

Ohio Association of Election Officials Report and Recommendations for Absentee Voting Reform

Background

Since no-fault absentee voting was introduced to Ohio in 2006, the concept has grown in popularity with the voters and provided new challenges and opportunities for Ohio's election administrators. In 2008, "Golden Week" and other absentee voting issues dominated discussions about election administration. In 2012, absentee voting was the subject of lawsuits, creating uncertainty for voters, taxpayers, and election officials. It continues to engender much public discourse throughout the state.

In 2010, the Ohio Association of Election Officials (OAE) began exploring possible ways to reform our absentee voting statutes by commissioning a task force of six members from different political parties and different sized counties. In 2012, the Task Force was reconstituted to include eight members, four from each political party, with adequate representation from small, medium and large counties. This Task Force made a series of recommendations that were amended and passed by our bi-partisan legislative committee. The amended recommendations were then ratified by the trustees of the OAE. Our board of trustees is comprised of 20 members, equal numbers of Republicans and Democrats, equal numbers of board members and staff, and representative of different sized counties.

A Spirit of Compromise

OAE consists of local boards of elections, and firmly believes that local boards have the knowledge to make informed decisions for their local voters. However, the courts have recently held that equal protection issues arise when different rules apply for absentee voting amongst the counties. Thus, the association entered into discussions with the ultimate goal of creating uniform rules for voters across the state.

We quickly realized that different sized counties have different needs. Therefore, compromising from what counties want to what they truly need became a core ingredient in formulating recommendations. It is likely that very few, if any, county boards of elections around the state find these recommendations to be ideal for their jurisdiction. However, the recommendations will work for small, medium and large counties. It is our hope that policy makers will follow our members lead in putting aside provincial, political or personal desires in order to craft solutions that are best for the state as a whole. While the process was not easy for our members, these recommendations prove that bipartisan solutions to election problems do exist and can be reached by working together in good faith.

Executive Summary and Overview of the Recommendations

The recommendations largely cover three main areas of absentee voting: 1) early in-person absentee voting 2) mail in absentee voting, 3) technical and procedural changes to absentee voting

In-Person Absentee Voting

- ✓ Standardize hours of early in-person absentee voting from county to county.
- ✓ Differentiate between the various types of elections.
- ✓ Treat early in-person absentee voters the same as Election Day voters rather than the same as mail-in absentee voters.

Mail-In Absentee Voters

- ✓ Provide uniformity for mailing of unsolicited absentee applications for each type of election.
- ✓ Provide uniformity for return postage for absentee applications and ballots.
- ✓ Provide consistency for payment of unsolicited absentee applications.
- ✓ Streamline processing of mail-in ballots.
- ✓ Clarify information required from mail-in absentee voters.
- ✓ Allow voters to fix mistakes and omissions on various absentee forms.

Technical and Procedural Changes

- ✓ Allow counties flexibility for mailing absentee ballots and sharing services.
- ✓ Changes to provide for new Post Office delivery schedule.
- ✓ Miscellaneous changes and amendments to absentee voting.
- ✓ Change the Ohio Constitution to allow for true in-person early voting.

Recommendations for Early In-Person Absentee Voting

I. Hours of Operation

- a. Absentee Hours for **Presidential** General
 - o Early in-person absentee voting and mail-in absentee voting begins the day after close of registration. In-person voting ends at 5:00 the Sunday before the election.
 - o Normal office hours up to 16th day before the election.
 - o Day 15th-11th (Week two before the election) 8-6
 - o Day 10 Saturday 8-2
 - o Day 8th-4th (the week before the election) 8-7
 - o Day 3 Saturday 8-2
 - o Day 2 Sunday 1-5
 - o Day 1 No Monday Voting
- b. Extra absentee hours for **Gubernatorial** General
 - o Early in-person absentee voting and mail-in absentee voting begins the day after close of registration. In-person ends at 4:00 the Saturday before the election.
 - o Last 2 Saturdays from 8- 4
 - o Normal office hours for all other days
- c. Normal office hours shall apply for **odd year elections, special elections, and all primary elections** with the exception of the Saturday before the election.
 - o Early in-person absentee voting and mail-in absentee voting begins the day after close of registration. In-person voting ends at noon the Saturday before the election.
 - o Extended hours the Saturday before these elections shall be 8-noon.

OAEO understands that Presidential Elections pose unique challenges in both intensity and volume of voting. Thus, expanded hours are warranted. OAEO feels that the overall time frame should be shortened to eliminate "Golden Week" and should end at 5:00 the Sunday before the election. Gubernatorial General Elections also have higher turnout and OAEO recommends boards be open for two Saturdays of weekend voting for these elections. All other elections generally have lower turnout, and the only extra hours OAEO recommends are from 8:00-noon the Saturday before the election. OAEO feels that bringing uniformity and certainty to these hours is paramount to avoid confusion for voters, provide certainty for election officials in planning and budgeting, and to avoid equal protection lawsuits.

II. Casting of Early In-Person Absentee Ballots

- a. A ballot cast in-person by an absentee voter should be cast electronically or scanned by the voter, and held for tabulation until Election Day.

- b. The absentee ID envelope is not necessary for the voter.
- c. No absentee application is required for the voter.
- d. ID requirements should be the same for these voters as for Election Day voters.
- e. Signature verification is necessary at each absentee voting location.
- f. A real time poll book must be used in cases where multiple polling locations within the county are being utilized.
- g. Only election officials should be able to challenge an in person absentee voter in a manner similar to Election Day challenges.
- h. Once the ballot has been scanned or entered into the machine, the voter may not request additional absentee ballots.

OAEO is recommending that in-person absentee voters be treated procedurally the same as Election Day voters. This means that voters are identified in the same way, challenges to voters are handled the same way, and extraneous paperwork is eliminated. This should simplify and expedite the process considerably. However, as required by the Ohio Constitution, no absentee vote will be tabulated until Election Day.

Recommendations for Mail-In Absentee Voting

- I. Postage for absentee application and ballot.
 - a. Absentee applications shall only be mailed to active voters for general elections in both even and odd numbered years.
 - b. For all elections, return postage for applications and ballots shall be the responsibility of the voter.
 - c. Unsolicited applications shall be prohibited in all primary and special elections unless sent to precinct election officials or requested by the voter.
 - d. The state shall pay for the mailing and postage for any general election in which a state or federal issue or candidate appears.
 - e. Counties shall pay for the postage for absentee applications for any other general election.

These changes provide consistency for the voter and are respectful of taxpayer dollars. They offer a compromise between requiring the mailing of absentee applications, and forbidding the mailing of the applications.

- II. Mail in absentee voters.
 - a. Mail in absentee votes should be able to be scanned and processed upon receipt of the ballots, but not tabulated until Election Day. Procedures should be codified to prevent tabulation prior to Election Day, and provide penalties for those who do.
 - b. Public challenges to mail in absentees should be eliminated. Only election officials should be able to challenge a mail in voter in a manner similar to Election Day challenges.

These changes allow election officials to more efficiently process mail-in absentee ballots.

- III. The following fields should be required to be filled out on the Absentee ID envelope (for mail in voters only).
 - i. Name
 - ii. Address
 - iii. DOB
 - iv. DL, last four SSN, or other valid form of ID
 - v. Signature
- b. The following fields should be removed from the ID envelope.
 - i. Party affiliation
 - ii. Type of election
- IV. Correction of ID envelopes and absentee application.
 - a. Voters will be afforded a chance to correct any mistakes or omissions on the ID envelope and absentee application. Confirmation of information for the application must be certified by an election official from both major political parties before a ballot may be issued. Confirmation of the ID envelope must be certified by an election official from both major political parties no later than 10 days after the election. Boards may contact voters by phone, fax, email or regular mail as set by board policy.
- V. Ballots and Stubs
 - a. The BOE must insert and count a ballot if the ballot comes back outside the ID envelope.
 - b. The ballot will count if the stub is not attached, but is in the return or ID envelope.

These three changes bring clarity to what information is required to be filled out by mail-in absentee voters and provides them the opportunity to fix mistakes or omissions.

Recommendations for Technical and Procedural Changes

- a. Allow for counties to utilize outside vendors or other counties to mail absentee ballots on their behalf.
- b. Allow the Absentee Ballot applications to double as change of address and voter registration forms as long as they are received 30 days before Election Day.
- c. Remove the requirement for the last four digits of the drivers' license to be recorded by the poll worker if the address on the ID does not match the address in the signature book.
- d. Allow BOE's to accept absentee ballots postmarked on Election Day and received within 10 days after the election.

- e. Allow absentee ballots to be returned to polling locations on Election Day and counted as part of the official canvas rather than the unofficial Election Day canvas. Ballots must be returned in the ID envelope in order to be counted.
- f. Codify SOS form 11-S Absent Voters Ballot Identification Envelope Supplement.
- g. Counties may only send BOE staff to vote a hospitalized voter on Election Day at hospitals inside that county.
- h. Section 17.01 of the Ohio Constitution should be amended to remove the restriction on early voting.

These recommendations focus on giving boards of elections flexibility to streamline operations and share services, as well as making changes to accommodate the new Post Office schedule. Notably, it calls for a constitutional change to allow for true in-person early voting in Ohio as opposed in early in-person absentee voting.

Conclusion

While absentee voting has sparked much debate and discussion in Ohio, OAEO firmly believes that common sense reforms can be achieved in this area. Many changes can be made that will benefit taxpayers, election administrators and most importantly, Ohio voters.