

THE LEAGUE OF WOMEN VOTERS OF OHIO

# **Election Reform Agenda**

## *A 10-Point Proposal*

The League's goal for election system reform is not only to assure fair and honest elections, but also to assure transparency so that voters, the media, candidates, and the general public have confidence that each election is fair and honest. Therefore, problems of perception must be given serious consideration along with problems of practice and law.

Each point is explained in greater detail below. These are recommendations based on League history and experience, and stem from League positions and principles. The League is open to discussion. In addition to these recommendations, the League will have recommendations on other election reform proposals that may be offered.

- 1) Create an impartial bipartisan election administration board to assume state election responsibilities;
- 2) Expand absentee voting to allow any voter to vote by absentee ballot at the board of elections without needing to provide a reason;
- 3) Allow provisional ballots to be cast anywhere in the county;
- 4) Make voting fully accessible to all voters with disabilities;
- 5) Revise recount procedures so that they can be completed in a timely way as to allow elected officials to take office on time;
- 6) Adopt statewide use of the optical scan voting system, with specific safeguards;
- 7) Improve procedures, training, and recruitment of poll workers;
- 8) Expand training and provide adequate resources for county boards of elections;
- 9) Expand voter education; and
- 10) Reinstate Election Day registration.

## **1) Impartial Election Reform**

Create an impartial bipartisan election administration board to assume state election responsibilities.

- *Structure.* A Director appointed by a State Board of Elections should take over the election responsibilities of the Secretary of State. The Board would consist of six members: the majority and minority leaders of each house of the legislature or their designees plus a majority and a minority party member of the Ohio Association of Election Officials. The legislative members serve so long as they hold their leadership positions. The Director of the State Board is the Chief Election Officer of the state, having all the elections duties and authority currently held by the Secretary of State, including the appointment of members of county boards of elections. Because the Director is not term-limited, he/she can provide more continuity and professionalism; and unlike an elected official, he/she can be fired if a majority of the Board members are dissatisfied with his/her performance.
- *Selection of Director.* The Director would be nominated by the majority vote of the six board members, and then approved by majority vote of the state Senate. The Board's sole responsibility or authority is the hiring and firing of the Director and setting his/her compensation.
- *Nonpartisanship.* State board Director and staff would be forbidden, while employed by the board, to participate in or contribute to any candidate or issue that is on the ballot. The Director would be responsible for hiring the staff, who would have full civil service protection. Minor party members and independents would also be eligible for appointment.
- *Fraud.* The State Board should have investigative staff to investigate probable instances of election fraud.

Election officials must not only be impartial, they must be perceived as being impartial. A permanently staffed State Board of Elections can provide continuity, encouraging professionalism in an increasingly complex area of government and law.

## **2) Absentee Voting**

Expand absentee voting to allow any voter to vote by absentee ballot in person at the board of elections up to 35 days prior to an election without needing to provide a reason. (Voters who want their ballot mailed to them would still have to provide a reason.) There are a number of changes that would make absentee voting more accessible without opening it to fraud.

- *Permanence.* Voters who will need to vote by absentee ballot in every election should be given the option to apply for and receive an absentee for every election in which they are entitled to vote.
- *Return of ballots.* Allow the return of absentee ballots to the voter's home precinct polling place in the voter's home county.
- *Provisional ballots.* If a voter has applied for an absentee ballot that has never arrived or has been misplaced, allow the voter to vote a provisional ballot that will be counted if the post-election examination shows that the voter did not return the absentee ballot by Election Day.

- *Institutions.* Strengthen the rules to ensure that anyone in a hospital, nursing home, or jail (not convicted of a felony) is entitled to vote absentee, and that ballots delivered by board of elections employees must be delivered to each individual by *both* a Democrat and Republican, who must offer assistance *together*.
- *Overseas Voters.* Civilians and members of the armed forces who are out of the country find it particularly difficult to submit a request, receive, and return a ballot in time for it to be counted.
  - *Requests.* Allow overseas voters to request and download ballots from the Internet, but keep the requirement that they be returned by mail. Although members of the military do not have to be pre-registered, send a registration form along with the ballot with a request they complete it to make it easier to vote in subsequent elections. Overseas civilians should be allowed to vote if they complete the registration form and return it with their ballots; they need to be informed exactly what offices they will be allowed to vote on.
  - *Publicity.* Publicize these rules. In addition to revising the information provided to the Federal Voting Assistance Program, urge the military to publicize absentee voting options early, so absentee applications are not received too late to send ballots and get them returned by the deadline. Publicize widely to the family members of military how they can request absentee ballots for their military members. Urge the FVAP to provide help and pressure to U.S. embassies and consulates to publicize voting and registration assistance to Americans abroad.

### **3) Provisional Ballots**

Allow provisional ballots to be cast anywhere in the county. The purpose of provisional ballots is to provide a fail-safe method of assuring that no eligible voter is denied the right to vote because of bureaucratic error. We must have clear, user-friendly procedures for issuing and counting provisional ballots.

- *Jurisdiction.* The Revised Code must specify that provisional ballots may be cast in any precinct in the voter's home county.
- *Choice.* Voters must be given the choice whether to vote a full regular ballot in their home precinct or to vote a partial provisional ballot in any other precinct in their home county. Voters offering to vote in a precinct other than their home precinct must be notified that votes will be counted only in those contests for which they are eligible to vote (all statewide and countywide contests, and all appropriate district contests) if they choose to vote in a precinct other than their home precinct; voters also must be given accurate directions to the location of their home precinct polling location if they decide that they prefer to go there to vote a full ballot.
- *Supplies.* The Code should mandate sufficient precinct supplies, especially for high-turnout elections. County boards of elections should be able to create additional ballots and other supplies on demand if turnout exceeds expectations and precincts report that they are running short of supplies.
- *Requirements.* Simplify the requirements for obtaining a provisional ballot and having it counted. Requiring date of birth and poll worker signature seems expendable. Expand the list

of acceptable forms of identification to include any official document that states the voter's name and address, or being vouched for by a pre-registered voter who is a resident of that same precinct.

- *EDR.* Election Day registration of voters could allow those voters to vote a provisional ballot. (See point 10 below.)

#### **4) Disability Access**

Make voting fully accessible to all voters with disabilities. In spite of the requirements of the Americans with Disabilities Act (ADA) and the Help America Vote Act (HAVA), there are continuing problems with access to voting by voters with disabilities.

The ADA spells out what is necessary to make polling places accessible. HAVA requires that the voting equipment be usable by persons with disabilities, and the technology is now available.

- *Polls.* Voting sites must comply with ADA requirements for access. This goal has been in place since 1979.
- *Equipment.* It is now technically feasible to provide voting equipment that can be adapted to allow any voter with a disability to vote a secret ballot without assistance.
- *Assistance.* It is especially important when there are lines of voters waiting to vote that voters who are disabled, elderly, or accompanied by children be provided with places to sit and/or be allowed to go to the front of the line.

#### **5) Recounts/Challenges**

Revise recount procedures so that they can be completed in a timely way as to allow elected officials to take office on time. The Nov. 2, 2004, Presidential election demonstrated that something must be done to address the potential problem of resolving a close election in time for the Electoral College to meet just six weeks later. Ohio does not start the official count until 10 days after Election Day; the Secretary of State did not certify the official count until five weeks after the election. A recount cannot be requested or begun until after the official results are certified; a recount could not possibly be completed before the Electoral College had to meet (date set by federal law). Some solution to this quandary is needed in case of a closely contested Presidential vote in the future that meets the state requirement for a mandatory recount if the statewide difference in the vote totals is less than one-fourth of one per cent.

- *Challenges.* If there is a challenge to the election, it goes immediately to the Ohio Supreme Court, which hears it immediately.
- *Close Races.* It might be possible to combine some aspects of the official count with the rules of a recount to make one very careful, public accounting acceptable to all. Such a procedure would only be invoked if the unofficial election night count looked close enough that a recount seemed likely, especially in a Presidential election. It would be necessary to get all concerned groups to agree to it.

- *Procedures.* It has become clear that detailed, unambiguous, uniform instructions for conducting recounts need to be developed and enforced so that everyone understands the rules for securing all election materials, selecting precincts for hand-counting, allowing witnesses to see all materials and each ballot, and maintaining open meetings and documents.

## **6) Optical Scan Ballots**

Adopt statewide use of the optical scan voting system, with specific safeguards. There should be a single statewide voting system instead of the current system wherein each county selects its own. This would save money and facilitate the training of board personnel, poll workers, and voters in the proper use of the system.

However, consideration should be given to “grandfathering” in the Direct Recording Electronic machines (DREs) in those counties that can adapt them with voter-verifiable paper audit trails. The use of optical scan ballots should be encouraged only with the following conditions. This is not a new technology, but new features have become available.

- *Disability Access.* There must be at least one voting station at each polling location that is equipped to produce computer-generated optical scan ballots and that can be operated by voters with disabilities without assistance.
- *Ballots.* There must be enough optical scan ballots provided to precincts so that they will not run out of ballots. The boards of elections must have the capability of printing and delivering more ballots and other materials on demand on Election Day when any precinct begins to run short.
- *Counters.* There must be enough precinct counters to allow voters who choose to have their ballots checked may do so without having to wait in long lines for the counter.
- *Spoiled Ballots.* A ballot that has been spoiled because a voter changed his/her mind and wants to vote for a different candidate or a different way on an issue must be given a new ballot and the old ballot marked “spoiled.”

## **7) Poll Workers**

Improve procedures, training, and recruitment of poll workers.

- *Training.* The approach to training poll workers must be revised, taking into consideration the breadth and depth of knowledge required of poll workers. It should be redesigned by education specialists who understand how adults learn, and it must include nonpartisan rules, legal instruction, sensitivity training, and testing for understanding. Poll workers should be encouraged to “coach” voters when there are lines of voters waiting by giving them facsimiles of the ballot and illustrated instructions they can study while they wait and thus be able to vote more quickly.
- *Youth.* Allow 16- and 17-year-olds to serve as poll workers, if the boards of elections so choose.

- *Shifts.* Allow split shifts for poll workers if county boards of elections so choose; this will be especially critical if polling hours are extended.
- *Time Limit.* The five-minute limit on voting needs to be relaxed for voters with disabilities, and for all voters when there is a long and complex ballot.
- *Security.* Assure that there is continuity of security of all polling place materials, especially that ballots are returned to the boards of elections by both a Democrat and Republican together.
- *Verification.* Make sure that voters understand that they can verify their ballot, whether on a DRE or by an optical scan counter, but that they are not required to do so if they choose not to.
- *Voter Registration List.* Every polling place should have computer access to the county voter registration list so that poll workers can check whether a voter is actually registered.
- *Polling Place.* Every polling place should be identified with large signs so that voters know where to go.

## **8) Boards of Elections**

Expand training and provide adequate resources for county boards of elections.

- *Transparency.* The Revised Code needs to make clear that the Freedom of Information and Sunshine laws apply to all actions and records of the board of elections. Boards must understand that the media and the public are to be given reasonable access to everything the board does, but in a manner that does not interfere with the work being done. Boards must be convinced that, when an error is made, they must:
  - Admit the error;
  - Explain in detail what happened and why and how it happened;
  - What they are doing to fix it; and
  - What they are doing to prevent it from happening again.
- *Training.* There must be ongoing professional training of board of elections staff members to make sure that they are providing accurate, helpful, up-to-date information to voters, candidates, the media, and the public.
- *Citizen Input.* Boards of elections should have citizen advisory panels to provide them with outside opinions and support for obtaining adequate support from the county and state.
- *Response.* The boards of elections should have a Rapid Response Team that responds quickly and appropriately when a problem arises in any precinct, whether it is replacing or repairing equipment, providing supplies, handling disputes, etc.
- *Verification.* On election night, a representative sample of ballots should be publicly hand-counted for a random selection of offices and issues. This will help alleviate concerns about equipment not counting the ballots accurately.

## **9) Voter Education**

Expand voter education.

- *Information.* A true sample ballot should be mailed to every household with a registered voter. It should also include information about ex-felons' being able to register and vote, how to get an absentee ballot and the rules governing its return, when and where to vote early (at boards of elections or elsewhere), how to check one's registration, where to vote, how the voting system works (optical scan, punch card, DRE), a card to use for changing address or name, or a registration form, and information about candidates and ballot issues or information about where to find out about them.
- *Internet Access.* Require every county board of elections to have a web site where voters can get basic information about elections and determine if they are registered, with access from public libraries.
- *Felons.* Ex-felons must be informed upon their release of their right to re-register and vote.

## **10) Voter Registration (EDR)**

Reinstate Election Day registration.

- *Purges.* Some way must be found to make sure that the names of all the people who register to vote get onto the computer list of voters and that no voters are mistakenly purged. Perhaps every change needs to be verified by a second person.
- *Registration drives.* Consider a reasonable time limit for holding completed voter registrations before delivering them to a board of elections. Provide a way to account for all registration applications that are submitted to the board.
- *EDR.* Allow same-day voter registration, to increase turnout, reduce problems of change of address, and remove the problem of lost registrations. Those people registering on Election Day would have to be identified in one of the following ways:
  - Have a picture ID issued by government, showing their current name and address;
  - Have two forms of ID such as a bank statement and utility bill, showing their current name and address; or
  - Be vouched for by a resident of their home precinct who has been pre-registered to vote and whose current name and address are on the voter registration list.