



HOUSE BILL 458
OPPONENT TESTIMONY

December 6, 2022

Dear Chair Gavarone, Ranking Member Maharath, and members of the Senate Local Government and Elections Committee:

I write in strong opposition to Sub. H.B. 458 as currently pending before the committee. A strict photo identification requirement to vote in Ohio could disenfranchise tens of thousands of Ohioans. This unnecessary upheaval of an identification standard that has largely worked for fifteen years is plenty of cause to oppose this legislation, but it also incorporates changes to the absentee ballot process and early voting that will further erode democracy in Ohio.

I have been fortunate in my career to have served both as the Director of the Franklin County Board of Election, a poll worker and as a member of the Ohio general assembly sponsoring and working on election legislation. Now as Franklin County Auditor, I take seriously the charge from the findings of the National Voter Registration act that “to vote is a fundamental right” and “it is the duty of the Federal, State, and local governments to promote the exercise of that right.”

Requiring photo identification to vote is wrong for Ohio.

It is estimated that as many as 11% of Ohio adults do not have a driver’s license or state identification card including at least 17% of 18 year-olds.¹ This may sound like a small portion but it represents more than 800,000 voting eligible adults who under this standard would need to go through the cost and time burden of getting and identification in order to cast a ballot. The bill makes no provision for education, outreach or aid for these individuals to get the necessary documentation to receive such identification. Costs related to getting copied of birth certificates and other necessary documents are ignored.

The harm is all the greater since there is no problem this proposal addresses. Voter impersonation fraud is so rare it is best categorized as a myth²-and this is the only type of fraud that strict identification requirements can prevent. Meanwhile those same requirements routinely burden voters, increase use of provisional ballots, and slow down the voting process. Any tightening of the identification

¹ <https://www.cleveland.com/datacentral/2019/09/why-using-ohio-bmv-list-to-register-voters-misses-many-far-fewer-young-people-drive.html#:~:text=But%2C%20at%20the%20very%20least,to%2011%25%20of%20all%20adults.>

² A detailed investigation found only 31 examples out of one billion ballots cast.

<https://www.washingtonpost.com/news/wonk/wp/2014/08/06/a-comprehensive-investigation-of-voter-impersonation-finds-31-credible-incidents-out-of-one-billion-ballots-cast/>



FRANKLIN COUNTY AUDITOR MICHAEL STINZIANO

373 South High Street | 21st Floor | Columbus, Ohio 43215

T (614) 525.HOME | C (614) 219.9224 | auditorstinziano@franklincountyohio.gov | franklincountyauditor.com

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requirement for any method of voting further burdens voters without any increase in security of the election.

This proposal will increase the number of provisional ballots cast, the number of provisional ballots rejected, and the burden on election officials during the critical time to prepare for the official canvass and certify the election. Any person who does not show a driver's license, state identification card, or military ID will need to report to the Board of Elections within one week of Election Day. Boards will need to prepare for and staff public facing counters instead of processing absentee ballots or reviewing provisional ballots that are otherwise eligible.

It is important for citizens to have faith in elections which we do through registration, signature matching, and the identification standard that has largely worked for the last fifteen years in Ohio. This proposal which bars so many from the ballot box will undermine that faith when all Ohioans will know that the votes of their neighbors, and friends, and family can be so easily discarded.

Voting by mail should be efficient and accessible as a choice for voters and an aid to election administrators.

This legislation proposes a key change to vote by mail procedure: moving up the deadline to request a vote by mail ballot, heightening the identification standard, and disenfranchise those whose ballots are mailed before but delivered after the election. This change places additional unnecessary burdens on voters to vote by mail – which has become a critical part of any election.

The purported reason for this is to ensure that requests are processed timely, but this major shift cuts off how hundreds of thousands of Ohioans choose to vote. In 2020, 400,000 votes were cast from ballots requested closer than 10 days to the election. We know that in Franklin County, the vast majority of ballots requested as late as the Friday afternoon before the election are received in time to cast a valid ballot so this option should not be eliminated as it may be the only one for some voters.

In Franklin County alone this year almost 2500 ballots were received between November 9th and the last valid collection. These voters-who mailed their ballots before election day helped decide incredibly close contests for a common pleas judge and a seat in the Ohio House.

There are ways to make the absentee process more accessible for voters and easier for election officials all at the same time. This bill fails to do so by shortening the time frame and requiring additional identification from voters.

The ballot return process can also be improved. The state should proactively cover the cost of all postage related to the request, receipt, or return of a ballot. Ballots mailed in on Election Day should be counted. In addition, multiple drop boxes throughout counties can provide convenient opportunities for voters to request a ballot, turn in a registration form, or turn in their ballot without needing USPS delivery. No one should be disenfranchised for want of a stamp.

Early in-person voting days including the last Monday is a critical option for Ohio voters.

Early voting including early voting shortly before the election is incredibly popular among voters and should be maintained—including the final Monday. In 2020 more than 30,000 ballots were cast on the Monday before the election that would be eliminated by this bill.

I sponsored the legislation that ensured this voting option for UOCAVA voters.³ The basis for the initial legislation was the many calls and frustrated Ohioans I heard from during my service as Director of the Board of Elections who could not participate in the election due to, at that time, Ohio's archaic and outdated election administration procedure. I worry you are heading in that direction again. Simply redistributing the hours cannot replace that additional day.

Early in-person voting helps make Election Day proceed smoothly and allows voters the choice of when to vote. The current timeline of 28-days, though not as helpful as the original 35-day window accommodates voters in a variety of circumstances. There are those who vote right away confident in their choices, those that go and vote when their busy lives permit, and those who through a combination of decision making and circumstances want to vote shortly before Election Day. Policy makers should do everything appropriate to increase voter participation by having flexible and varied options that meet voters' various expectations.

I certainly know firsthand that we ask much of our election officials and poll workers but our priority must remain with giving voters all reasonable opportunity to cast a ballot. We have had more than a decade of elections with early voting continuing through 2 p.m. the day before Election Day. This is more than enough for us to know it is a safe and effective means to support voters and should be retained.

The bill will increase the existing problem of long lines.

By failing to address known causes of long lines during early vote and on election day, making vote by mail harder, and complicating the identification standard for early in person and vote by mail this legislation will maintain and increase long wait times for voting. The Election Assistance Commission found that no voter should have to wait more than 30 minutes to cast a ballot.⁴

This wait time is often exceeded both during early vote and at many individual polling locations. In Franklin County this year multiple polling locations had lines of more than an hour for much of Election Day despite lackluster voter turnout.

Early in-person voting options should be expanded to allow multiple locations within a county. Physically spreading out the locations for early vote increases voter access and reduces logistical difficulties of traffic, parking, and crowd management. This is an option that could be tailored to the population of each county to provide equal access to voters rather than strict county uniformity.

Conclusion

All plans and efforts should prioritize voters while balancing the needs of security and local election administration. This bill should be rejected since it fails to address known barriers to voting in Ohio while creating others. This proposal should be rejected by this committee and in the new year the General Assembly could take up means to actual strengthen Ohio democracy instead of these repeated attacks.

Thank you for the opportunity to provide this testimony. As always, I would welcome the opportunity to discuss further the options for Ohio. Never hesitate to reach me directly at AuditorStinziano@franklincountyohio.gov or 614-525-5700.

³ See *Obama for America v. Husted*, 6th Circuit Case 12-4055)

<https://moritzlaw.osu.edu/electionlaw/litigation/ObamaForAmericaVHusted.php>

⁴ <https://www.eac.gov/news/2014/01/22/presidential-commission-on-election-administration-presents-recommendations-to-president-obama>

Sincerely,

Michael Stinziano
Franklin County Auditor