

## Wayne County Voter Academy: Voter Registration and Data

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Questions and Answers – May 28, 2024

*These are the questions that were submitted from our May 28<sup>th</sup> Voter Academy class. Some of the questions ask about material that wasn't covered in this class, but in the interest of transparency I'm sending all the questions and answers in this document. Some of the material that wasn't in May's class will be covered in more detail in an upcoming class.*

Will there be a recording of this presentation made available?

Hopefully, in time, yes. We recorded the program. I haven't had a chance to watch the footage yet, but as long as the audio and video are usable, we plan to have the video available soon. When it is available, I will send out a link.

In the example of a voter moving from Wayne to Medina County, could they vote by mail in ballot in the first county and then do a provisional ballot in the second county and slip through the cracks?

Could they vote an absentee ballot in one county and a provisional in another county? Yes. Would both ballots count? Absolutely not. When the second county received the provisional ballot, they would look up the voter in the Statewide Voter Database and see that the voter is registered in the first county. They would then contact the other county and check to see if the voter is registered there, and if the voter cast a ballot. Because the voter had already cast an absentee ballot, the provisional would not be counted, and the voter would be referred to the county prosecutor for possible criminal charges.

Why not register anyone when they get their driver's license?

This is called automatic voter registration, and some states do this. In those states, a voter is automatically registered unless they opt out. In Ohio, everyone is offered the opportunity to register when they get their license, but they have to opt in. There are arguments for and against both perspectives. Ohio's system makes sure that voters intentionally wish to become registered.

Do all states practice the same process to qualify voters? If not, why doesn't the federal government make federal laws?

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Are other states as secure as Ohio?

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Does Wayne County ever close or do away with ballot boxes?

Wayne County has one ballot drop box. It is located directly outside the door to our office, and has been there since it was authorized by Ohio law in 2020. While the box is present and “open” year-round, ballots may only be deposited in the box during the 28 days preceding an election and on election day up until 7:30 PM. There are clear signs on the box advising the public of this policy. Why is the box still there and open outside of the time it can be used for ballots? It is a convenient way for the public to deliver forms to our office outside of our business hours.

So many people tell felons out of prison that they can’t vote, but they just need to reregister. Might be in an article for the Daily Record.

Voting rules for felons vary widely from state to state. In some states, not only are felons barred from life from voting, it’s another felony for them to even attempt to register. You can understand why they may be hesitant to do so! You raise a good point that many may not know that they can indeed reregister upon release in Ohio. This is a topic that we will try to mention whenever we do press releases about voter registration.

14<sup>th</sup> and 15<sup>th</sup> Amendments, Civil Rights Act, Voting Rights Act – With these laws, why are so many states allowed to keep people from voting?

This is a difficult question to answer. I cannot speak to how things may be in other states. I know that in Ohio, and everywhere, election law is a continued effort to strike a balance between access and security. Some states lean more to one direction while others do the opposite. In general, I think Ohio gets it right.

Is this program being offered statewide or only in Wayne County? Did Wayne County create the slides?

This specific program is a home-brewed Wayne County original. We created the entire program, including the slides here – this will be true of the entire Voter Academy series. Other counties may be conducting similar efforts, and we are always happy to share our work with them. A few counties have contacted us for more information on our program.

Public Safety can redact their address information in voting records to protect their identity and address. If they own a home, can they still be found through the Auditor’s office?

The section of Ohio law that allows certain professions to redact their address from public listings (O.R.C. 149.45(D)(1)) specifically excludes records of the county auditor. I reached out to the Auditor’s office to ask if there were any other means by which someone could redact their information. I was told that “there is no law that lets us redact a mailing address. The only thing that can be done is the individual may request a transfer of property and put it into just their initials but the property address could not be changed.”

How many duplicate verifications are handled during an election year?

To be clear, duplicates as discussed in our class are not duplicate votes, but rather the process by which duplicate voter records in the Statewide Voter Registration Database are resolved. These occur whenever a voter moves from one county to another.

In a given year, we resolve somewhere between 2,400 and 4,500 duplicates. Generally, about half of those are voters moving out of Wayne County, and half are voters moving into Wayne County.

Does Wayne County ever update through an election the A3A manufacturers in a township? Because many townships have been considered dry areas for years and decades without any exceptions. In many areas the original voters are deceased. Many of these areas could use the tax revenue brought in from an area allowing A3A licensing.

We'll touch on this topic a bit in the July "Candidates and Issues" class, but I will briefly answer your question about "dry" precincts in Ohio. A dry precinct is one that voted against the repeal of Prohibition in 1933 and has not since voted to allow sales.

Local Liquor Options are the means to present the question to voters to allow sales in a previously dry precinct. A petitioner can choose to seek a liquor option for a particular location (e.g. a single business), or to change a precinct from "wet" to "dry." In either case, the petitioner must circulate a petition within the precinct to place the question on the ballot.

Ohio liquor laws are very complex, and we generally advise people to seek out the assistance of an attorney or consultant familiar with the process. You can find very detailed information on all aspects of local liquor options in the Ohio Secretary of State's *Guide to Local Liquor Options Elections* available at

<https://www.ohiosos.gov/globalassets/publications/election/localops22.pdf>. You can contact our office for more specific information.

Why does the State of Ohio allow the counties to issue a state veteran's ID, but in order to vote you must have a federal veterans ID?

The short answer is that the new voter ID law that took effect in 2023 did not include the county-issued veteran's ID as valid ID for voting purposes, and we must comply with the law. After House Bill 458 went into effect last year, only the following forms of photo ID are acceptable for voting purposes in Ohio:

- Ohio driver's license, state ID card, or interim ID form issued by the Ohio Bureau of Motor Vehicles (BMV)
- A United States passport or passport card
- A U.S. Military ID Card, Ohio National Guard ID card, or a U.S. Department of Veteran's Affairs ID card

Any change to the list of acceptable photo ID would have to come from the legislature or courts.

Can illegal immigrants get a license to drive which automatically registers them to vote?

No one in Ohio is automatically registered to vote when getting a driver's license or state ID. Every citizen getting a new driver's license or state ID is specifically asked if they would like to register, and only registered to vote if they say yes to that question.

Undocumented persons cannot be issued a driver's license or state ID in the state of Ohio because they lack the necessary required documents. Non-citizens that are in the country

legally, like green-card holders, people with work visas, international students and refugees, can be issued an Ohio driver's license or state ID, but are not offered voter registration. In fact, as part of the voter ID law that took effect in April of last year, their IDs will display a "NON-CITIZEN" label. The BMV shares the list of non-citizen ID holders with the office of the Secretary of State who checks that list annually against the list of registered Ohio voters to make sure they did not register other some other means.

Misconceptions are not fraud but errors that are made in any of the 88 counties allowing one to question "do we know who really won an election?"

The misconceptions that we covered in our class are all normal circumstances explainable by the legal processing of voter information in Ohio that can be mistakenly perceived as errors. If you refer to the slides, each misconception is addressed, explaining how these alleged "anomalies" are actually an expected occurrence in the processing of Ohio voter data under current law.

I am confident we can trust our election results. It is my hope that, as the Voter Academy continues and we discuss all of the thousands of checks and balances and safeguards in our process, you will be confident as well.

Are there registered voters in a mobile home or apartment with no unit number as required in Wayne County?

Yes, we do occasionally receive registrations that should include a secondary address range (like an apartment or lot number) but omit this information. These are entered and processed following the guidelines in the Ohio Election Official Manual. Remember that every new or updated registration is sent an acknowledgement notice to test the address. Anytime an acknowledgement notice is returned as undeliverable, the voter is placed into a confirmation status and required to cast a provisional ballot. If the mail is undeliverable due to a missing apartment or lot number, it would trigger this process.

If a registration form is received with incomplete information that doesn't allow the voter to be registered, we have an incomplete/invalid registration notice that we send to the voter to attempt to get a corrected registration.

It is also our routine practice to reach out to the voter to complete missing address information like a lot or apartment number whenever the registration form contains additional contact information like a phone number.

Do you check to confirm the ages of the oldest or too young to legally register?

Yes. A voter must be 18 years old by the next general election in order to register in Ohio. This age is confirmed as part of our registration process. Voters who are 17 years old but will be 18 by the general election are allowed to vote in primary elections. They are entered into our system with a special "Youth" status until they turn 18.

There is no maximum age for Ohio voter registration. Currently our oldest voter is 106 years old, born in 1918. Our youngest registered voter is 17 years old, and was born in 2006. They will turn 18 on November 2<sup>nd</sup>, three days before the next general election.

Did the county register voters on January 1<sup>st</sup> in 2020? Or on other federal holidays? Who really registers on these dates?

Yes. Wayne County currently has one active voter with a registration date of January 1, 2020. This voter registered on January 1<sup>st</sup> using the online voter registration portal provided by the Ohio Secretary of State. As we discussed in our class, when a voter registers using Ohio's online voter registration portal, their registration date is the date they submit the online registration. Because this convenient voter registration tool is available 24/7, 365 days a year, a voter can register on New Years day, or any other holiday. It is not uncommon at all for a voter to register using this tool when they are home from work – nights, weekends, and, yes, even federal holidays.

Why aren't we allowed to ask if a voter is a US citizen at the polls

**The short answer:** Every voter attests to their US citizenship when registering to vote. They have already been asked. The process of checking in a voter, included what questions are asked, is established by Ohio Law and directions from the Ohio Secretary of State. Asking about citizenship is not included in this process. Challenging every voter may lead to an increase in charges of voter discrimination or harassment. Challenging only certain voters without specific reason (voters of a particular racial, ethnic, or national origin, for example) would be discriminatory and a violation of the 15<sup>th</sup> Amendment and the Voting Rights Act, in addition to other state and federal laws.

**The long answer:** The first question on the Ohio Voter Registration and Information Update form asks "Are you a U.S. citizen?" Furthermore, each voter attests that "I declare under penalty of election falsification I am a citizen of the United States" when registering to vote. If that question is answered "No," or is not answered, they are not registered. If the declaration that they are a citizen is not signed, they are not registered. This means that in order to be a registered voter, they have already established that they are a United States citizen, under the penalty of election falsification, a fifth-degree felony. Provisional voters are also signing an attestation that states "I solemnly swear or affirm, under penalty of election falsification, that I am a citizen of the United States." If this attestation is not signed, the provisional ballot cannot be counted and cannot be used to register the provisional voter.

Annually, through a process mandated by law, the voter registration list is checked against the Ohio BMV's record of non-citizens to ensure no non-citizens are registered to vote. Any confirmed non-citizen found to be registered is referred to prosecution.

On election day, if a precinct election worker (poll worker) has personal knowledge that a specific voter may not be a citizen, they can challenge that voter under a process provided for in Ohio Revised Code 3505.20. The voter would then have to complete a form 10-U provided by the Secretary of State (it's in the Poll Worker Manual). If the voter completes Form 10-U and the majority of the precinct election workers determine that the voter is eligible, the voter must be given a regular ballot. If the voter refuses to complete the Form 10-U or the majority of the precinct election officials are unable to determine the voter is eligible, the voter must cast a

provisional ballot. The provisional ballot will not be counted until the Board of Elections is able to verify that the voter is properly registered and eligible to vote in that election.

What is the budget for the Wayne County Board of Elections?

Our budget varies year-to-year based on the number and size of elections held in that year. A presidential election costs more to administer than a small local election. We take advantage of state and federal funding whenever the opportunity arises. Our expenditure for 2023 was \$874,818.

You can review our budgetary information (and that of every other county department) on the County Auditor's website at <https://waynecountyauditor.org/Posts?category=Budgetary%20%2F%20Budget%20Commission> (scroll down to Wayne County Annual Financial Report for the appropriate year).

What percentage of eligible voters are registered? What percentage of registered voters actually vote (generally speaking)?

Registration and turnout numbers can vary between elections, so for consistency I'll focus on the last Presidential election so we can compare local, state, and national numbers. At the time of the 2020 census, there were approximately 86,900 US citizens age 18 or older living in Wayne County. At the time of the November 2020 General Election, Wayne County had 74,505 registered voters. That gives us an 85.2% voter registration rate – quite impressive compared to the state-wide rate of 77% and the national rate of 72.2%. In the November General Election, Wayne County had a voter turnout rate of 73.6%, compared to a statewide rate of 67.1% and a national rate of 66%.

Regarding STEVE – I thought I heard that Ohio had withdrawn from a national voter database that was used to flag possible voter duplicate registrations – is this the same as STEVE?

No, they are different. STEVE (State and Territorial Exchange of Vital Events) is a multi-jurisdictional exchange of information on births and deaths. You're thinking of the Electronic Registration Information Center (ERIC), a nonprofit organization that exists to improve election integrity by helping states improve the accuracy of voter rolls and increase access to voter registration that is operated and financed by state election agencies and chief election officials. Ohio Secretary of State Frank LaRose announced Ohio's withdrawal from the ERIC collaborative in March of 2023.

SB 137 (I think that is the right bill) was offered as a way to restrict/prevent ranked choice voting as an option for local elections. How difficult would it be to implement ranked choice voting locally or statewide?

Yes, Ohio Senators Theresa Gavarone (R) and Bill DeMora (D) introduced SB 137, a bipartisan bill to generally prohibit use of ranked choice voting, in July of last year. The bill is currently in the Senate General Government Committee.

The difficulty of implementing ranked choice voting (RCV) locally has four aspects: legal, technical, practical, and fiscal. Legally, there would have to be a change in law to allow RCV to be used, and currently there doesn't seem to be a desire by the legislature to do so. Technically,

it would require a change in how our voting systems are programmed. This is a capability that is already built in our systems, but there would be a cost to implementing it. Then, there's the practical considerations. RCV is a complex process to explain, so its implementation would require a massive voter education effort to educate the public. We would also need to provide additional training to our poll workers so they could address voter's questions at the polls. Fiscally, the technical and practical considerations would require a fairly significant expenditure of funds.

If, because of the state law regarding when a candidate has to be formally nominated by their party, Biden is prevented from appearing on the ballot, what are the implications if all Biden votes are write-in? Does that create a lot more work for the Board of Elections? How much more time would it take to count all the write-in votes compared with counting the votes for a candidate that is on the ballot?

At the time I'm writing this, it appears the question of Biden's appearing on the ballot has largely been resolved, but I'll provide some general information on write-in votes.

A line for a write-in vote only appears in races where a write-in candidate has filed a valid declaration. In those races, we only count the votes for those declared write-in candidates. In every election there are always votes for Mickey Mouse and sometimes Elvis, but we don't count those as neither Mickey nor Elvis has ever filed paperwork to be a write-in candidate. There are specific requirements to be a write-in presidential candidate, and those declarations are filed with the Secretary of State. Local candidates file with us here in Wooster.

Write-in votes are manually processed one-by-one. The Director and Deputy Director work together to inspect them in a bipartisan process. This process takes some time, and is required to be completed by noon the day after the election. If there were a very high volume of write-in votes, members of the Board of Elections would be asked to come in and assist with the process in order to meet that deadline.

Give Bryon an A+ tonight – he didn't repeat himself once tonight!

This comment was clearly submitted by a veteran of my Poll Worker classes! Thank you, I'll take the "A." We tend to repeat information in different ways during the Poll Worker classes to emphasize important details. Our Voter Academy covers so much information in a one-hour class that there's only enough time to go over everything once. I appreciate your attendance and attention!