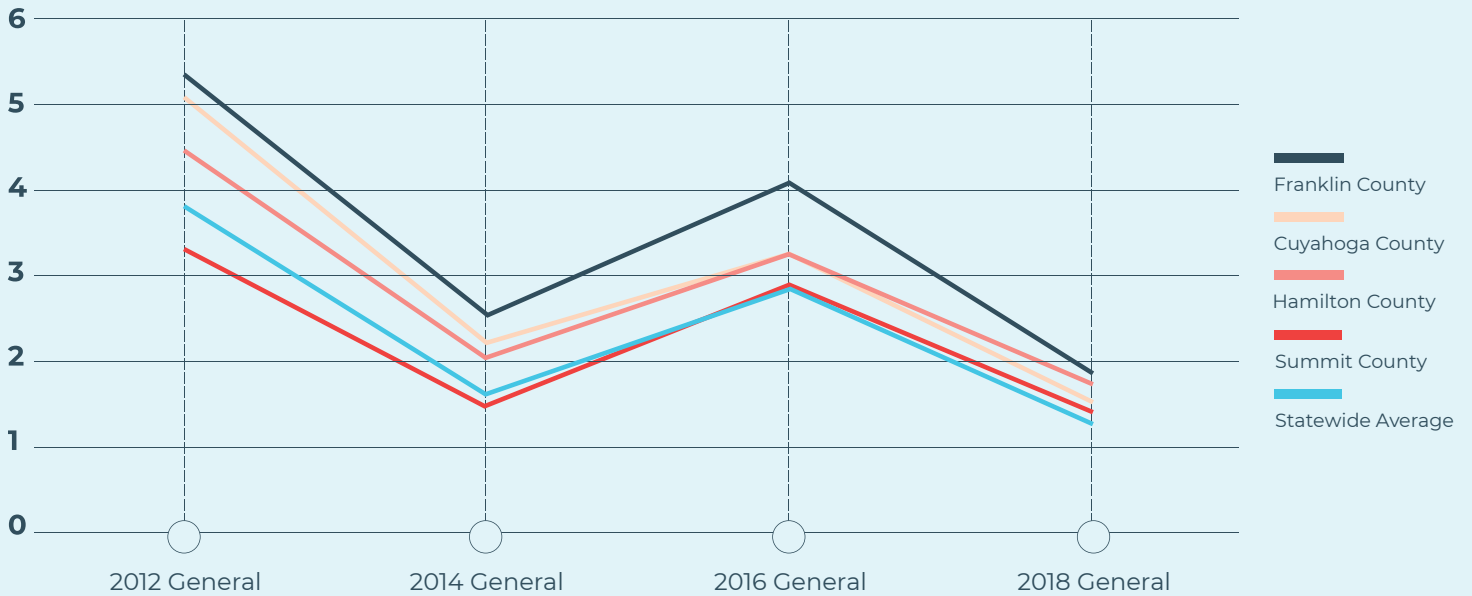
share of provisional ballots cast statewide. Over one in five of all provisional ballots rejected in Ohio come from Franklin County. While Hamilton and Summit counties are comparably smaller, the overall trends indicate that Franklin County is a significant outlier.

Chart 1: 2018 Provisional Ballots



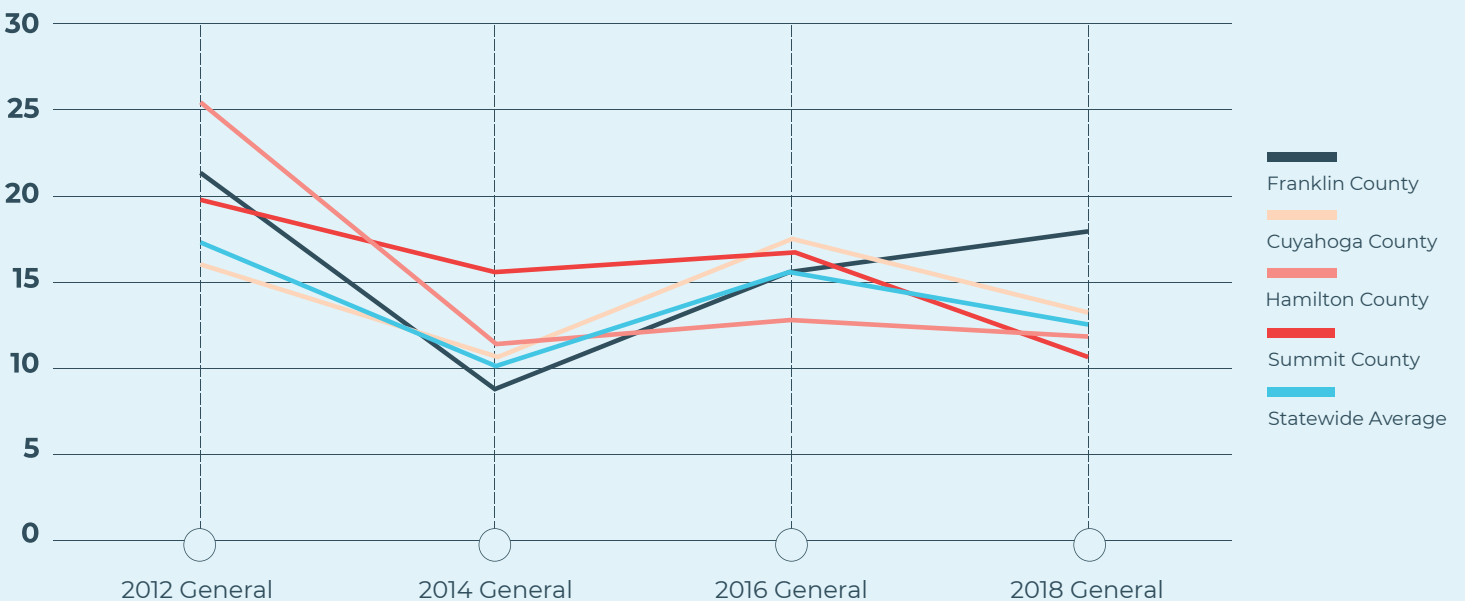
This phenomenon was not limited to 2018—Franklin County appears to have a practice dating back to at least 2012 of issuing more provisional ballots than its share of the electorate. Chart 2’s trend lines illustrate that Franklin County consistently outpaces the other largest counties in the state.

Chart 2: Rate of Provisional Votes Cast



While Franklin County voters disproportionately cast more provisional ballots than other large counties, its rate of rejection is even higher and has climbed since 2014. As Chart 3 illustrates, the other urban counties decreased their rejection of provisional ballots while Franklin County’s increased.

Chart 3: Rate of Provisional Ballots Rejected



Facts Behind the Problem

While Franklin County voters cast a disproportionate number of provisional ballots—and have them subsequently rejected at a higher rate—the experience at the ballot box is not the same for all voters. In areas where more Black, low-income, and young voters reside the likelihood of them casting a provisional ballot increases substantially (See Appendix Map 1). Black, low-income and young voters were also more likely to have their provisional ballot rejected (See Appendix Map 2).

By far, the single largest reason why provisional ballots are rejected statewide is because the voter was not already registered in Ohio. This is also true in Franklin County, but with 17 percent of the total share of these rejected ballots, Franklin County voters account for far too many. Their proportion of unregistered voters who cast a ballot is out of step with the other large counties in Ohio.

Chart 4: 2018 Voter Not Registered In State

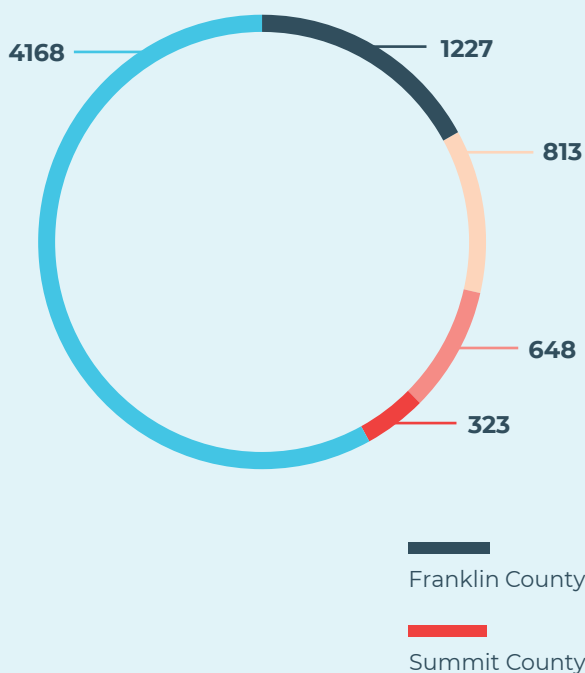
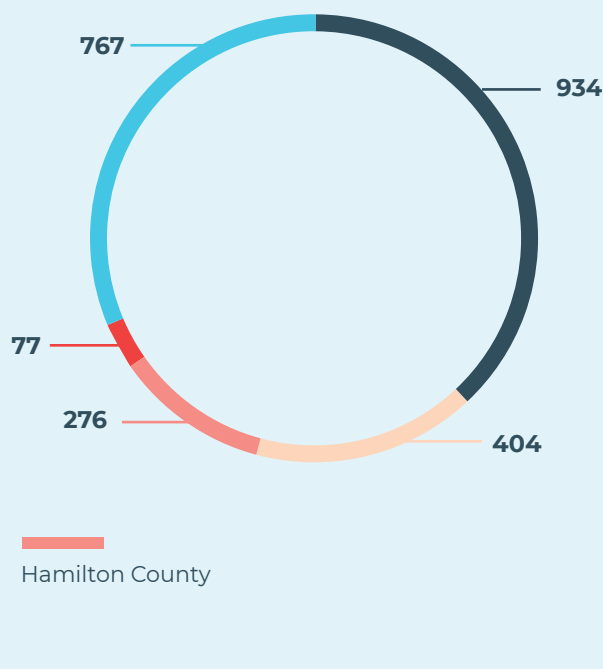


Chart 5: Voter Cast Ballot in Wrong Precinct, Wrong Location



The disparity grows even more stark when examining additional reasons provisional ballots are rejected. The next most common reason for rejection of provisional ballots statewide is that the voter cast a ballot in the wrong precinct, and wrong location. **Franklin County accounted for more than one-third (37.99%) of all provisional ballots rejected statewide for this reason.** When the other three largest counties are removed, Franklin County rejects more provisional ballots for this reason than the remaining 84 counties combined (see Chart 5).

Identification at the polls was a significant problem in Franklin County. In terms of voters whose provisional ballots were rejected, **Franklin County again accounted for more than one-third of those ballots statewide** (see Chart 6).

The most extreme example of Franklin County's outlier status is the number of provisional ballots that were rejected due to signature mismatch. This means that the signature provided on the absentee ballot did not sufficiently match what the board of elections has on file for the voter. **As illustrated in Chart 7, Franklin County accounted for 65.9% of all provisional ballots rejected statewide for mismatched signatures in 2018.**

Chart 6: Voter Did Not Provide Adequate ID

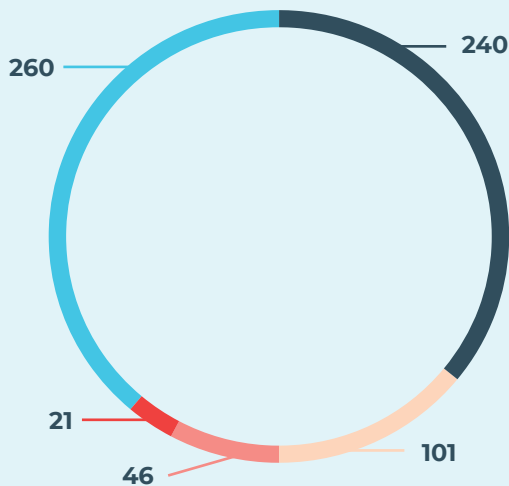
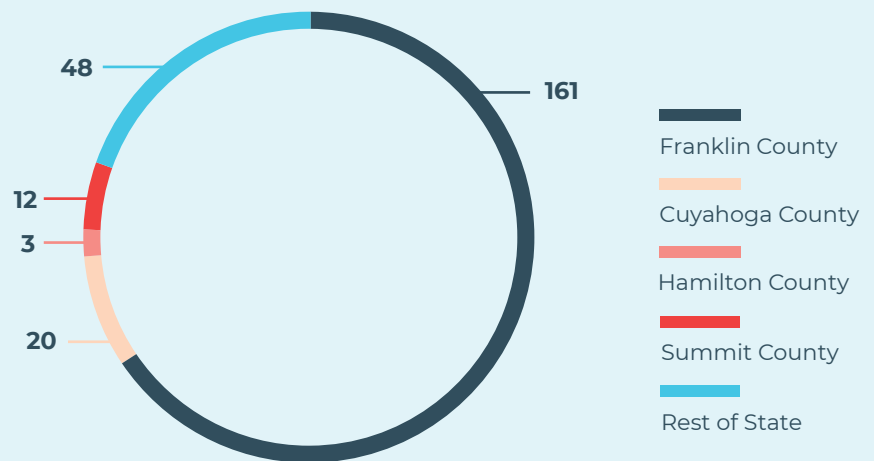


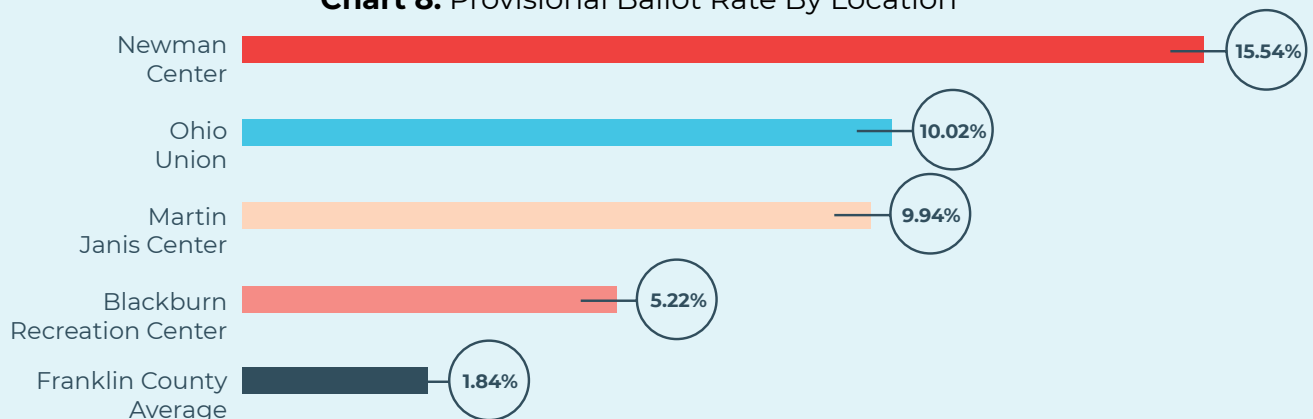
Chart 7: Signature Did Not Match



However, not all Franklin County residents are as likely to be forced to cast a provisional ballot. The countywide rate of provisional ballots cast represented only 1.84% of all ballots in the 2018 General Election. In an analysis of precincts with high rates of provisional ballots cast, four polling locations were identified as having more than two precincts where more than 5% of voters cast a provisional ballot, with rate of provisional

ballots cast illustrated in Chart 8 below. **In three of these polling locations, an astounding one in 10 voters cast a provisional ballot.** The data were even more grim at the Ohio Union, which serves many precincts that are home to Ohio State University students. According to data provided by the Franklin County Board of Elections, **nearly 65% of all provisional ballots cast were eventually rejected.**

Chart 8: Provisional Ballot Rate By Location



Real Experiences



On Election Day 2018, the nonpartisan Election Protection hotline received a call from a mother and daughter who attempted to vote together. They lived in the same apartment and voted in the same polling location and precinct in Franklin County.

Both voters had valid Ohio driver's licenses that showed their current address, but the mother was able to cast a regular ballot, but the daughter had to cast a provisional ballot.

Neither understood why the daughter had to cast a provisional ballot, as the daughter also provided a utility bill and doctor's note with her current address on it. After the election, All Voting is Local checked both voters' registrations on the Secretary of State website and found both were properly registered and active voters.



Amber Decker served as a precinct election official for the 2018 general election and has for the past 10 years. While Amber has had positive experiences as a poll worker in past elections, she was disturbed by the lack of training about, and increased use of, provisional ballots in 2018. Amber reported multiple voters' registration had not shown up in the poll books and that the process for provisional voters was different in 2018.

Traditionally, provisional voters would be directed to a provisional table and the poll worker would use their address to identify the correct provisional ballot to give to them. "If you showed up and were not in the poll book... they were not letting you go to provisional table unless you manually added to the poll book," said Decker. "Previously, they would have said 'your address is not in the poll book, go to the provisional table' and they would look up the address in the poll book. But that didn't happen in 2018." According to Decker, only the precinct manager had access to the address information in her polling location.

She noted that she spoke with both the precinct manager and the Board of Elections that day, but neither were able to adequately address the issues.

Ms. Decker suspects that some confusion may have been due to Ohio's aggressive purging process. She was also troubled by the process that left some poll workers without access to certain information. "Whether or not the intent was malicious, it felt intentional," said Decker.

Conclusion

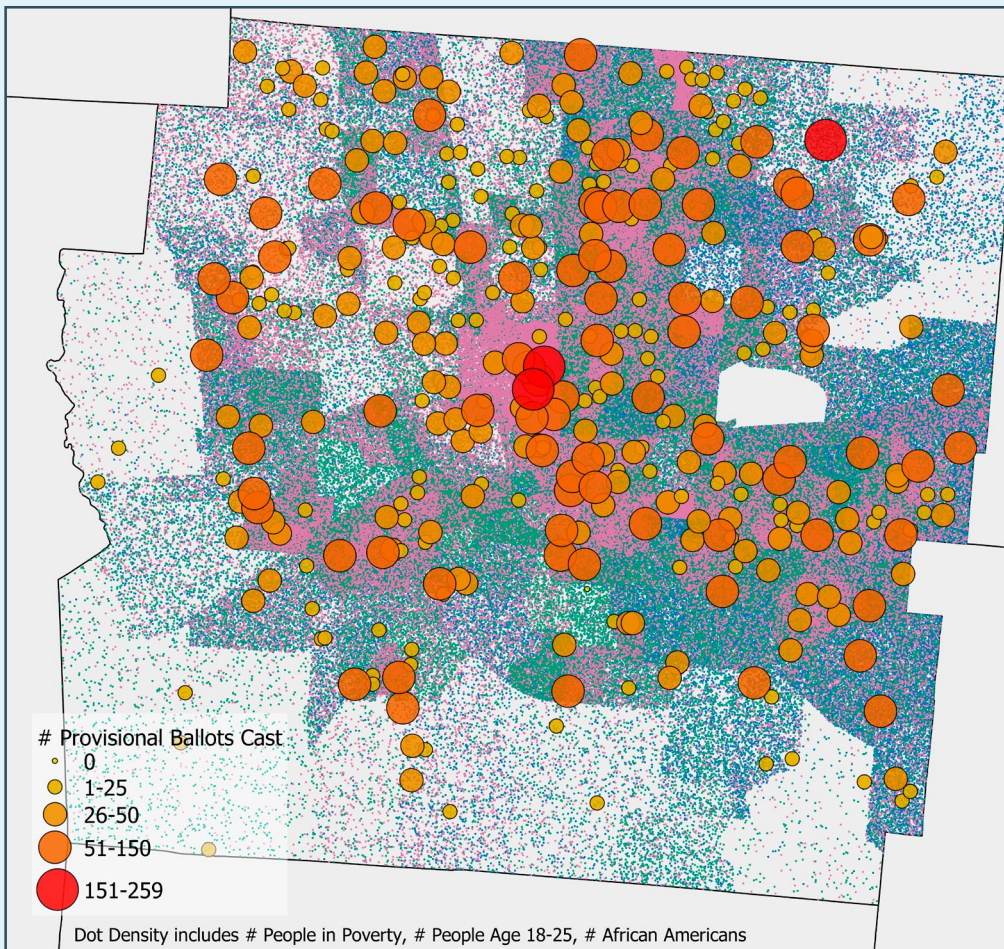
Franklin County's provisional ballot system is **failing voters** and must be reformed.

Election officials must receive proper training and accountability for administering provisional ballots fairly. Equally as important, the Franklin County Board of Elections must increase its voter education programs in high-risk communities to reduce its reliance on provisional ballots. While elections officials and county commissioners have been deadlocked on whether voters require additional educational outreach, the data clearly show this is a significant need. Both groups must come together and adopt an education program that directly addresses these issues and benefits voters who might otherwise be forced to cast a provisional ballot.

Appendix

Map 1: 2018 General Election Provisional Ballots Cast

This map of Franklin County illustrates the numbers of provisional ballots cast at each polling place. We determined that higher rates of people in poverty, young people, and African-Americans are associated with higher rates of provisional ballots. We mapped county demographic data on poverty, age and race to illustrate that the areas with the most provisional ballots are more concentrated in communities with high numbers of low income people, young voters and African Americans.

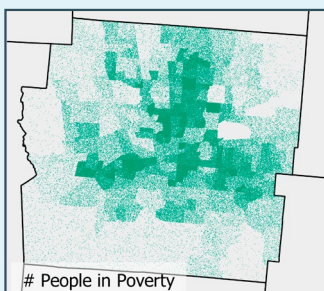


Citation for Census Bureau data for maps:

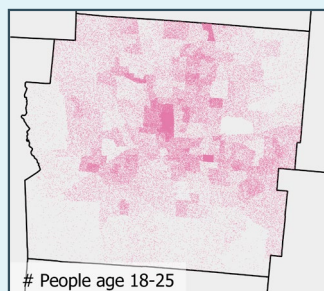
For race data: U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates, Table C02003: DETAILED RACE

For poverty data: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates, Table S1701POVERTY STATUS IN THE PAST 12 MONTH

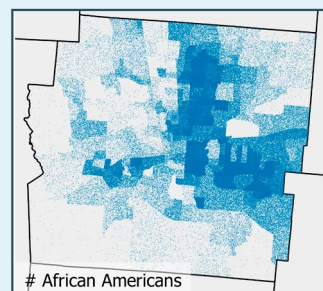
For age data: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates, B01001 SEX BY AGE



One dot represents a single person living in poverty, as defined by the U.S. Census Bureau.



One dot represents a single person between the ages of 18-25.

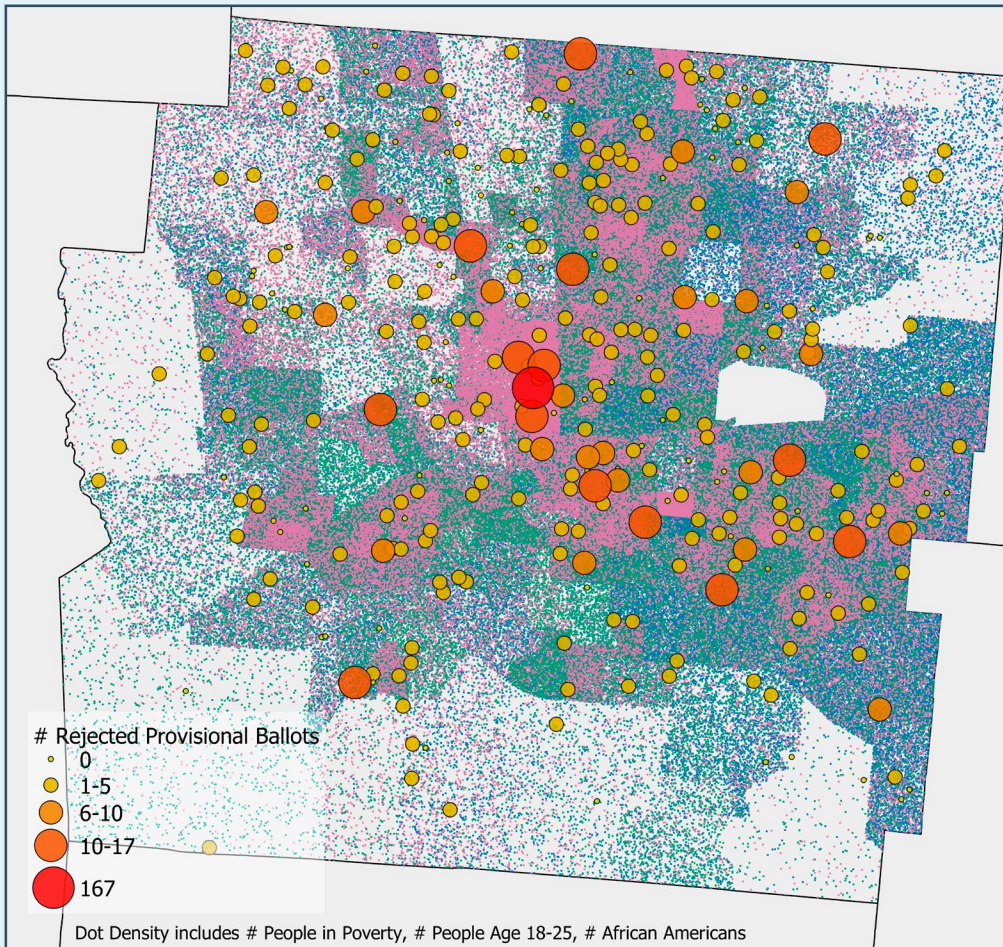


One dot represents an African American resident of Franklin County.

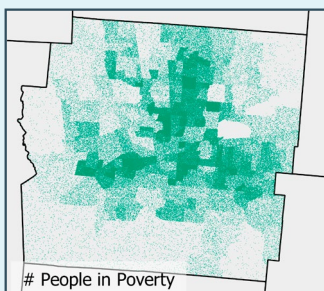
Appendix

Map 2: 2018 General Election Rejected Provisional Ballots

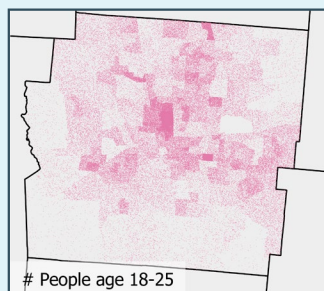
This map of Franklin County illustrates the numbers of provisional ballots rejected at each polling place. We determined that higher rates of people in poverty, young people, and African-Americans are associated with higher rates of provisional ballot rejection. We mapped county demographic data on poverty, age and race to illustrate that the areas with the most provisional ballots rejected are more concentrated in communities with high numbers of low income people, young voters and African Americans.



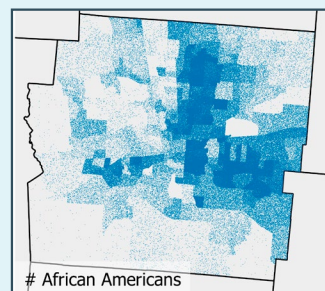
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