



Ohio Environmental Council [Action Fund]

**Opponent Testimony of Chris Tavenor, Ohio Environmental Council Action Fund
House Bill 294
House Government oversight Committee
November 17, 2022**

Chair Wilkin, Vice Chair Swearingen, Ranking Member Brown and Members of the Ohio House Government Oversight Committee, thank you for the opportunity to testify before this committee today on House Bill 294 (HB 294). My name is Chris Tavenor, Managing Director of Democracy Policy for the Ohio Environmental Council (OEC) Action Fund. At the OEC Action Fund, we consistently say we can only ensure a healthy environment if we also have a healthy democracy. Through that lens I am testifying today, in pursuit of having conversation about developing a secure election system available to the greatest number of Ohioans possible. Unfortunately, as HB 294 is currently written, the OEC Action Fund urges a no vote.¹

Personally, I have worked the polls in multiple elections, including both general elections, mid-terms, and primaries. I've witnessed our voting system empower Ohioans to participate in our democracy—I've also witnessed overly restrictive rules confuse voters and discourage them from voting. For example, in 2016 I worked the polls at the Ohio Union, one of the largest polling locations in the state. It's also a location that serves many of our youngest and newest voters. I saw many college students thoroughly confused by whether they could vote, where they were supposed to vote, and what IDs they could bring. That initial interaction with our voting system can impact their perspective on voting for years to come.

Those experiences have entrenched within me a commitment to fighting for a truly participatory democracy, a democracy where we are encouraging all Ohioans to vote and implementing systems that make it incredibly easy to do so. At the same time, we can easily ensure those elections are secure. This is not an either/or proposition—we can know our voting systems have integrity while also developing policies that eliminate confusing barriers.

HB 294 sadly does not accomplish that goal.

¹ Note: As of writing this testimony, we have not seen what the potential Substitute House Bill 294 contains. Our position regarding Sub. HB 294 may not match our position regarding HB 294 itself. We look forward to analyzing Sub. HB 294 and hope it includes necessary amendments. Upon reading Sub. HB 294, OEC Action Fund will submit supplementary testimony dependent upon the content of the amended bill.

The OEC Action Fund urges a no vote knowing full well there are provisions in this bill we definitely support. HB 294 would implement an automated voter registration system—this proposed system could be significantly improved to be a holistic automatic voter registration system, which the OEC Action Fund supports. Automatic voter registration is the first step of many in bringing our voter registration system fully into the 21st century. Similarly, HB 294 would allow for online absentee ballot requests—yet another step toward bringing our voting system itself into the 21st century.

These two systems proposed in HB 294 should stand on their own. They are sound policy—if the automated voter registration system became an actual automatic voter registration system—matching voter registration and absentee request systems throughout the country. Ohioans should be automatically registered to vote when they engage with various governmental agencies, including the BMV. Ohioans should have the ability to request an absentee ballot online—we all bank online, after all.

Instead of allowing these two policies to move forward on their own merits, unfortunately HB 294 includes a number of other provisions which regress Ohio's election system. Most importantly, it would do all of the following to our early voting system:

- Changes drop box requirements at county Boards of Elections, potentially allowing counties to have NO drop boxes²
- Eliminates Early Voting on the Monday before Election Day
- Explicitly prohibits the payment of prepaid postage for absentee ballots
- Requires voters to request absentee ballots by the tenth day before the election, rather than the third day before the election

Each of these provisions serves to make it more difficult for Ohioans to vote. To develop a healthy, participatory democracy, we should be developing and proposing systems that facilitate all Ohioans to have the easiest pathway to the polls. All four of these proposals do nothing to make our elections “safer” or more “secure.” They simply create additional voting barriers.

We'd also like to identify two additional provisions that similarly make it more difficult for Ohioans to vote pertaining specifically to the proposed changes to the absentee ballot system. HB 294 currently would do the following:

- Prohibits a Board of Elections from counting a ballot if it is not included in the specific envelopes sent to voters
- Creates a three-tiered voter ID system for absentee ballots that may confuse voters

² Boards of Elections should be empowered to develop a robust drop box system throughout their counties.

Combined, these two provisions create barriers to Ohioans who choose to vote absentee. What happens if a voter accidentally loses the envelope sent to them? Their ballot should still count. We also do not see a reason to create “preferential” language for which ID voters should provide when absentee voting—because all forms of ID are valid when absentee voting. This provision may confuse voters into believing they need to have one over the other. The language should simply list the valid forms of ID, nothing more.

The OEC Action Fund truly wishes it could support this bill and its potential for an automatic voter registration system and an online absentee ballot request system. If only those two systems were in the bill, we would be proponents. Instead, HB 294 changes the law in too many ways that simply create new barriers to Ohioans who fully deserve a comprehensive opportunity to vote. We urge this Committee, and all Ohio legislators, to reconsider HB 294, instead developing legislation that thoroughly empowers Ohioans to vote in whatever way is easiest for them.

Otherwise, absent significant amendments, the OEC Action Fund urges a no vote on HB 294, both in Committee and on the House floor. We hope the proposed Substitute HB 294 makes the necessary changes to improve the bill.

Chair Wilkin and Members of the committee, thank you for considering our perspective and our recommendations. I would be happy to answer any questions if you have them.

Chris Tavenor
Managing Director of Democracy Policy & Associate General Counsel
Ohio Environmental Council Action Fund
ctavenor@theoec.org