



August 14, 2023

Benjamin A. Sparks, Esq.
American Oversight
1030 15th Street NW, B255
Washington, D.C. 20005
ben.sparks@americanoversight.org

Sent via email

Re: Public Records Request No. 351

Dear Mr. Sparks:

This letter responds to your public records request no. 351 (SOS no. 23-135), originally submitted to the Ohio Secretary of State's Office on April 13, 2023, for the following records:

All email communications (including emails, email attachments, calendar invitations, and calendar invitation attachments) between (a) any of the Office of the Ohio Secretary of State personnel listed below, and (b) any member of the U.S. House of Representatives, U.S. Senate, Ohio House of Representatives, or Ohio Senate, or anyone communicating on behalf of any U.S. House of Representatives office, U.S. Senate office, Ohio House of Representatives office, or Ohio Senate office (including, but not limited to, anyone communicating from an email address ending in mail.house.gov, senate.gov, ohiohouse.gov, or ohiosenate.gov).

Ohio Office of the Secretary of State Personnel:

- i. Frank LaRose, Secretary of State**
- ii. Kimberly Burns, Director of Operations & Assistant Secretary of State**
- iii. Jason Mauk, Chief of Staff**
- iv. Jeananne Chadsey, Deputy Chief of Staff**
- v. Paul Disantis, Chief Legal Counsel & Director of Public Policy**
- vi. Grant Shaffer, Director of External Affairs & Deputy Assistant Secretary of State**
- vii. Amanda Grandjean, Director of Elections & Deputy Assistant Secretary of State**

Please provide all responsive records from January 1, 2023, through the date your office receives this request.

American Oversight limits its request to records with the following subject matters: (1) the Data Analysis Transparency Archive Act, also known as the "DATA Act"; (2) election data; and (3) election transparency.

This office acknowledged your request on April 17, 2023. On May 5, 2023, this office denied your request as overly broad because the request did not clearly identify both the sender and recipient of the correspondence records sought. We explained that your request did not provide enough information to allow this office to identify responsive records, as it failed to identify the specific individuals within the federal and state House and Senate with whom the listed Secretary of State personnel may have been corresponding. We invited you to revise your request according to this explanation and identified our Office's records retention schedules as a reference for identifying records kept by the Office.

Please be advised that our office maintains that request no. 351 is overly broad to the extent that it fails to identify the specific correspondents with the federal and state House and Senate with whom the listed secretary of State employees may have been corresponding. This office does not maintain a list of every employee of the federal and state House and Senate; therefore, we cannot identify all responsive records without further clarification.

However, notwithstanding this objection, we were able to perform a search of our office's records and have identified some records which may be of interest to you. Specifically, we performed a search of the email inboxes of the listed SOS employees for the given date scope with the following keywords: ("mail.house.gov" OR "senate.gov" OR "ohiohouse.gov" OR "ohiosenate.gov") AND ("Data Analysis Transparency Archive Act" OR "DATA Act" OR "election data" OR "election transparency"). With this search, we were able to identify seven emails which we believe to be responsive to your request. We are producing those seven emails along with this letter in the interest of transparency and without waiving our previous objections to the overly broad scope of this request.

This concludes our office's response to request no. 351.

Sincerely,

Julia Lawrence



**Julia Lawrence | Assistant Chief Legal
Counsel**

Office of the Ohio Secretary of State

Office: 614.728.9505

Email: jlawrence@OhioSOS.gov

Lawrence, Julia

From: Andrew.Uxley@ohiosenate.gov
Sent: Tuesday, February 21, 2023 2:48 PM
To: Grandjean, Amanda
Subject: [EXTERNAL] Draft
Attachments: I_135_0668.pdf

******Secretary of State Security Notice******

This e-mail is from an external source. Think before you click links or open attachments.

Hey Mandi,

Here's the draft.

We took a very quick scan and there are a couple things that she is going to want to change.

I'll give you a call shortly.

Thanks!

I_135_0668

135th General Assembly
Regular Session
2023-2024

. B. No.

A BILL

To amend sections 3503.13, 3503.15, and 3505.31 and
to enact sections 111.11, 3503.151, 3503.152,
and 3503.153 of the Revised Code to enact the
Data Analysis Transparency Archive (DATA) Act to
establish the Office of Data Analytics and
Archives in the Office of the Secretary of State
and to modify requirements for the Statewide
Voter Registration Database and other election
records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3503.13, 3503.15, and 3505.31 be
amended and sections 111.11, 3503.151, 3503.152, and 3503.153 of
the Revised Code be enacted to read as follows:

Sec. 111.11. The office of data analytics and archives is
created in the office of the secretary of state. Under the
direction of the secretary of state, the office shall do both of
the following:

(A) Retain, analyze, and publish voter registration and


inq5huids8bsp6pr4wgqsb

other election related data; 18

(B) Retain, analyze, and publish business services data. 19

Sec. 3503.13. ~~(A)(A)(1)~~ Except as otherwise provided in 20
~~division (A)(2) of this section 111.44 of the Revised Code or by~~ 21
~~state or federal law, voter registration forms submitted by~~ 22
applicants and the statewide voter registration database 23
established under section 3503.15 of the Revised Code ~~shall be~~ 24
~~open to are public inspection at all times when the office of~~ 25
~~the board of elections is open for business, under such~~ 26
~~regulations as the board adopts, provided that no person shall~~ 27
~~be permitted to inspect voter registration forms except in the~~ 28
~~presence of an employee of the board records subject to~~ 29
disclosure under section 149.43 of the Revised Code. 30

(2) None of the following are subject to disclosure under 31
division (A)(1) of this section: 32

(a) An elector's full or partial social security number, 33
driver's license or state identification card number, telephone 34
number, electronic mail address, or signature; 35

(b) A confidential voter registration record, as described 36
in section 111.44 of the Revised Code; 37

(c) The address of a designated public service worker, if 38
the designated public service worker has submitted a redaction 39
request to the board of elections under section 149.45 of the 40
Revised Code; 41

(d) Any other information that is prohibited from being 42
disclosed by state or federal law. 43

(B) A board of elections may use a legible digitized 44
signature list of voter signatures, copied from the signatures 45

on the registration forms in a form and manner prescribed by the 46
secretary of state, provided that the board includes the 47
required voter registration information in the statewide voter 48
registration database established under section 3503.15 of the 49
Revised Code, and provided that the precinct election officials 50
have computer printouts at the polls prepared in the manner 51
required under section 3503.23 of the Revised Code. 52

Sec. 3503.15. ~~(A)(1)~~(A) The secretary of state shall 53
establish and maintain a statewide voter registration database 54
that shall be administered by the office of data analytics and 55
archives in the office of the secretary of state and made 56
continuously available to each board of elections and to other 57
agencies as authorized by law. 58

~~(2)(a) State agencies, including, but not limited to, the 59
department of health, the bureau of motor vehicles, the 60
department of job and family services, the department of 61
medicaid, and the department of rehabilitation and corrections, 62
shall provide any information and data to the secretary of state 63
that is collected in the course of normal business and that is 64
necessary to register to vote, to update an elector's 65
registration, or to maintain the statewide voter registration 66
database established pursuant to this section, except where 67
prohibited by federal law or regulation. The department of 68
health, the bureau of motor vehicles, the department of job and 69
family services, the department of medicaid, and the department 70
of rehabilitation and corrections shall provide that information 71
and data to the secretary of state not later than the last day 72
of each month. The secretary of state shall ensure that any 73
information or data provided to the secretary of state that is 74
confidential in the possession of the entity providing the data 75
remains confidential while in the possession of the secretary of 76~~

~~state. No public office, and no public official or employee, shall sell that information or data or use that information or data for profit.~~ 77
78
79

~~(b) Information provided under this division for maintenance of the statewide voter registration database shall not be used to update the name or address of a registered elector. The name or address of a registered elector shall only be updated as a result of the elector's actions in filing a notice of change of name, change of address, or both.~~ 80
81
82
83
84
85

~~(c) A board of elections shall contact a registered elector pursuant to the rules adopted under division (D) (7) of this section to verify the accuracy of the information in the statewide voter registration database regarding that elector if that information does not conform with information provided under division (A) (2) (a) of this section and the discrepancy would affect the elector's eligibility to cast a regular ballot.~~ 86
87
88
89
90
91
92

~~(3) (a) The secretary of state shall enter into agreements to share information or data that is in the possession of the secretary of state with other states or groups of states, as the secretary of state considers necessary, in order to maintain the statewide voter registration database established pursuant to this section. Except as otherwise provided in division (A) (3) (b) of this section, the secretary of state shall ensure that any information or data provided to the secretary of state that is confidential in the possession of the state providing the data remains confidential while in the possession of the secretary of state.~~ 93
94
95
96
97
98
99
100
101
102
103

~~(b) The secretary of state may provide such otherwise confidential information or data to persons or organizations that are engaging in legitimate governmental purposes related to~~ 104
105
106

~~the maintenance of the statewide voter registration database. 107~~
~~The secretary of state shall adopt rules pursuant to Chapter 108~~
~~119. of the Revised Code identifying the persons or 109~~
~~organizations who may receive that information or data. The 110~~
~~secretary of state shall not share that information or data with 111~~
~~a person or organization not identified in those rules. The 112~~
~~secretary of state shall ensure that a person or organization 113~~
~~that receives confidential information or data under this 114~~
~~division keeps the information or data confidential in the 115~~
~~person's or organization's possession by, at a minimum, entering 116~~
~~into a confidentiality agreement with the person or 117~~
~~organization. Any confidentiality agreement entered into under 118~~
~~this division shall include a requirement that the person or 119~~
~~organization submit to the jurisdiction of this state in the 120~~
~~event that the person or organization breaches the agreement. 121~~

~~(4) No person or entity that receives information or data 122~~
~~under division (A) (3) of this section shall sell the information 123~~
~~or data or use the information or data for profit. 124~~

~~(5) The secretary of state shall regularly transmit to the 125~~
~~boards of elections, to the extent permitted by state and 126~~
~~federal law, the information and data the secretary of state 127~~
~~receives under divisions (A) (2) and (3) of this section that is 128~~
~~necessary to do the following, in order to ensure that the 129~~
~~accuracy of the statewide voter registration database is 130~~
~~maintained on a regular basis in accordance with applicable 131~~
~~state and federal law: 132~~

~~(a) Require the boards of elections to maintain the 133~~
~~database in a manner that ensures that the name of each 134~~
~~registered elector appears in the database, that only 135~~
~~individuals who are not registered or eligible to vote are 136~~

~~removed from the database, and that duplicate registrations are~~ 137
~~eliminated from the database;~~ 138

~~(b) Require the boards of elections to make a reasonable~~ 139
~~effort to remove individuals who are not eligible to vote from~~ 140
~~the database;~~ 141

~~(c) Establish safeguards to ensure that eligible electors~~ 142
~~are not removed in error from the database.~~ 143

~~(B) The statewide voter registration database established~~ 144
~~under this section shall be the official list of registered~~ 145
~~voters electors for all elections conducted in this state.~~ 146

~~(C) (B) The statewide voter registration database~~ 147
~~established under this section shall, at a minimum, include all~~ 148
~~of the following:~~ 149

(1) An electronic network that connects all board of 150
elections offices with the office of the secretary of state and 151
with the offices of all other boards of elections; 152

(2) A computer program that harmonizes the records 153
contained in the database with records maintained by each board 154
of elections; 155

(3) An interactive computer program that allows access to 156
the records contained in the database by each board of elections 157
and by any persons authorized by the secretary of state to add, 158
delete, modify, or print database records, and to conduct 159
updates of the database; 160

(4) A search program capable of verifying registered 161
~~voters electors~~ and their registration information by name, 162
driver's license or state identification card number, birth 163
date, social security number, or current address; 164

(5) Safeguards and components to ensure that the integrity, security, and confidentiality of the voter registration information is maintained;

(6) Methods to retain canceled voter registration records for not less than five years after they are canceled and to record the reason for their cancellation.

(C) For each registered elector, the statewide voter registration database shall include all of the following information:

(1) The elector's name;

(2) The elector's birth date;

(3) The elector's current residence address;

(4) The elector's precinct number;

(5) The elector's Ohio driver's license or state identification card number, if available;

(6) The last four digits of the elector's social security number, if available;

(7) The elector's telephone number, if available;

(8) The elector's electronic mail address, if available;

(9) (a) The elector's voter registration date, which shall be determined based on the elector's most recent application to register to vote in this state, subject to division (C) (9) (b) of this section, as follows:

(i) In the case of an application delivered in person to a state or local office of a designated agency, the office of the registrar or any deputy registrar of motor vehicles, a public high school or vocational school, a public library, or the

office of a county treasurer, the date stamped on the 192
application upon receipt by the entity that transmits the 193
application to the board of elections or the secretary of state; 194

(ii) In the case of an application delivered in person to 195
a board of elections or the secretary of state, the date stamped 196
on the application upon receipt by the board of elections or the 197
secretary of state, as applicable; 198

(iii) In the case of an application delivered by mail to a 199
board of elections or the secretary of state, the date the 200
elector provides on the application; 201

(iv) In the case of an application submitted through the 202
online voter registration system established under section 203
3503.20 of the Revised Code, the date of the online submission; 204

(v) In the case of an application submitted to a board of 205
elections by facsimile transmission or electronic mail under 206
Chapter 3511. of the Revised Code, the date of the receipt of 207
the transmission or electronic mail by the board of elections; 208

(vi) In the case of a provisional ballot affirmation that 209
serves as an application to register to vote in future elections 210
because the individual who cast the ballot is not registered to 211
vote, the date the board of elections determines that the 212
provisional ballot is invalid under section 3505.183 of the 213
Revised Code. 214

(b) For purposes of determining an elector's voter 215
registration date under division (C) (9) (a) of this section, all 216
of the following apply: 217

(i) An elector's voter registration date shall not be 218
during the period beginning on the day after the close of voter 219
registration before an election and ending on the day of the 220

election. If the date determined under division (C) (9) (a) of 221
this section would be during that period, the voter registration 222
date instead shall be the date on which the board of elections 223
processes the application to register to vote after the day of 224
the election. 225

(ii) A change of address or change of name form, including 226
a provisional ballot affirmation that serves as a change of 227
address or change of name form, is not considered an application 228
to register to vote. 229

(iii) An application to register to vote that is submitted 230
by an individual who is already registered to vote in this state 231
is not considered an application to register to vote. 232

(10) The elector's voting history, including all of the 233
following for each election in which the elector cast a ballot 234
that was counted: 235

(a) The date of the election; 236

(b) If the election was a primary election, the political 237
party whose ballot the elector cast at the primary election or 238
an indication that the elector voted only on the questions and 239
issues appearing on the ballot at a special election held on the 240
day of the primary election; 241

(c) The type of ballot the elector cast. 242

(11) The elector's last activity date, which shall be 243
determined in accordance with rules adopted by the secretary of 244
state pursuant to Chapter 119. of the Revised Code. 245

(12) Any other information the secretary of state requires 246
to be included by rule adopted pursuant to Chapter 119. of the 247
Revised Code. 248

(D) Every day during the period beginning on the forty-sixth day before an election and ending on the eighty-first day after the day of the election, a board of elections shall create a daily record of its voter registration database as of four p.m. and shall transmit the daily record to the secretary of state in a secure manner prescribed by the secretary of state. The secretary of state shall archive the daily record and retain it for at least twenty-two months after the day of the election. 249
250
251
252
253
254
255
256

(E) The secretary of state shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section and sections 3503.151 to 3503.153 of the Revised Code, including rules doing all of the following: 257
258
259
260

(1) Specifying the manner in which ~~existing any~~ voter registration records maintained by boards of elections in other data formats shall be converted ~~to electronic files~~ for inclusion in the statewide voter registration database; 261
262
263
264

(2) Establishing a uniform method for entering voter registration records into the statewide voter registration database on an expedited basis, but not less than once per day, if new registration information is received, and for transmitting information securely to the secretary of state; 265
266
267
268
269

(3) Establishing a uniform method for purging canceled voter registration records from the statewide voter registration database in accordance with section 3503.21 of the Revised Code; 270
271
272

(4) Specifying the persons authorized to add, delete, modify, or print records contained in the statewide voter registration database and to make updates of that database; 273
274
275

(5) Establishing a process for annually auditing the information contained in the statewide voter registration 276
277

database† 278

~~(6) Establishing, by mutual agreement with the bureau of motor vehicles, the content and format of the information and data the bureau of motor vehicles shall provide to the secretary of state under division (A) (2) (a) of this section and the frequency with which the bureau shall provide that information and data;~~ 279
280
281
282
283
284

~~(7) Establishing a uniform method for addressing instances in which records contained in the statewide voter registration database do not conform with records maintained by an agency, state, or group of states described in division (A) (2) (a) or (3) (a) of this section. That method shall prohibit an elector's voter registration from being canceled on the sole basis that the information in the registration record does not conform to records maintained by such an agency.~~ 285
286
287
288
289
290
291
292

~~(E)~~ (F) A board of elections promptly shall purge a voter's name and voter registration information from the statewide voter registration database in accordance with the rules adopted by the secretary of state under division ~~(D) (3)~~ (E) (3) of this section after the cancellation of a voter's registration under section 3503.21 of the Revised Code. 293
294
295
296
297
298

~~(F)~~ (G) The secretary of state shall provide training in the operation of the statewide voter registration database to each board of elections and to any persons authorized by the secretary of state to add, delete, modify, or print database records, and to conduct updates of the database. 299
300
301
302
303

~~(G) (1) The statewide voter registration database established under this section shall be made available on a web site of the office of the secretary of state as follows:~~ 304
305
306

~~(a) Except as otherwise provided in division (G) (1) (b) of this section, the following information from the statewide voter registration database regarding a registered voter shall be made available on the web site:~~ 307
308
309
310

~~(i) The voter's name;~~ 311

~~(ii) The voter's address;~~ 312

~~(iii) The voter's precinct number;~~ 313

~~(iv) The voter's voting history.~~ 314

~~(b) During the thirty days before the day of a primary or general election, the web site interface of the statewide voter registration database shall permit a voter to search for the polling location at which that voter may cast a ballot.~~ 315
316
317
318

~~(2) The secretary of state shall establish, by rule adopted under Chapter 119. of the Revised Code, a process for boards of elections to notify the secretary of state of changes in the locations of precinct polling places for the purpose of updating the information made available on the secretary of state's web site under division (G) (1) (b) of this section. Those rules shall require a board of elections, during the thirty days before the day of a primary or general election, to notify the secretary of state within one business day of any change to the location of a precinct polling place within the county.~~ 319
320
321
322
323
324
325
326
327
328

~~(3) During the thirty days before the day of a primary or general election, not later than one business day after receiving a notification from a county pursuant to division (G) (2) of this section that the location of a precinct polling place has changed, the secretary of state shall update that information on the secretary of state's web site for the purpose of division (G) (1) (b) of this section.~~ 329
330
331
332
333
334
335

~~(H) The secretary of state shall conduct an annual review of the statewide voter registration database as follows:~~ 336
337

~~(1) The secretary of state shall compare the information in the statewide voter registration database with the information the secretary of state obtains from the bureau of motor vehicles under division (A) (2) of this section to identify any person who does all of the following, in the following order:~~ 338
339
340
341
342
343

~~(a) Submits documentation to the bureau of motor vehicles that indicates that the person is not a United States citizen;~~ 344
345

~~(b) Registers to vote, submits a voter registration change of residence or change of name form, or votes in this state;~~ 346
347

~~(c) Submits documentation to the bureau of motor vehicles that indicates that the person is not a United States citizen.~~ 348
349

~~(2) The secretary of state shall send a written notice to each person identified under division (H) (1) of this section, instructing the person either to confirm that the person is a United States citizen or to submit a completed voter registration cancellation form to the secretary of state. The secretary of state shall include a blank voter registration cancellation form with the notice. If the person fails to respond to the secretary of state in the manner described in division (H) (3) or (4) of this section not later than thirty days after the notice was sent, the secretary of state promptly shall send the person a second notice and form.~~ 350
351
352
353
354
355
356
357
358
359
360

~~(3) If, not later than sixty days after the first notice was sent, a person who is sent a notice under division (H) (2) of this section responds to the secretary of state, confirming that the person is a United States citizen, the secretary of state~~ 361
362
363
364

~~shall take no action concerning the person's voter registration.~~ 365

~~(4) If, not later than sixty days after the first notice
was sent, a person who receives a notice under division (H) (2)
of this section sends a completed voter registration
cancellation form to the secretary of state, the secretary of
state shall instruct the board of elections of the county in
which the person is registered to cancel the person's
registration.~~ 366
367
368
369
370
371
372

~~(5) If a person who was sent a second notice under
division (H) (2) of this section fails to respond to the
secretary of state in the manner described in division (H) (3) or
(4) of this section not later than thirty days after the second
notice was sent, the secretary of state shall refer the matter
to the attorney general for further investigation and possible
prosecution under section 3599.11, 3599.12, 3599.13, or any
other applicable section of the Revised Code. If, after the
thirtieth day after the second notice was sent, the person sends
a completed voter registration cancellation form to the
secretary of state, the secretary of state shall instruct the
board of elections of the county in which the person is
registered to cancel the person's registration and shall notify
the attorney general of the cancellation.~~ 373
374
375
376
377
378
379
380
381
382
383
384
385
386

~~(6) The secretary of state shall not conduct the review
described in division (H) of this section during the ninety days
immediately preceding a primary or general election for federal
office. A board of elections and any vendor with which it
contracts to provide voter registration software or related
services shall ensure that the board's voter registration system
and practices comply with the requirements of this section and
any rules adopted under this section.~~ 387
388
389
390
391
392
393
394

Sec. 3503.151. (A) The secretary of state, through the 395
office of data analytics and archives, and the boards of 396
elections shall maintain the accuracy of the statewide voter 397
registration database in accordance with this section. 398

(B) (1) State agencies, including, but not limited to, the 399
department of health, the bureau of motor vehicles, the 400
department of job and family services, the department of 401
medicaid, and the department of rehabilitation and corrections, 402
shall provide any information and data to the secretary of state 403
that is collected in the course of normal business and that is 404
necessary to register to vote, to update an elector's 405
registration, or to maintain the statewide voter registration 406
database, except where prohibited by federal law or regulation. 407
The department of health, the bureau of motor vehicles, the 408
department of job and family services, the department of 409
medicaid, and the department of rehabilitation and corrections 410
shall provide that information and data to the secretary of 411
state not later than the last day of each month. The secretary 412
of state shall ensure that any information or data provided to 413
the secretary of state that is confidential in the possession of 414
the entity providing the data remains confidential while in the 415
possession of the secretary of state. No public office, and no 416
public official or employee, shall sell that information or data 417
or use that information or data for profit. 418

(2) The secretary of state shall adopt rules under Chapter 419
119. of the Revised Code that establish, by mutual agreement 420
with the bureau of motor vehicles, the content and format of the 421
information and data the bureau of motor vehicles shall provide 422
to the secretary of state under division (B) (1) of this section 423
and the frequency with which the bureau shall provide that 424
information and data. 425

(C) (1) The secretary of state shall enter into agreements 426
to share information or data that is in the possession of the 427
secretary of state with other states or groups of states, as the 428
secretary of state considers necessary, in order to maintain the 429
statewide voter registration database. Except as otherwise 430
provided in division (C) (2) of this section, the secretary of 431
state shall ensure that any information or data provided to the 432
secretary of state that is confidential in the possession of the 433
state providing the data remains confidential while in the 434
possession of the secretary of state. 435

(2) The secretary of state may provide such otherwise 436
confidential information or data to persons or organizations 437
that are engaging in legitimate governmental purposes related to 438
the maintenance of the statewide voter registration database. 439
The secretary of state shall adopt rules pursuant to Chapter 440
119. of the Revised Code identifying the persons or 441
organizations who may receive that information or data. The 442
secretary of state shall not share that information or data with 443
a person or organization not identified in those rules. The 444
secretary of state shall ensure that a person or organization 445
that receives confidential information or data under this 446
division keeps the information or data confidential in the 447
person's or organization's possession by, at a minimum, entering 448
into a confidentiality agreement with the person or 449
organization. Any confidentiality agreement entered into under 450
this division shall include a requirement that the person or 451
organization submit to the jurisdiction of this state in the 452
event that the person or organization breaches the agreement. 453

(3) No person or entity that receives information or data 454
under division (C) of this section shall sell the information or 455
data or use the information or data for profit. 456

(D) The secretary of state shall regularly transmit to the 457
boards of elections, to the extent permitted by state and 458
federal law, the information and data the secretary of state 459
receives under divisions (B) and (C) of this section that is 460
necessary to do the following, in order to ensure that the 461
accuracy of the statewide voter registration database is 462
maintained on a regular basis in accordance with applicable 463
state and federal law: 464

(1) Require the boards of elections to maintain the 465
database in a manner that ensures that the name of each 466
registered elector appears in the database, that only 467
individuals who are not registered or eligible to vote are 468
removed from the database, and that duplicate registrations are 469
eliminated from the database; 470

(2) Require the boards of elections to make a reasonable 471
effort to remove individuals who are not eligible to vote from 472
the database; 473

(3) Establish safeguards to ensure that eligible electors 474
are not removed in error from the database. 475

(E) (1) The secretary of state shall adopt rules under 476
Chapter 119. of the Revised Code to establish a uniform method 477
for addressing instances in which records contained in the 478
statewide voter registration database do not conform with 479
records maintained by an agency, state, or group of states 480
described in division (B) or (C) of this section. That method 481
shall prohibit an elector's voter registration from being 482
canceled on the sole basis that the information in the 483
registration record does not conform to records maintained by 484
such an agency. 485

(2) Information provided under division (B) or (C) of this 486
section for maintenance of the statewide voter registration 487
database shall not be used to update the name or address of a 488
registered elector. The name or address of a registered elector 489
shall only be updated as a result of the elector's actions in 490
filing a notice of change of name, change of address, or both. 491

(3) A board of elections shall contact a registered 492
elector pursuant to the rules adopted under division (E) (1) of 493
this section to verify the accuracy of the information in the 494
statewide voter registration database regarding that elector if 495
that information does not conform with information provided 496
under division (B) or (C) of this section and the discrepancy 497
would affect the elector's eligibility to cast a regular ballot. 498

Sec. 3503.152. The secretary of state shall conduct an 499
annual review of the statewide voter registration database to 500
identify persons who appear not to be United States citizens, as 501
follows: 502

(A) The secretary of state shall compare the information 503
in the statewide voter registration database with the 504
information the secretary of state obtains from the bureau of 505
motor vehicles under section 3503.151 of the Revised Code to 506
identify any person who does all of the following, in the 507
following order: 508

(1) Submits documentation to the bureau of motor vehicles 509
that indicates that the person is not a United States citizen; 510

(2) Registers to vote, submits a voter registration change 511
of residence or change of name form, or votes in this state; 512

(3) Submits documentation to the bureau of motor vehicles 513
that indicates that the person is not a United States citizen. 514

(B) The secretary of state shall send a written notice to 515
each person identified under division (A) of this section, 516
instructing the person either to confirm that the person is a 517
United States citizen or to submit a completed voter 518
registration cancellation form to the secretary of state. The 519
secretary of state shall include a blank voter registration 520
cancellation form with the notice. If the person fails to 521
respond to the secretary of state in the manner described in 522
division (C) or (D) of this section not later than thirty days 523
after the notice is sent, the secretary of state promptly shall 524
send the person a second notice and form. 525

(C) If, not later than sixty days after the first notice 526
is sent, a person who is sent a notice under division (B) of 527
this section responds to the secretary of state, confirming that 528
the person is a United States citizen, the secretary of state 529
shall take no action concerning the person's voter registration. 530

(D) If, not later than sixty days after the first notice 531
was sent, a person who receives a notice under division (B) of 532
this section sends a completed voter registration cancellation 533
form to the secretary of state, the secretary of state shall 534
instruct the board of elections of the county in which the 535
person is registered to cancel the person's registration. 536

(E) If a person who is sent a second notice under division 537
(B) of this section fails to respond to the secretary of state 538
in the manner described in division (C) or (D) of this section 539
not later than thirty days after the second notice is sent, the 540
secretary of state shall refer the matter to the attorney 541
general for further investigation and possible prosecution under 542
section 3599.11, 3599.12, 3599.13, or any other applicable 543
section of the Revised Code. If, after the thirtieth day after 544

the second notice is sent, the person sends a completed voter registration cancellation form to the secretary of state, the secretary of state shall instruct the board of elections of the county in which the person is registered to cancel the person's registration and shall notify the attorney general of the cancellation. 545
546
547
548
549
550

(F) The secretary of state shall not conduct the review described in this section during the ninety days immediately preceding a primary or general election for federal office. 551
552
553

Sec. 3503.153. (A) The statewide voter registration database shall be made available on a web site of the office of the secretary of state as follows: 554
555
556

(1) Except as otherwise provided in division (A)(2) of this section, the following information from the statewide voter registration database regarding a registered elector shall be made available on the web site: 557
558
559
560

(a) The elector's name; 561

(b) The elector's birth date; 562

(c) The elector's current residence address; 563

(d) The elector's precinct number; 564

(e) The elector's voter registration date, as described in division (C)(9) of section 3503.15 of the Revised Code; 565
566

(f) The elector's voting history, as described in division (C)(10) of section 3503.15 of the Revised Code; 567
568

(g) The elector's last activity date, as described in division (C)(11) of section 3503.15 of the Revised Code. 569
570

(2) During the thirty days before the day of a primary or 571

general election, the web site interface of the statewide voter registration database shall permit an elector to search for the polling location at which that elector may cast a ballot. 572
573
574

(3) No information in the statewide voter registration database that is exempt from disclosure under division (A)(2) of section 3503.13 of the Revised Code shall be made available on the web site. 575
576
577
578

(B)(1) The secretary of state shall establish, by rule adopted under Chapter 119. of the Revised Code, a process for boards of elections to notify the secretary of state of changes in the locations of precinct polling places for the purpose of updating the information made available on the secretary of state's web site under division (A)(2) of this section. Those rules shall require a board of elections, during the thirty days before the day of a primary or general election, to notify the secretary of state within one business day of any change to the location of a precinct polling place within the county. 579
580
581
582
583
584
585
586
587
588

(2) During the thirty days before the day of a primary or general election, not later than one business day after receiving a notification from a county pursuant to division (B)(1) of this section that the location of a precinct polling place has changed, the secretary of state shall update that information on the secretary of state's web site for the purpose of division (A)(2) of this section. 589
590
591
592
593
594
595

Sec. 3505.31. When the results of the voting in a polling place on the day of an election have been determined and entered upon the proper forms and the certifications of those results have been signed by the precinct officials, those officials, before leaving the polling place, shall place all ballots that they have counted in containers provided for that purpose by the 596
597
598
599
600
601

board of elections, and shall seal each container in a manner 602
that it cannot be opened without breaking the seal or the 603
material of which the container is made. They shall also seal 604
the pollbook, poll list or signature pollbook, and tally sheet 605
in a manner that the data contained in these items cannot be 606
seen without breaking the seals. On the outside of these items 607
shall be a plain indication that they are to be filed with the 608
board. The voting location manager and an employee or appointee 609
of the board of elections who has taken an oath to uphold the 610
laws and constitution of this state, including an oath that the 611
person will promptly and securely perform the duties required 612
under this section and who is a member of a different political 613
party than the voting location manager, shall then deliver to 614
the board the containers of ballots and the sealed pollbook, 615
poll list, and tally sheet, together with all other election 616
reports, materials, and supplies required to be delivered to the 617
board. 618

The board shall carefully preserve all ballots prepared 619
and provided by it for use in an election, whether used or 620
unused, including any electronic images of ballots, for ~~sixty-at~~ 621
least eighty-one days after the day of the election, except 622
that, if an election includes the nomination or election of 623
candidates for any of the offices of president, vice-president, 624
presidential elector, member of the senate of the congress of 625
the United States, or member of the house of representatives of 626
the congress of the United States, the board shall carefully 627
preserve all ballots prepared and provided by it for use in that 628
election, whether used or unused, for twenty-two months after 629
the day of the election. If an election is held within that 630
~~sixty-day~~ eighty-one-day period, the board shall have authority 631
to transfer those ballots to other containers to preserve them 632

until the ~~sixty day eighty-one day~~ period has expired. After 633
that ~~sixty day eighty-one day~~ period, the ballots shall be 634
disposed of by the board in a manner that the board orders, or 635
where voting machines have been used the counters may be turned 636
back to zero; provided that the secretary of state, within that 637
~~sixty day eighty-one day~~ period, may order the board to preserve 638
the ballots or any part of the ballots for a longer period of 639
time, in which event the board shall preserve those ballots for 640
that longer period of time. 641

In counties where voting machines are used, if an election 642
is to be held within the ~~sixty eighty-one~~ days immediately 643
following a primary, general, or special election or within any 644
period of time within which the ballots have been ordered 645
preserved by the secretary of state or a court of competent 646
jurisdiction, the board, after giving notice to all interested 647
parties and affording them an opportunity to have a 648
representative present, shall open the compartments of the 649
machines and, without unlocking the machines, shall recanvass 650
the vote cast in them as if a recount were being held. The 651
results shall be certified by the board, and this certification 652
shall be filed in the board's office and retained for the 653
remainder of the period for which ballots must be kept. After 654
preparation of the certificate, the counters may be turned back 655
to zero, and the machines may be used for the election. 656

The board shall carefully preserve the pollbook, poll list 657
or signature pollbook, and tally sheet delivered to it from each 658
polling place until it has completed the official canvass of the 659
election returns from all precincts in which electors were 660
entitled to vote at an election, and has prepared and certified 661
the abstracts of election returns, as required by law. The board 662
shall not break, or permit anyone to break, the seals upon the 663

pollbook, poll list or signature pollbook, and tally sheet, or 664
make, or permit any one to make, any changes or notations in 665
these items, while they are in its custody, except as provided 666
by section 3505.32 of the Revised Code. 667

Pollbooks and poll lists or signature pollbooks of a party 668
primary election delivered to the board from polling places 669
shall be carefully preserved by it for two years after the day 670
of election in which they were used, and shall then be disposed 671
of by the board in a manner that the board orders. 672

Pollbooks, poll lists or signature pollbooks, tally 673
sheets, summary statements, and other records and returns of an 674
election delivered to it from polling places shall be carefully 675
preserved by the board for two years after the day of the 676
election in which they were used, and shall then be disposed of 677
by the board in a manner that the board orders. 678

Section 2. That existing sections 3503.13, 3503.15, and 679
3505.31 of the Revised Code are hereby repealed. 680

Section 3. The General Assembly intends to appropriate 681
funds to the Office of the Secretary of State to pay the costs 682
incurred by the Secretary of State and the boards of elections 683
in meeting the requirements of this act. 684

Section 4. This act shall be known as the Data Analysis 685
Transparency Archive (DATA) Act. 686

Lawrence, Julia

From: Andrew.Uxley@ohiosenate.gov
Sent: Tuesday, February 21, 2023 4:51 PM
To: Grandjean, Amanda
Subject: RE: [EXTERNAL] Draft
Attachments: I_135_0668-1.pdf

****Secretary of State Security Notice****

This e-mail is from an external source. Think before you click links or open attachments.

Lightning fast as promised!

From: Grandjean, Amanda <agrandjean@OhioSOS.Gov>
Sent: Tuesday, February 21, 2023 2:50 PM
To: Uxley, Andrew <Andrew.Uxley@ohiosenate.gov>
Subject: RE: [EXTERNAL] Draft

You got it, thanks! Go ahead and call my cell. I am free all afternoon. 330-412-4467

From: Andrew.Uxley@ohiosenate.gov <Andrew.Uxley@ohiosenate.gov>
Sent: Tuesday, February 21, 2023 2:48 PM
To: Grandjean, Amanda <agrandjean@OhioSOS.Gov>
Subject: [EXTERNAL] Draft

****Secretary of State Security Notice****

This e-mail is from an external source. Think before you click links or open attachments.

Hey Mandi,

Here's the draft.

We took a very quick scan and there are a couple things that she is going to want to change.

I'll give you a call shortly.

Thanks!

I_135_0668-1

135th General Assembly
Regular Session
2023-2024

. B. No.

A BILL

To amend sections 3503.13, 3503.15, and 3505.31 and 1
to enact sections 111.11, 3503.151, 3503.152, 2
and 3503.153 of the Revised Code to enact the 3
Data Analysis Transparency Archive (DATA) Act to 4
establish the Office of Data Analytics and 5
Archives in the Office of the Secretary of State 6
and to modify requirements for the Statewide 7
Voter Registration Database and other election 8
records. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3503.13, 3503.15, and 3505.31 be 10
amended and sections 111.11, 3503.151, 3503.152, and 3503.153 of 11
the Revised Code be enacted to read as follows: 12

Sec. 111.11. The office of data analytics and archives is 13
created in the office of the secretary of state. Under the 14
direction of the secretary of state, the office shall do both of 15
the following: 16

(A) Retain voter registration and other election related 17



6zuqgrvreetj9djg2uqvfb

data, analyze those data for purposes of maintaining accurate 18
election data, and publish those data; 19

(B) Retain, analyze, and publish business services data. 20

Sec. 3503.13. ~~(A)(A)(1)~~ Except as otherwise provided in 21
division (A)(2) of this section ~~111.44 of the Revised Code or by~~ 22
~~state or federal law, voter registration forms submitted by~~ 23
applicants and the statewide voter registration database 24
established under section 3503.15 of the Revised Code ~~shall be~~ 25
~~open to are public inspection at all times when the office of~~ 26
~~the board of elections is open for business, under such~~ 27
~~regulations as the board adopts, provided that no person shall~~ 28
~~be permitted to inspect voter registration forms except in the~~ 29
~~presence of an employee of the board~~ records subject to 30
disclosure under section 149.43 of the Revised Code. 31

(2) None of the following are subject to disclosure under 32
division (A)(1) of this section: 33

(a) An elector's full or partial social security number, 34
driver's license or state identification card number, telephone 35
number, or electronic mail address; 36

(b) A confidential voter registration record, as described 37
in section 111.44 of the Revised Code; 38

(c) The address of a designated public service worker, if 39
the designated public service worker has submitted a redaction 40
request to the board of elections under section 149.45 of the 41
Revised Code; 42

(d) Any other information that is prohibited from being 43
disclosed by state or federal law. 44

(B) A board of elections may use a legible digitized 45

signature list of voter signatures, copied from the signatures 46
on the registration forms in a form and manner prescribed by the 47
secretary of state, provided that the board includes the 48
required voter registration information in the statewide voter 49
registration database established under section 3503.15 of the 50
Revised Code, and provided that the precinct election officials 51
have computer printouts at the polls prepared in the manner 52
required under section 3503.23 of the Revised Code. 53

Sec. 3503.15. ~~(A)(1)(A)~~ The secretary of state shall 54
establish and maintain a statewide voter registration database 55
that shall be administered by the office of data analytics and 56
archives in the office of the secretary of state and made 57
continuously available to each board of elections and to other 58
agencies as authorized by law. 59

~~(2)(a) State agencies, including, but not limited to, the~~ 60
~~department of health, the bureau of motor vehicles, the~~ 61
~~department of job and family services, the department of~~ 62
~~medicaid, and the department of rehabilitation and corrections,~~ 63
~~shall provide any information and data to the secretary of state~~ 64
~~that is collected in the course of normal business and that is~~ 65
~~necessary to register to vote, to update an elector's~~ 66
~~registration, or to maintain the statewide voter registration~~ 67
~~database established pursuant to this section, except where~~ 68
~~prohibited by federal law or regulation. The department of~~ 69
~~health, the bureau of motor vehicles, the department of job and~~ 70
~~family services, the department of medicaid, and the department~~ 71
~~of rehabilitation and corrections shall provide that information~~ 72
~~and data to the secretary of state not later than the last day~~ 73
~~of each month. The secretary of state shall ensure that any~~ 74
~~information or data provided to the secretary of state that is~~ 75
~~confidential in the possession of the entity providing the data~~ 76

~~remains confidential while in the possession of the secretary of 77
state. No public office, and no public official or employee, 78
shall sell that information or data or use that information or 79
data for profit. 80~~

~~(b) Information provided under this division for 81
maintenance of the statewide voter registration database shall 82
not be used to update the name or address of a registered 83
elector. The name or address of a registered elector shall only 84
be updated as a result of the elector's actions in filing a 85
notice of change of name, change of address, or both. 86~~

~~(c) A board of elections shall contact a registered 87
elector pursuant to the rules adopted under division (D) (7) of 88
this section to verify the accuracy of the information in the 89
statewide voter registration database regarding that elector if 90
that information does not conform with information provided 91
under division (A) (2) (a) of this section and the discrepancy 92
would affect the elector's eligibility to cast a regular ballot. 93~~

~~(3) (a) The secretary of state shall enter into agreements 94
to share information or data that is in the possession of the 95
secretary of state with other states or groups of states, as the 96
secretary of state considers necessary, in order to maintain the 97
statewide voter registration database established pursuant to 98
this section. Except as otherwise provided in division (A) (3) (b) 99
of this section, the secretary of state shall ensure that any 100
information or data provided to the secretary of state that is 101
confidential in the possession of the state providing the data 102
remains confidential while in the possession of the secretary of 103
state. 104~~

~~(b) The secretary of state may provide such otherwise 105
confidential information or data to persons or organizations 106~~

~~that are engaging in legitimate governmental purposes related to 107
the maintenance of the statewide voter registration database. 108
The secretary of state shall adopt rules pursuant to Chapter 109
119. of the Revised Code identifying the persons or 110
organizations who may receive that information or data. The 111
secretary of state shall not share that information or data with 112
a person or organization not identified in those rules. The 113
secretary of state shall ensure that a person or organization 114
that receives confidential information or data under this 115
division keeps the information or data confidential in the 116
person's or organization's possession by, at a minimum, entering 117
into a confidentiality agreement with the person or 118
organization. Any confidentiality agreement entered into under 119
this division shall include a requirement that the person or 120
organization submit to the jurisdiction of this state in the 121
event that the person or organization breaches the agreement. 122~~

~~(4) No person or entity that receives information or data 123
under division (A) (3) of this section shall sell the information 124
or data or use the information or data for profit. 125~~

~~(5) The secretary of state shall regularly transmit to the 126
boards of elections, to the extent permitted by state and 127
federal law, the information and data the secretary of state 128
receives under divisions (A) (2) and (3) of this section that is 129
necessary to do the following, in order to ensure that the 130
accuracy of the statewide voter registration database is 131
maintained on a regular basis in accordance with applicable 132
state and federal law: 133~~

~~(a) Require the boards of elections to maintain the 134
database in a manner that ensures that the name of each 135
registered elector appears in the database, that only 136~~

~~individuals who are not registered or eligible to vote are~~ 137
~~removed from the database, and that duplicate registrations are~~ 138
~~eliminated from the database;~~ 139

~~(b) Require the boards of elections to make a reasonable~~ 140
~~effort to remove individuals who are not eligible to vote from~~ 141
~~the database;~~ 142

~~(c) Establish safeguards to ensure that eligible electors~~ 143
~~are not removed in error from the database.~~ 144

~~(B) The statewide voter registration database established~~ 145
~~under this section shall be the official list of registered~~ 146
~~voters electors for all elections conducted in this state.~~ 147

~~(C) (B) The statewide voter registration database~~ 148
~~established under this section shall, at a minimum, include all~~ 149
~~of the following:~~ 150

(1) An electronic network that connects all board of 151
elections offices with the office of the secretary of state and 152
with the offices of all other boards of elections; 153

(2) A computer program that harmonizes the records 154
contained in the database with records maintained by each board 155
of elections; 156

(3) An interactive computer program that allows access to 157
the records contained in the database by each board of elections 158
and by any persons authorized by the secretary of state to add, 159
delete, modify, or print database records, and to conduct 160
updates of the database; 161

(4) A search program capable of verifying registered 162
~~voters electors~~ and their registration information by name, 163
driver's license or state identification card number, birth 164

date, social security number, or current address;	165
(5) Safeguards and components to ensure that the integrity, security, and confidentiality of the voter registration information is maintained;	166 167 168
(6) Methods to retain canceled voter registration records for not less than five years after they are canceled and to record the reason for their cancellation.	169 170 171
<u>(C) For each registered elector, the statewide voter registration database shall include all of the following information:</u>	172 173 174
<u>(1) The elector's name;</u>	175
<u>(2) The elector's birth date;</u>	176
<u>(3) The elector's current residence address;</u>	177
<u>(4) The elector's precinct number;</u>	178
<u>(5) The elector's Ohio driver's license or state identification card number, if available;</u>	179 180
<u>(6) The last four digits of the elector's social security number, if available;</u>	181 182
<u>(7) The elector's telephone number, if available;</u>	183
<u>(8) The elector's electronic mail address, if available;</u>	184
<u>(9) (a) The elector's voter registration date, which shall be determined based on the elector's most recent application to register to vote in this state, subject to division (C) (9) (b) of this section, as follows:</u>	185 186 187 188
<u>(i) In the case of an application delivered in person to a state or local office of a designated agency, the office of the</u>	189 190

registrar or any deputy registrar of motor vehicles, a public 191
high school or vocational school, a public library, or the 192
office of a county treasurer, the date stamped on the 193
application upon receipt by the entity that transmits the 194
application to the board of elections or the secretary of state; 195

(ii) In the case of an application delivered in person to 196
a board of elections or the secretary of state, the date stamped 197
on the application upon receipt by the board of elections or the 198
secretary of state, as applicable; 199

(iii) In the case of an application delivered by mail to a 200
board of elections or the secretary of state, the date the 201
application is postmarked; 202

(iv) In the case of an application submitted through the 203
online voter registration system established under section 204
3503.20 of the Revised Code, the date of the online submission; 205

(v) In the case of an application submitted to a board of 206
elections by facsimile transmission or electronic mail under 207
Chapter 3511. of the Revised Code, the date of the receipt of 208
the transmission or electronic mail by the board of elections; 209

(vi) In the case of a provisional ballot affirmation that 210
serves as an application to register to vote in future elections 211
because the individual who cast the ballot is not registered to 212
vote, the date the board of elections determines that the 213
provisional ballot is invalid under section 3505.183 of the 214
Revised Code. 215

(b) For purposes of determining an elector's voter 216
registration date under division (C) (9) (a) of this section, all 217
of the following apply: 218

(i) An elector's voter registration date shall not be 219

during the period beginning on the day after the close of voter registration before an election and ending on the day of the election. If the date determined under division (C) (9) (a) of this section would be during that period, the voter registration date instead shall be the date on which the board of elections processes the application to register to vote after the day of the election. 220
221
222
223
224
225
226

(ii) A change of address or change of name form, including a provisional ballot affirmation that serves as a change of address or change of name form, is not considered an application to register to vote. 227
228
229
230

(iii) An application to register to vote that is submitted by an individual who is already registered to vote in this state is not considered an application to register to vote. 231
232
233

(10) The elector's voting history, including all of the following for each election in which the elector cast a ballot that was counted: 234
235
236

(a) The date of the election; 237

(b) If the election was a primary election, the political party whose ballot the elector cast at the primary election or an indication that the elector voted only on the questions and issues appearing on the ballot at a special election held on the day of the primary election; 238
239
240
241
242

(c) The type of ballot the elector cast. 243

(11) The elector's last activity date, which shall be determined in accordance with rules adopted by the secretary of state pursuant to Chapter 119. of the Revised Code. 244
245
246

(12) Any other information the secretary of state requires 247

to be included by rule adopted pursuant to Chapter 119. of the 248
Revised Code. 249

(D) Every day during the period beginning on the forty- 250
sixth day before an election and ending on the eighty-first day 251
after the day of the election, a board of elections shall create 252
a daily record of its voter registration database as of four 253
p.m. and shall transmit the daily record to the secretary of 254
state in a secure manner prescribed by the secretary of state. 255
The secretary of state shall archive the daily record and retain 256
it for at least twenty-two months after the day of the election. 257

(E) The secretary of state shall adopt rules pursuant to 258
Chapter 119. of the Revised Code to implement this section and 259
sections 3503.151 to 3503.153 of the Revised Code, including 260
rules doing all of the following: 261

(1) Specifying the manner in which ~~existing any~~ voter 262
registration records maintained by boards of elections in other 263
data formats shall be converted ~~to electronic files~~ for 264
inclusion in the statewide voter registration database; 265

(2) Establishing a uniform method for entering voter 266
registration records into the statewide voter registration 267
database on an expedited basis, but not less than once per day, 268
if new registration information is received, and for 269
transmitting information securely to the secretary of state; 270

(3) Establishing a uniform method for purging canceled 271
voter registration records from the statewide voter registration 272
database in accordance with section 3503.21 of the Revised Code; 273

(4) Specifying the persons authorized to add, delete, 274
modify, or print records contained in the statewide voter 275
registration database and to make updates of that database; 276

(5) Establishing a process for annually auditing the information contained in the statewide voter registration database;	277 278 279
(6) Establishing, by mutual agreement with the bureau of motor vehicles, the content and format of the information and data the bureau of motor vehicles shall provide to the secretary of state under division (A) (2) (a) of this section and the frequency with which the bureau shall provide that information and data;	280 281 282 283 284 285
(7) Establishing a uniform method for addressing instances in which records contained in the statewide voter registration database do not conform with records maintained by an agency, state, or group of states described in division (A) (2) (a) or (3) (a) of this section. That method shall prohibit an elector's voter registration from being canceled on the sole basis that the information in the registration record does not conform to records maintained by such an agency.	286 287 288 289 290 291 292 293
(E)-(F) A board of elections promptly shall purge a voter's name and voter registration information from the statewide voter registration database in accordance with the rules adopted by the secretary of state under division (D) (3) <u>(E) (3)</u> of this section after the cancellation of a voter's registration under section 3503.21 of the Revised Code.	294 295 296 297 298 299
(F)-(G) The secretary of state shall provide training in the operation of the statewide voter registration database to each board of elections and to any persons authorized by the secretary of state to add, delete, modify, or print database records, and to conduct updates of the database.	300 301 302 303 304
(G) (1) The statewide voter registration database-	305

~~established under this section shall be made available on a web- 306
site of the office of the secretary of state as follows: 307~~

~~(a) Except as otherwise provided in division (G) (1) (b) of 308
this section, the following information from the statewide voter 309
registration database regarding a registered voter shall be made 310
available on the web site: 311~~

~~(i) The voter's name; 312~~

~~(ii) The voter's address; 313~~

~~(iii) The voter's precinct number; 314~~

~~(iv) The voter's voting history. 315~~

~~(b) During the thirty days before the day of a primary or 316
general election, the web site interface of the statewide voter 317
registration database shall permit a voter to search for the 318
polling location at which that voter may cast a ballot. 319~~

~~(2) The secretary of state shall establish, by rule 320
adopted under Chapter 119. of the Revised Code, a process for 321
boards of elections to notify the secretary of state of changes 322
in the locations of precinct polling places for the purpose of 323
updating the information made available on the secretary of 324
state's web site under division (G) (1) (b) of this section. Those 325
rules shall require a board of elections, during the thirty days 326
before the day of a primary or general election, to notify the 327
secretary of state within one business day of any change to the 328
location of a precinct polling place within the county. 329~~

~~(3) During the thirty days before the day of a primary or 330
general election, not later than one business day after 331
receiving a notification from a county pursuant to division (G) 332
(2) of this section that the location of a precinct polling 333~~

~~place has changed, the secretary of state shall update that~~ 334
~~information on the secretary of state's web site for the purpose~~ 335
~~of division (G) (1) (b) of this section.~~ 336

~~(H) The secretary of state shall conduct an annual review~~ 337
~~of the statewide voter registration database as follows:~~ 338

~~(1) The secretary of state shall compare the information~~ 339
~~in the statewide voter registration database with the~~ 340
~~information the secretary of state obtains from the bureau of~~ 341
~~motor vehicles under division (A) (2) of this section to identify~~ 342
~~any person who does all of the following, in the following~~ 343
~~order:~~ 344

~~(a) Submits documentation to the bureau of motor vehicles~~ 345
~~that indicates that the person is not a United States citizen;~~ 346

~~(b) Registers to vote, submits a voter registration change~~ 347
~~of residence or change of name form, or votes in this state;~~ 348

~~(c) Submits documentation to the bureau of motor vehicles~~ 349
~~that indicates that the person is not a United States citizen.~~ 350

~~(2) The secretary of state shall send a written notice to~~ 351
~~each person identified under division (H) (1) of this section,~~ 352
~~instructing the person either to confirm that the person is a~~ 353
~~United States citizen or to submit a completed voter~~ 354
~~registration cancellation form to the secretary of state. The~~ 355
~~secretary of state shall include a blank voter registration~~ 356
~~cancellation form with the notice. If the person fails to~~ 357
~~respond to the secretary of state in the manner described in~~ 358
~~division (H) (3) or (4) of this section not later than thirty~~ 359
~~days after the notice was sent, the secretary of state promptly~~ 360
~~shall send the person a second notice and form.~~ 361

~~(3) If, not later than sixty days after the first notice~~ 362

~~was sent, a person who is sent a notice under division (H) (2) of
this section responds to the secretary of state, confirming that
the person is a United States citizen, the secretary of state
shall take no action concerning the person's voter registration.~~

~~(4) If, not later than sixty days after the first notice
was sent, a person who receives a notice under division (H) (2)
of this section sends a completed voter registration
cancellation form to the secretary of state, the secretary of
state shall instruct the board of elections of the county in
which the person is registered to cancel the person's
registration.~~

~~(5) If a person who was sent a second notice under
division (H) (2) of this section fails to respond to the
secretary of state in the manner described in division (H) (3) or
(4) of this section not later than thirty days after the second
notice was sent, the secretary of state shall refer the matter
to the attorney general for further investigation and possible
prosecution under section 3599.11, 3599.12, 3599.13, or any
other applicable section of the Revised Code. If, after the
thirtieth day after the second notice was sent, the person sends
a completed voter registration cancellation form to the
secretary of state, the secretary of state shall instruct the
board of elections of the county in which the person is
registered to cancel the person's registration and shall notify
the attorney general of the cancellation.~~

~~(6) The secretary of state shall not conduct the review
described in division (H) of this section during the ninety days
immediately preceding a primary or general election for federal
office. A board of elections and any vendor with which it
contracts to provide voter registration software or related~~

services shall ensure that the board's voter registration system 393
and practices comply with the requirements of this section and 394
any rules adopted under this section. 395

Sec. 3503.151. (A) The secretary of state, through the 396
office of data analytics and archives, and the boards of 397
elections shall maintain the accuracy of the statewide voter 398
registration database in accordance with this section. 399

(B) (1) State agencies, including, but not limited to, the 400
department of health, the bureau of motor vehicles, the 401
department of job and family services, the department of 402
medicaid, and the department of rehabilitation and corrections, 403
shall provide any information and data to the secretary of state 404
that is collected in the course of normal business and that is 405
necessary to register to vote, to update an elector's 406
registration, or to maintain the statewide voter registration 407
database, except where prohibited by federal law or regulation. 408
The department of health, the bureau of motor vehicles, the 409
department of job and family services, the department of 410
medicaid, and the department of rehabilitation and corrections 411
shall provide that information and data to the secretary of 412
state not later than the last day of each month. The secretary 413
of state shall ensure that any information or data provided to 414
the secretary of state that is confidential in the possession of 415
the entity providing the data remains confidential while in the 416
possession of the secretary of state. No public office, and no 417
public official or employee, shall sell that information or data 418
or use that information or data for profit. 419

(2) The secretary of state shall adopt rules under Chapter 420
119. of the Revised Code that establish, by mutual agreement 421
with the bureau of motor vehicles, the content and format of the 422

information and data the bureau of motor vehicles shall provide 423
to the secretary of state under division (B) (1) of this section 424
and the frequency with which the bureau shall provide that 425
information and data. 426

(C) (1) The secretary of state shall enter into agreements 427
to share information or data that is in the possession of the 428
secretary of state with other states or groups of states, as the 429
secretary of state considers necessary, in order to maintain the 430
statewide voter registration database. Except as otherwise 431
provided in division (C) (2) of this section, the secretary of 432
state shall ensure that any information or data provided to the 433
secretary of state that is confidential in the possession of the 434
state providing the data remains confidential while in the 435
possession of the secretary of state. 436

(2) The secretary of state may provide such otherwise 437
confidential information or data to persons or organizations 438
that are engaging in legitimate governmental purposes related to 439
the maintenance of the statewide voter registration database. 440
The secretary of state shall adopt rules pursuant to Chapter 441
119. of the Revised Code identifying the persons or 442
organizations who may receive that information or data. The 443
secretary of state shall not share that information or data with 444
a person or organization not identified in those rules. The 445
secretary of state shall ensure that a person or organization 446
that receives confidential information or data under this 447
division keeps the information or data confidential in the 448
person's or organization's possession by, at a minimum, entering 449
into a confidentiality agreement with the person or 450
organization. Any confidentiality agreement entered into under 451
this division shall include a requirement that the person or 452
organization submit to the jurisdiction of this state in the 453

event that the person or organization breaches the agreement. 454

(3) No person or entity that receives information or data 455
under division (C) of this section shall sell the information or 456
data or use the information or data for profit. 457

(D) The secretary of state shall regularly transmit to the 458
boards of elections, to the extent permitted by state and 459
federal law, the information and data the secretary of state 460
receives under divisions (B) and (C) of this section that is 461
necessary to do the following, in order to ensure that the 462
accuracy of the statewide voter registration database is 463
maintained on a regular basis in accordance with applicable 464
state and federal law: 465

(1) Require the boards of elections to maintain the 466
database in a manner that ensures that the name of each 467
registered elector appears in the database, that only 468
individuals who are not registered or eligible to vote are 469
removed from the database, and that duplicate registrations are 470
eliminated from the database; 471

(2) Require the boards of elections to make a reasonable 472
effort to remove individuals who are not eligible to vote from 473
the database; 474

(3) Establish safeguards to ensure that eligible electors 475
are not removed in error from the database. 476

(E) (1) The secretary of state shall adopt rules under 477
Chapter 119. of the Revised Code to establish a uniform method 478
for addressing instances in which records contained in the 479
statewide voter registration database do not conform with 480
records maintained by an agency, state, or group of states 481
described in division (B) or (C) of this section. That method 482

shall prohibit an elector's voter registration from being 483
canceled on the sole basis that the information in the 484
registration record does not conform to records maintained by 485
such an agency. 486

(2) Information provided under division (B) or (C) of this 487
section for maintenance of the statewide voter registration 488
database shall not be used to update the name or address of a 489
registered elector. The name or address of a registered elector 490
shall only be updated as a result of the elector's actions in 491
filing a notice of change of name, change of address, or both. 492

(3) A board of elections shall contact a registered 493
elector pursuant to the rules adopted under division (E)(1) of 494
this section to verify the accuracy of the information in the 495
statewide voter registration database regarding that elector if 496
that information does not conform with information provided 497
under division (B) or (C) of this section and the discrepancy 498
would affect the elector's eligibility to cast a regular ballot. 499

Sec. 3503.152. The secretary of state shall conduct an 500
annual review of the statewide voter registration database to 501
identify persons who appear not to be United States citizens, as 502
follows: 503

(A) The secretary of state shall compare the information 504
in the statewide voter registration database with the 505
information the secretary of state obtains from the bureau of 506
motor vehicles under section 3503.151 of the Revised Code to 507
identify any person who does all of the following, in the 508
following order: 509

(1) Submits documentation to the bureau of motor vehicles 510
that indicates that the person is not a United States citizen; 511

(2) Registers to vote, submits a voter registration change 512
of residence or change of name form, or votes in this state; 513

(3) Submits documentation to the bureau of motor vehicles 514
that indicates that the person is not a United States citizen. 515

(B) The secretary of state shall send a written notice to 516
each person identified under division (A) of this section, 517
instructing the person either to confirm that the person is a 518
United States citizen or to submit a completed voter 519
registration cancellation form to the secretary of state. The 520
secretary of state shall include a blank voter registration 521
cancellation form with the notice. If the person fails to 522
respond to the secretary of state in the manner described in 523
division (C) or (D) of this section not later than thirty days 524
after the notice is sent, the secretary of state promptly shall 525
send the person a second notice and form. 526

(C) If, not later than sixty days after the first notice 527
is sent, a person who is sent a notice under division (B) of 528
this section responds to the secretary of state, confirming that 529
the person is a United States citizen, the secretary of state 530
shall take no action concerning the person's voter registration. 531

(D) If, not later than sixty days after the first notice 532
was sent, a person who receives a notice under division (B) of 533
this section sends a completed voter registration cancellation 534
form to the secretary of state, the secretary of state shall 535
instruct the board of elections of the county in which the 536
person is registered to cancel the person's registration. 537

(E) If a person who is sent a second notice under division 538
(B) of this section fails to respond to the secretary of state 539
in the manner described in division (C) or (D) of this section 540

not later than thirty days after the second notice is sent, the 541
secretary of state shall refer the matter to the attorney 542
general for further investigation and possible prosecution under 543
section 3599.11, 3599.12, 3599.13, or any other applicable 544
section of the Revised Code. If, after the thirtieth day after 545
the second notice is sent, the person sends a completed voter 546
registration cancellation form to the secretary of state, the 547
secretary of state shall instruct the board of elections of the 548
county in which the person is registered to cancel the person's 549
registration and shall notify the attorney general of the 550
cancellation. 551

(F) The secretary of state shall not conduct the review 552
described in this section during the ninety days immediately 553
preceding a primary or general election for federal office. 554

Sec. 3503.153. (A) The statewide voter registration 555
database shall be made available on a web site of the office of 556
the secretary of state as follows: 557

(1) Except as otherwise provided in division (A) (2) of 558
this section, the following information from the statewide voter 559
registration database regarding a registered elector shall be 560
made available on the web site: 561

(a) The elector's name; 562

(b) The elector's birth date; 563

(c) The elector's current residence address; 564

(d) The elector's precinct number; 565

(e) The elector's voter registration date, as described in 566
division (C) (9) of section 3503.15 of the Revised Code; 567

(f) The elector's voting history, as described in division 568

<u>(C) (10) of section 3503.15 of the Revised Code;</u>	569
<u>(g) The elector's last activity date, as described in</u>	570
<u>division (C) (11) of section 3503.15 of the Revised Code.</u>	571
<u>(2) During the thirty days before the day of a primary or</u>	572
<u>general election, the web site interface of the statewide voter</u>	573
<u>registration database shall permit an elector to search for the</u>	574
<u>polling location at which that elector may cast a ballot.</u>	575
<u>(3) No information in the statewide voter registration</u>	576
<u>database that is exempt from disclosure under division (A) (2) of</u>	577
<u>section 3503.13 of the Revised Code shall be made available on</u>	578
<u>the web site.</u>	579
<u>(B) (1) The secretary of state shall establish, by rule</u>	580
<u>adopted under Chapter 119. of the Revised Code, a process for</u>	581
<u>boards of elections to notify the secretary of state of changes</u>	582
<u>in the locations of precinct polling places for the purpose of</u>	583
<u>updating the information made available on the secretary of</u>	584
<u>state's web site under division (A) (2) of this section. Those</u>	585
<u>rules shall require a board of elections, during the thirty days</u>	586
<u>before the day of a primary or general election, to notify the</u>	587
<u>secretary of state within one business day of any change to the</u>	588
<u>location of a precinct polling place within the county.</u>	589
<u>(2) During the thirty days before the day of a primary or</u>	590
<u>general election, not later than one business day after</u>	591
<u>receiving a notification from a county pursuant to division (B)</u>	592
<u>(1) of this section that the location of a precinct polling</u>	593
<u>place has changed, the secretary of state shall update that</u>	594
<u>information on the secretary of state's web site for the purpose</u>	595
<u>of division (A) (2) of this section.</u>	596
Sec. 3505.31. When the results of the voting in a polling	597

place on the day of an election have been determined and entered 598
upon the proper forms and the certifications of those results 599
have been signed by the precinct officials, those officials, 600
before leaving the polling place, shall place all ballots that 601
they have counted in containers provided for that purpose by the 602
board of elections, and shall seal each container in a manner 603
that it cannot be opened without breaking the seal or the 604
material of which the container is made. They shall also seal 605
the pollbook, poll list or signature pollbook, and tally sheet 606
in a manner that the data contained in these items cannot be 607
seen without breaking the seals. On the outside of these items 608
shall be a plain indication that they are to be filed with the 609
board. The voting location manager and an employee or appointee 610
of the board of elections who has taken an oath to uphold the 611
laws and constitution of this state, including an oath that the 612
person will promptly and securely perform the duties required 613
under this section and who is a member of a different political 614
party than the voting location manager, shall then deliver to 615
the board the containers of ballots and the sealed pollbook, 616
poll list, and tally sheet, together with all other election 617
reports, materials, and supplies required to be delivered to the 618
board. 619

The board shall carefully preserve all ballots prepared 620
and provided by it for use in an election, whether used or 621
unused, including any electronic images of ballots, for ~~sixty-at~~ 622
least eighty-one days after the day of the election, except 623
that, if an election includes the nomination or election of 624
candidates for any of the offices of president, vice-president, 625
presidential elector, member of the senate of the congress of 626
the United States, or member of the house of representatives of 627
the congress of the United States, the board shall carefully 628

preserve all ballots prepared and provided by it for use in that 629
election, whether used or unused, for twenty-two months after 630
the day of the election. If an election is held within that 631
~~sixty-day eighty-one-day~~ period, the board shall have authority 632
to transfer those ballots to other containers to preserve them 633
until the ~~sixty-day eighty-one-day~~ period has expired. After 634
that ~~sixty-day eighty-one-day~~ period, the ballots shall be 635
disposed of by the board in a manner that the board orders, or 636
where voting machines have been used the counters may be turned 637
back to zero; provided that the secretary of state, within that 638
~~sixty-day eighty-one-day~~ period, may order the board to preserve 639
the ballots or any part of the ballots for a longer period of 640
time, in which event the board shall preserve those ballots for 641
that longer period of time. 642

In counties where voting machines are used, if an election 643
is to be held within the ~~sixty-eighty-one~~ days immediately 644
following a primary, general, or special election or within any 645
period of time within which the ballots have been ordered 646
preserved by the secretary of state or a court of competent 647
jurisdiction, the board, after giving notice to all interested 648
parties and affording them an opportunity to have a 649
representative present, shall open the compartments of the 650
machines and, without unlocking the machines, shall recanvass 651
the vote cast in them as if a recount were being held. The 652
results shall be certified by the board, and this certification 653
shall be filed in the board's office and retained for the 654
remainder of the period for which ballots must be kept. After 655
preparation of the certificate, the counters may be turned back 656
to zero, and the machines may be used for the election. 657

The board shall carefully preserve the pollbook, poll list 658
or signature pollbook, and tally sheet delivered to it from each 659

polling place until it has completed the official canvass of the 660
election returns from all precincts in which electors were 661
entitled to vote at an election, and has prepared and certified 662
the abstracts of election returns, as required by law. The board 663
shall not break, or permit anyone to break, the seals upon the 664
pollbook, poll list or signature pollbook, and tally sheet, or 665
make, or permit any one to make, any changes or notations in 666
these items, while they are in its custody, except as provided 667
by section 3505.32 of the Revised Code. 668

Pollbooks and poll lists or signature pollbooks of a party 669
primary election delivered to the board from polling places 670
shall be carefully preserved by it for two years after the day 671
of election in which they were used, and shall then be disposed 672
of by the board in a manner that the board orders. 673

Pollbooks, poll lists or signature pollbooks, tally 674
sheets, summary statements, and other records and returns of an 675
election delivered to it from polling places shall be carefully 676
preserved by the board for two years after the day of the 677
election in which they were used, and shall then be disposed of 678
by the board in a manner that the board orders. 679

Section 2. That existing sections 3503.13, 3503.15, and 680
3505.31 of the Revised Code are hereby repealed. 681

Section 3. The General Assembly intends to appropriate 682
funds to the Office of the Secretary of State to pay the costs 683
incurred by the Secretary of State and the boards of elections 684
in meeting the requirements of this act. 685

Section 4. This act shall be known as the Data Analysis 686
Transparency Archive (DATA) Act. 687

Lawrence, Julia

From: Grandjean, Amanda
Sent: Wednesday, February 22, 2023 12:04 PM
To: Hays, Caleb; Thomas.Lane@mail.house.gov
Cc: Mauk, Jason
Subject: DATA Act
Attachments: I_135_0668-1.pdf

Hi Caleb and Thomas,

It was great to see both of you in D.C.! Thanks so much for attending Secretary LaRose's briefing. Attached is the DATA Act that was introduced today. We also held a [press conference](#) on it. Happy to answer any questions you may have. Also, we'd love to understand if there are any federal funds available to support its implementation. Of course, we believe that the DATA Act, in part, is simply enforcing, expanding, and codifying at a state level what some would argue is already required at a federal level.

We look forward to hearing from you!

Thanks,
Mandi

I_135_0668-1

135th General Assembly
Regular Session
2023-2024

. B. No.

A BILL

To amend sections 3503.13, 3503.15, and 3505.31 and 1
to enact sections 111.11, 3503.151, 3503.152, 2
and 3503.153 of the Revised Code to enact the 3
Data Analysis Transparency Archive (DATA) Act to 4
establish the Office of Data Analytics and 5
Archives in the Office of the Secretary of State 6
and to modify requirements for the Statewide 7
Voter Registration Database and other election 8
records. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3503.13, 3503.15, and 3505.31 be 10
amended and sections 111.11, 3503.151, 3503.152, and 3503.153 of 11
the Revised Code be enacted to read as follows: 12

Sec. 111.11. The office of data analytics and archives is 13
created in the office of the secretary of state. Under the 14
direction of the secretary of state, the office shall do both of 15
the following: 16

(A) Retain voter registration and other election related 17



6zuqgrvreetj9djg2uqvfb

data, analyze those data for purposes of maintaining accurate 18
election data, and publish those data; 19

(B) Retain, analyze, and publish business services data. 20

Sec. 3503.13. ~~(A)(A)(1)~~ Except as otherwise provided in 21
division (A)(2) of this section ~~111.44 of the Revised Code or by~~ 22
~~state or federal law, voter registration forms submitted by~~ 23
applicants and the statewide voter registration database 24
established under section 3503.15 of the Revised Code ~~shall be~~ 25
~~open to are public inspection at all times when the office of~~ 26
~~the board of elections is open for business, under such~~ 27
~~regulations as the board adopts, provided that no person shall~~ 28
~~be permitted to inspect voter registration forms except in the~~ 29
~~presence of an employee of the board~~ records subject to 30
disclosure under section 149.43 of the Revised Code. 31

(2) None of the following are subject to disclosure under 32
division (A)(1) of this section: 33

(a) An elector's full or partial social security number, 34
driver's license or state identification card number, telephone 35
number, or electronic mail address; 36

(b) A confidential voter registration record, as described 37
in section 111.44 of the Revised Code; 38

(c) The address of a designated public service worker, if 39
the designated public service worker has submitted a redaction 40
request to the board of elections under section 149.45 of the 41
Revised Code; 42

(d) Any other information that is prohibited from being 43
disclosed by state or federal law. 44

(B) A board of elections may use a legible digitized 45

signature list of voter signatures, copied from the signatures 46
on the registration forms in a form and manner prescribed by the 47
secretary of state, provided that the board includes the 48
required voter registration information in the statewide voter 49
registration database established under section 3503.15 of the 50
Revised Code, and provided that the precinct election officials 51
have computer printouts at the polls prepared in the manner 52
required under section 3503.23 of the Revised Code. 53

Sec. 3503.15. ~~(A)(1)(A)~~ The secretary of state shall 54
establish and maintain a statewide voter registration database 55
that shall be administered by the office of data analytics and 56
archives in the office of the secretary of state and made 57
continuously available to each board of elections and to other 58
agencies as authorized by law. 59

~~(2)(a) State agencies, including, but not limited to, the~~ 60
~~department of health, the bureau of motor vehicles, the~~ 61
~~department of job and family services, the department of~~ 62
~~medicaid, and the department of rehabilitation and corrections,~~ 63
~~shall provide any information and data to the secretary of state~~ 64
~~that is collected in the course of normal business and that is~~ 65
~~necessary to register to vote, to update an elector's~~ 66
~~registration, or to maintain the statewide voter registration~~ 67
~~database established pursuant to this section, except where~~ 68
~~prohibited by federal law or regulation. The department of~~ 69
~~health, the bureau of motor vehicles, the department of job and~~ 70
~~family services, the department of medicaid, and the department~~ 71
~~of rehabilitation and corrections shall provide that information~~ 72
~~and data to the secretary of state not later than the last day~~ 73
~~of each month. The secretary of state shall ensure that any~~ 74
~~information or data provided to the secretary of state that is~~ 75
~~confidential in the possession of the entity providing the data~~ 76

~~remains confidential while in the possession of the secretary of 77
state. No public office, and no public official or employee, 78
shall sell that information or data or use that information or 79
data for profit. 80~~

~~(b) Information provided under this division for 81
maintenance of the statewide voter registration database shall 82
not be used to update the name or address of a registered 83
elector. The name or address of a registered elector shall only 84
be updated as a result of the elector's actions in filing a 85
notice of change of name, change of address, or both. 86~~

~~(c) A board of elections shall contact a registered 87
elector pursuant to the rules adopted under division (D) (7) of 88
this section to verify the accuracy of the information in the 89
statewide voter registration database regarding that elector if 90
that information does not conform with information provided 91
under division (A) (2) (a) of this section and the discrepancy 92
would affect the elector's eligibility to cast a regular ballot. 93~~

~~(3) (a) The secretary of state shall enter into agreements 94
to share information or data that is in the possession of the 95
secretary of state with other states or groups of states, as the 96
secretary of state considers necessary, in order to maintain the 97
statewide voter registration database established pursuant to 98
this section. Except as otherwise provided in division (A) (3) (b) 99
of this section, the secretary of state shall ensure that any 100
information or data provided to the secretary of state that is 101
confidential in the possession of the state providing the data 102
remains confidential while in the possession of the secretary of 103
state. 104~~

~~(b) The secretary of state may provide such otherwise 105
confidential information or data to persons or organizations 106~~

~~that are engaging in legitimate governmental purposes related to 107
the maintenance of the statewide voter registration database. 108
The secretary of state shall adopt rules pursuant to Chapter 109
119. of the Revised Code identifying the persons or 110
organizations who may receive that information or data. The 111
secretary of state shall not share that information or data with 112
a person or organization not identified in those rules. The 113
secretary of state shall ensure that a person or organization 114
that receives confidential information or data under this 115
division keeps the information or data confidential in the 116
person's or organization's possession by, at a minimum, entering 117
into a confidentiality agreement with the person or 118
organization. Any confidentiality agreement entered into under 119
this division shall include a requirement that the person or 120
organization submit to the jurisdiction of this state in the 121
event that the person or organization breaches the agreement. 122~~

~~(4) No person or entity that receives information or data 123
under division (A) (3) of this section shall sell the information 124
or data or use the information or data for profit. 125~~

~~(5) The secretary of state shall regularly transmit to the 126
boards of elections, to the extent permitted by state and 127
federal law, the information and data the secretary of state 128
receives under divisions (A) (2) and (3) of this section that is 129
necessary to do the following, in order to ensure that the 130
accuracy of the statewide voter registration database is 131
maintained on a regular basis in accordance with applicable 132
state and federal law: 133~~

~~(a) Require the boards of elections to maintain the 134
database in a manner that ensures that the name of each 135
registered elector appears in the database, that only 136~~

~~individuals who are not registered or eligible to vote are~~ 137
~~removed from the database, and that duplicate registrations are~~ 138
~~eliminated from the database;~~ 139

~~(b) Require the boards of elections to make a reasonable~~ 140
~~effort to remove individuals who are not eligible to vote from~~ 141
~~the database;~~ 142

~~(c) Establish safeguards to ensure that eligible electors~~ 143
~~are not removed in error from the database.~~ 144

~~(B) The statewide voter registration database established~~ 145
~~under this section shall be the official list of registered~~ 146
~~voters electors for all elections conducted in this state.~~ 147

~~(C) (B) The statewide voter registration database~~ 148
~~established under this section shall, at a minimum, include all~~ 149
~~of the following:~~ 150

(1) An electronic network that connects all board of 151
elections offices with the office of the secretary of state and 152
with the offices of all other boards of elections; 153

(2) A computer program that harmonizes the records 154
contained in the database with records maintained by each board 155
of elections; 156

(3) An interactive computer program that allows access to 157
the records contained in the database by each board of elections 158
and by any persons authorized by the secretary of state to add, 159
delete, modify, or print database records, and to conduct 160
updates of the database; 161

(4) A search program capable of verifying registered 162
~~voters electors~~ and their registration information by name, 163
driver's license or state identification card number, birth 164

date, social security number, or current address;	165
(5) Safeguards and components to ensure that the integrity, security, and confidentiality of the voter registration information is maintained;	166 167 168
(6) Methods to retain canceled voter registration records for not less than five years after they are canceled and to record the reason for their cancellation.	169 170 171
<u>(C) For each registered elector, the statewide voter registration database shall include all of the following information:</u>	172 173 174
<u>(1) The elector's name;</u>	175
<u>(2) The elector's birth date;</u>	176
<u>(3) The elector's current residence address;</u>	177
<u>(4) The elector's precinct number;</u>	178
<u>(5) The elector's Ohio driver's license or state identification card number, if available;</u>	179 180
<u>(6) The last four digits of the elector's social security number, if available;</u>	181 182
<u>(7) The elector's telephone number, if available;</u>	183
<u>(8) The elector's electronic mail address, if available;</u>	184
<u>(9) (a) The elector's voter registration date, which shall be determined based on the elector's most recent application to register to vote in this state, subject to division (C) (9) (b) of this section, as follows:</u>	185 186 187 188
<u>(i) In the case of an application delivered in person to a state or local office of a designated agency, the office of the</u>	189 190

registrar or any deputy registrar of motor vehicles, a public 191
high school or vocational school, a public library, or the 192
office of a county treasurer, the date stamped on the 193
application upon receipt by the entity that transmits the 194
application to the board of elections or the secretary of state; 195

(ii) In the case of an application delivered in person to 196
a board of elections or the secretary of state, the date stamped 197
on the application upon receipt by the board of elections or the 198
secretary of state, as applicable; 199

(iii) In the case of an application delivered by mail to a 200
board of elections or the secretary of state, the date the 201
application is postmarked; 202

(iv) In the case of an application submitted through the 203
online voter registration system established under section 204
3503.20 of the Revised Code, the date of the online submission; 205

(v) In the case of an application submitted to a board of 206
elections by facsimile transmission or electronic mail under 207
Chapter 3511. of the Revised Code, the date of the receipt of 208
the transmission or electronic mail by the board of elections; 209

(vi) In the case of a provisional ballot affirmation that 210
serves as an application to register to vote in future elections 211
because the individual who cast the ballot is not registered to 212
vote, the date the board of elections determines that the 213
provisional ballot is invalid under section 3505.183 of the 214
Revised Code. 215

(b) For purposes of determining an elector's voter 216
registration date under division (C) (9) (a) of this section, all 217
of the following apply: 218

(i) An elector's voter registration date shall not be 219

during the period beginning on the day after the close of voter registration before an election and ending on the day of the election. If the date determined under division (C) (9) (a) of this section would be during that period, the voter registration date instead shall be the date on which the board of elections processes the application to register to vote after the day of the election. 220
221
222
223
224
225
226

(ii) A change of address or change of name form, including a provisional ballot affirmation that serves as a change of address or change of name form, is not considered an application to register to vote. 227
228
229
230

(iii) An application to register to vote that is submitted by an individual who is already registered to vote in this state is not considered an application to register to vote. 231
232
233

(10) The elector's voting history, including all of the following for each election in which the elector cast a ballot that was counted: 234
235
236

(a) The date of the election; 237

(b) If the election was a primary election, the political party whose ballot the elector cast at the primary election or an indication that the elector voted only on the questions and issues appearing on the ballot at a special election held on the day of the primary election; 238
239
240
241
242

(c) The type of ballot the elector cast. 243

(11) The elector's last activity date, which shall be determined in accordance with rules adopted by the secretary of state pursuant to Chapter 119. of the Revised Code. 244
245
246

(12) Any other information the secretary of state requires 247

to be included by rule adopted pursuant to Chapter 119. of the 248
Revised Code. 249

(D) Every day during the period beginning on the forty- 250
sixth day before an election and ending on the eighty-first day 251
after the day of the election, a board of elections shall create 252
a daily record of its voter registration database as of four 253
p.m. and shall transmit the daily record to the secretary of 254
state in a secure manner prescribed by the secretary of state. 255
The secretary of state shall archive the daily record and retain 256
it for at least twenty-two months after the day of the election. 257

(E) The secretary of state shall adopt rules pursuant to 258
Chapter 119. of the Revised Code to implement this section and 259
sections 3503.151 to 3503.153 of the Revised Code, including 260
rules doing all of the following: 261

(1) Specifying the manner in which ~~existing any~~ voter 262
registration records maintained by boards of elections in other 263
data formats shall be converted ~~to electronic files~~ for 264
inclusion in the statewide voter registration database; 265

(2) Establishing a uniform method for entering voter 266
registration records into the statewide voter registration 267
database on an expedited basis, but not less than once per day, 268
if new registration information is received, and for 269
transmitting information securely to the secretary of state; 270

(3) Establishing a uniform method for purging canceled 271
voter registration records from the statewide voter registration 272
database in accordance with section 3503.21 of the Revised Code; 273

(4) Specifying the persons authorized to add, delete, 274
modify, or print records contained in the statewide voter 275
registration database and to make updates of that database; 276

(5) Establishing a process for annually auditing the 277
information contained in the statewide voter registration 278
database. 279

~~(6) Establishing, by mutual agreement with the bureau of 280
motor vehicles, the content and format of the information and 281
data the bureau of motor vehicles shall provide to the secretary 282
of state under division (A) (2) (a) of this section and the 283
frequency with which the bureau shall provide that information 284
and data. 285~~

~~(7) Establishing a uniform method for addressing instances 286
in which records contained in the statewide voter registration 287
database do not conform with records maintained by an agency, 288
state, or group of states described in division (A) (2) (a) or (3) 289
(a) of this section. That method shall prohibit an elector's 290
voter registration from being canceled on the sole basis that 291
the information in the registration record does not conform to 292
records maintained by such an agency. 293~~

~~(E)-(F)~~ (F) A board of elections promptly shall purge a 294
voter's name and voter registration information from the 295
statewide voter registration database in accordance with the 296
rules adopted by the secretary of state under division ~~(D) (3)~~ 297
(E) (3) of this section after the cancellation of a voter's 298
registration under section 3503.21 of the Revised Code. 299

~~(F)-(G)~~ (G) The secretary of state shall provide training in 300
the operation of the statewide voter registration database to 301
each board of elections and to any persons authorized by the 302
secretary of state to add, delete, modify, or print database 303
records, and to conduct updates of the database. 304

~~(G) (1) The statewide voter registration database— 305~~

~~established under this section shall be made available on a web- 306
site of the office of the secretary of state as follows: 307~~

~~(a) Except as otherwise provided in division (G) (1) (b) of 308
this section, the following information from the statewide voter 309
registration database regarding a registered voter shall be made 310
available on the web site: 311~~

~~(i) The voter's name; 312~~

~~(ii) The voter's address; 313~~

~~(iii) The voter's precinct number; 314~~

~~(iv) The voter's voting history. 315~~

~~(b) During the thirty days before the day of a primary or 316
general election, the web site interface of the statewide voter 317
registration database shall permit a voter to search for the 318
polling location at which that voter may cast a ballot. 319~~

~~(2) The secretary of state shall establish, by rule 320
adopted under Chapter 119. of the Revised Code, a process for 321
boards of elections to notify the secretary of state of changes 322
in the locations of precinct polling places for the purpose of 323
updating the information made available on the secretary of 324
state's web site under division (G) (1) (b) of this section. Those 325
rules shall require a board of elections, during the thirty days 326
before the day of a primary or general election, to notify the 327
secretary of state within one business day of any change to the 328
location of a precinct polling place within the county. 329~~

~~(3) During the thirty days before the day of a primary or 330
general election, not later than one business day after 331
receiving a notification from a county pursuant to division (G) 332
(2) of this section that the location of a precinct polling 333~~

~~place has changed, the secretary of state shall update that~~ 334
~~information on the secretary of state's web site for the purpose~~ 335
~~of division (G) (1) (b) of this section.~~ 336

~~(H) The secretary of state shall conduct an annual review~~ 337
~~of the statewide voter registration database as follows:~~ 338

~~(1) The secretary of state shall compare the information~~ 339
~~in the statewide voter registration database with the~~ 340
~~information the secretary of state obtains from the bureau of~~ 341
~~motor vehicles under division (A) (2) of this section to identify~~ 342
~~any person who does all of the following, in the following~~ 343
~~order:~~ 344

~~(a) Submits documentation to the bureau of motor vehicles~~ 345
~~that indicates that the person is not a United States citizen;~~ 346

~~(b) Registers to vote, submits a voter registration change~~ 347
~~of residence or change of name form, or votes in this state;~~ 348

~~(c) Submits documentation to the bureau of motor vehicles~~ 349
~~that indicates that the person is not a United States citizen.~~ 350

~~(2) The secretary of state shall send a written notice to~~ 351
~~each person identified under division (H) (1) of this section,~~ 352
~~instructing the person either to confirm that the person is a~~ 353
~~United States citizen or to submit a completed voter~~ 354
~~registration cancellation form to the secretary of state. The~~ 355
~~secretary of state shall include a blank voter registration~~ 356
~~cancellation form with the notice. If the person fails to~~ 357
~~respond to the secretary of state in the manner described in~~ 358
~~division (H) (3) or (4) of this section not later than thirty~~ 359
~~days after the notice was sent, the secretary of state promptly~~ 360
~~shall send the person a second notice and form.~~ 361

~~(3) If, not later than sixty days after the first notice~~ 362

~~was sent, a person who is sent a notice under division (H) (2) of
this section responds to the secretary of state, confirming that
the person is a United States citizen, the secretary of state
shall take no action concerning the person's voter registration.~~

~~(4) If, not later than sixty days after the first notice
was sent, a person who receives a notice under division (H) (2)
of this section sends a completed voter registration
cancellation form to the secretary of state, the secretary of
state shall instruct the board of elections of the county in
which the person is registered to cancel the person's
registration.~~

~~(5) If a person who was sent a second notice under
division (H) (2) of this section fails to respond to the
secretary of state in the manner described in division (H) (3) or
(4) of this section not later than thirty days after the second
notice was sent, the secretary of state shall refer the matter
to the attorney general for further investigation and possible
prosecution under section 3599.11, 3599.12, 3599.13, or any
other applicable section of the Revised Code. If, after the
thirtieth day after the second notice was sent, the person sends
a completed voter registration cancellation form to the
secretary of state, the secretary of state shall instruct the
board of elections of the county in which the person is
registered to cancel the person's registration and shall notify
the attorney general of the cancellation.~~

~~(6) The secretary of state shall not conduct the review
described in division (H) of this section during the ninety days
immediately preceding a primary or general election for federal
office. A board of elections and any vendor with which it
contracts to provide voter registration software or related~~

services shall ensure that the board's voter registration system 393
and practices comply with the requirements of this section and 394
any rules adopted under this section. 395

Sec. 3503.151. (A) The secretary of state, through the 396
office of data analytics and archives, and the boards of 397
elections shall maintain the accuracy of the statewide voter 398
registration database in accordance with this section. 399

(B) (1) State agencies, including, but not limited to, the 400
department of health, the bureau of motor vehicles, the 401
department of job and family services, the department of 402
medicaid, and the department of rehabilitation and corrections, 403
shall provide any information and data to the secretary of state 404
that is collected in the course of normal business and that is 405
necessary to register to vote, to update an elector's 406
registration, or to maintain the statewide voter registration 407
database, except where prohibited by federal law or regulation. 408
The department of health, the bureau of motor vehicles, the 409
department of job and family services, the department of 410
medicaid, and the department of rehabilitation and corrections 411
shall provide that information and data to the secretary of 412
state not later than the last day of each month. The secretary 413
of state shall ensure that any information or data provided to 414
the secretary of state that is confidential in the possession of 415
the entity providing the data remains confidential while in the 416
possession of the secretary of state. No public office, and no 417
public official or employee, shall sell that information or data 418
or use that information or data for profit. 419

(2) The secretary of state shall adopt rules under Chapter 420
119. of the Revised Code that establish, by mutual agreement 421
with the bureau of motor vehicles, the content and format of the 422

information and data the bureau of motor vehicles shall provide 423
to the secretary of state under division (B) (1) of this section 424
and the frequency with which the bureau shall provide that 425
information and data. 426

(C) (1) The secretary of state shall enter into agreements 427
to share information or data that is in the possession of the 428
secretary of state with other states or groups of states, as the 429
secretary of state considers necessary, in order to maintain the 430
statewide voter registration database. Except as otherwise 431
provided in division (C) (2) of this section, the secretary of 432
state shall ensure that any information or data provided to the 433
secretary of state that is confidential in the possession of the 434
state providing the data remains confidential while in the 435
possession of the secretary of state. 436

(2) The secretary of state may provide such otherwise 437
confidential information or data to persons or organizations 438
that are engaging in legitimate governmental purposes related to 439
the maintenance of the statewide voter registration database. 440
The secretary of state shall adopt rules pursuant to Chapter 441
119. of the Revised Code identifying the persons or 442
organizations who may receive that information or data. The 443
secretary of state shall not share that information or data with 444
a person or organization not identified in those rules. The 445
secretary of state shall ensure that a person or organization 446
that receives confidential information or data under this 447
division keeps the information or data confidential in the 448
person's or organization's possession by, at a minimum, entering 449
into a confidentiality agreement with the person or 450
organization. Any confidentiality agreement entered into under 451
this division shall include a requirement that the person or 452
organization submit to the jurisdiction of this state in the 453

event that the person or organization breaches the agreement. 454

(3) No person or entity that receives information or data 455
under division (C) of this section shall sell the information or 456
data or use the information or data for profit. 457

(D) The secretary of state shall regularly transmit to the 458
boards of elections, to the extent permitted by state and 459
federal law, the information and data the secretary of state 460
receives under divisions (B) and (C) of this section that is 461
necessary to do the following, in order to ensure that the 462
accuracy of the statewide voter registration database is 463
maintained on a regular basis in accordance with applicable 464
state and federal law: 465

(1) Require the boards of elections to maintain the 466
database in a manner that ensures that the name of each 467
registered elector appears in the database, that only 468
individuals who are not registered or eligible to vote are 469
removed from the database, and that duplicate registrations are 470
eliminated from the database; 471

(2) Require the boards of elections to make a reasonable 472
effort to remove individuals who are not eligible to vote from 473
the database; 474

(3) Establish safeguards to ensure that eligible electors 475
are not removed in error from the database. 476

(E) (1) The secretary of state shall adopt rules under 477
Chapter 119. of the Revised Code to establish a uniform method 478
for addressing instances in which records contained in the 479
statewide voter registration database do not conform with 480
records maintained by an agency, state, or group of states 481
described in division (B) or (C) of this section. That method 482

shall prohibit an elector's voter registration from being 483
canceled on the sole basis that the information in the 484
registration record does not conform to records maintained by 485
such an agency. 486

(2) Information provided under division (B) or (C) of this 487
section for maintenance of the statewide voter registration 488
database shall not be used to update the name or address of a 489
registered elector. The name or address of a registered elector 490
shall only be updated as a result of the elector's actions in 491
filing a notice of change of name, change of address, or both. 492

(3) A board of elections shall contact a registered 493
elector pursuant to the rules adopted under division (E)(1) of 494
this section to verify the accuracy of the information in the 495
statewide voter registration database regarding that elector if 496
that information does not conform with information provided 497
under division (B) or (C) of this section and the discrepancy 498
would affect the elector's eligibility to cast a regular ballot. 499

Sec. 3503.152. The secretary of state shall conduct an 500
annual review of the statewide voter registration database to 501
identify persons who appear not to be United States citizens, as 502
follows: 503

(A) The secretary of state shall compare the information 504
in the statewide voter registration database with the 505
information the secretary of state obtains from the bureau of 506
motor vehicles under section 3503.151 of the Revised Code to 507
identify any person who does all of the following, in the 508
following order: 509

(1) Submits documentation to the bureau of motor vehicles 510
that indicates that the person is not a United States citizen; 511

(2) Registers to vote, submits a voter registration change 512
of residence or change of name form, or votes in this state; 513

(3) Submits documentation to the bureau of motor vehicles 514
that indicates that the person is not a United States citizen. 515

(B) The secretary of state shall send a written notice to 516
each person identified under division (A) of this section, 517
instructing the person either to confirm that the person is a 518
United States citizen or to submit a completed voter 519
registration cancellation form to the secretary of state. The 520
secretary of state shall include a blank voter registration 521
cancellation form with the notice. If the person fails to 522
respond to the secretary of state in the manner described in 523
division (C) or (D) of this section not later than thirty days 524
after the notice is sent, the secretary of state promptly shall 525
send the person a second notice and form. 526

(C) If, not later than sixty days after the first notice 527
is sent, a person who is sent a notice under division (B) of 528
this section responds to the secretary of state, confirming that 529
the person is a United States citizen, the secretary of state 530
shall take no action concerning the person's voter registration. 531

(D) If, not later than sixty days after the first notice 532
was sent, a person who receives a notice under division (B) of 533
this section sends a completed voter registration cancellation 534
form to the secretary of state, the secretary of state shall 535
instruct the board of elections of the county in which the 536
person is registered to cancel the person's registration. 537

(E) If a person who is sent a second notice under division 538
(B) of this section fails to respond to the secretary of state 539
in the manner described in division (C) or (D) of this section 540

not later than thirty days after the second notice is sent, the 541
secretary of state shall refer the matter to the attorney 542
general for further investigation and possible prosecution under 543
section 3599.11, 3599.12, 3599.13, or any other applicable 544
section of the Revised Code. If, after the thirtieth day after 545
the second notice is sent, the person sends a completed voter 546
registration cancellation form to the secretary of state, the 547
secretary of state shall instruct the board of elections of the 548
county in which the person is registered to cancel the person's 549
registration and shall notify the attorney general of the 550
cancellation. 551

(F) The secretary of state shall not conduct the review 552
described in this section during the ninety days immediately 553
preceding a primary or general election for federal office. 554

Sec. 3503.153. (A) The statewide voter registration 555
database shall be made available on a web site of the office of 556
the secretary of state as follows: 557

(1) Except as otherwise provided in division (A) (2) of 558
this section, the following information from the statewide voter 559
registration database regarding a registered elector shall be 560
made available on the web site: 561

(a) The elector's name; 562

(b) The elector's birth date; 563

(c) The elector's current residence address; 564

(d) The elector's precinct number; 565

(e) The elector's voter registration date, as described in 566
division (C) (9) of section 3503.15 of the Revised Code; 567

(f) The elector's voting history, as described in division 568

<u>(C) (10) of section 3503.15 of the Revised Code;</u>	569
<u>(g) The elector's last activity date, as described in</u>	570
<u>division (C) (11) of section 3503.15 of the Revised Code.</u>	571
<u>(2) During the thirty days before the day of a primary or</u>	572
<u>general election, the web site interface of the statewide voter</u>	573
<u>registration database shall permit an elector to search for the</u>	574
<u>polling location at which that elector may cast a ballot.</u>	575
<u>(3) No information in the statewide voter registration</u>	576
<u>database that is exempt from disclosure under division (A) (2) of</u>	577
<u>section 3503.13 of the Revised Code shall be made available on</u>	578
<u>the web site.</u>	579
<u>(B) (1) The secretary of state shall establish, by rule</u>	580
<u>adopted under Chapter 119. of the Revised Code, a process for</u>	581
<u>boards of elections to notify the secretary of state of changes</u>	582
<u>in the locations of precinct polling places for the purpose of</u>	583
<u>updating the information made available on the secretary of</u>	584
<u>state's web site under division (A) (2) of this section. Those</u>	585
<u>rules shall require a board of elections, during the thirty days</u>	586
<u>before the day of a primary or general election, to notify the</u>	587
<u>secretary of state within one business day of any change to the</u>	588
<u>location of a precinct polling place within the county.</u>	589
<u>(2) During the thirty days before the day of a primary or</u>	590
<u>general election, not later than one business day after</u>	591
<u>receiving a notification from a county pursuant to division (B)</u>	592
<u>(1) of this section that the location of a precinct polling</u>	593
<u>place has changed, the secretary of state shall update that</u>	594
<u>information on the secretary of state's web site for the purpose</u>	595
<u>of division (A) (2) of this section.</u>	596
Sec. 3505.31. When the results of the voting in a polling	597

place on the day of an election have been determined and entered 598
upon the proper forms and the certifications of those results 599
have been signed by the precinct officials, those officials, 600
before leaving the polling place, shall place all ballots that 601
they have counted in containers provided for that purpose by the 602
board of elections, and shall seal each container in a manner 603
that it cannot be opened without breaking the seal or the 604
material of which the container is made. They shall also seal 605
the pollbook, poll list or signature pollbook, and tally sheet 606
in a manner that the data contained in these items cannot be 607
seen without breaking the seals. On the outside of these items 608
shall be a plain indication that they are to be filed with the 609
board. The voting location manager and an employee or appointee 610
of the board of elections who has taken an oath to uphold the 611
laws and constitution of this state, including an oath that the 612
person will promptly and securely perform the duties required 613
under this section and who is a member of a different political 614
party than the voting location manager, shall then deliver to 615
the board the containers of ballots and the sealed pollbook, 616
poll list, and tally sheet, together with all other election 617
reports, materials, and supplies required to be delivered to the 618
board. 619

The board shall carefully preserve all ballots prepared 620
and provided by it for use in an election, whether used or 621
unused, including any electronic images of ballots, for ~~sixty-at~~ 622
least eighty-one days after the day of the election, except 623
that, if an election includes the nomination or election of 624
candidates for any of the offices of president, vice-president, 625
presidential elector, member of the senate of the congress of 626
the United States, or member of the house of representatives of 627
the congress of the United States, the board shall carefully 628

preserve all ballots prepared and provided by it for use in that 629
election, whether used or unused, for twenty-two months after 630
the day of the election. If an election is held within that 631
~~sixty-day eighty-one-day~~ period, the board shall have authority 632
to transfer those ballots to other containers to preserve them 633
until the ~~sixty-day eighty-one-day~~ period has expired. After 634
that ~~sixty-day eighty-one-day~~ period, the ballots shall be 635
disposed of by the board in a manner that the board orders, or 636
where voting machines have been used the counters may be turned 637
back to zero; provided that the secretary of state, within that 638
~~sixty-day eighty-one-day~~ period, may order the board to preserve 639
the ballots or any part of the ballots for a longer period of 640
time, in which event the board shall preserve those ballots for 641
that longer period of time. 642

In counties where voting machines are used, if an election 643
is to be held within the ~~sixty-eighty-one~~ days immediately 644
following a primary, general, or special election or within any 645
period of time within which the ballots have been ordered 646
preserved by the secretary of state or a court of competent 647
jurisdiction, the board, after giving notice to all interested 648
parties and affording them an opportunity to have a 649
representative present, shall open the compartments of the 650
machines and, without unlocking the machines, shall recanvass 651
the vote cast in them as if a recount were being held. The 652
results shall be certified by the board, and this certification 653
shall be filed in the board's office and retained for the 654
remainder of the period for which ballots must be kept. After 655
preparation of the certificate, the counters may be turned back 656
to zero, and the machines may be used for the election. 657

The board shall carefully preserve the pollbook, poll list 658
or signature pollbook, and tally sheet delivered to it from each 659

polling place until it has completed the official canvass of the 660
election returns from all precincts in which electors were 661
entitled to vote at an election, and has prepared and certified 662
the abstracts of election returns, as required by law. The board 663
shall not break, or permit anyone to break, the seals upon the 664
pollbook, poll list or signature pollbook, and tally sheet, or 665
make, or permit any one to make, any changes or notations in 666
these items, while they are in its custody, except as provided 667
by section 3505.32 of the Revised Code. 668

Pollbooks and poll lists or signature pollbooks of a party 669
primary election delivered to the board from polling places 670
shall be carefully preserved by it for two years after the day 671
of election in which they were used, and shall then be disposed 672
of by the board in a manner that the board orders. 673

Pollbooks, poll lists or signature pollbooks, tally 674
sheets, summary statements, and other records and returns of an 675
election delivered to it from polling places shall be carefully 676
preserved by the board for two years after the day of the 677
election in which they were used, and shall then be disposed of 678
by the board in a manner that the board orders. 679

Section 2. That existing sections 3503.13, 3503.15, and 680
3505.31 of the Revised Code are hereby repealed. 681

Section 3. The General Assembly intends to appropriate 682
funds to the Office of the Secretary of State to pay the costs 683
incurred by the Secretary of State and the boards of elections 684
in meeting the requirements of this act. 685

Section 4. This act shall be known as the Data Analysis 686
Transparency Archive (DATA) Act. 687

Lawrence, Julia

From: Hays, Caleb <Caleb.Hays@mail.house.gov>
Sent: Wednesday, February 22, 2023 12:17 PM
To: Grandjean, Amanda; Lane, Thomas
Cc: Mauk, Jason
Subject: [EXTERNAL] Re: DATA Act

****Secretary of State Security Notice****

This e-mail is from an external source. Think before you click links or open attachments.

Thanks, Mandi! Great to see you last week.

From: Grandjean, Amanda <agrandjean@OhioSOS.Gov>
Date: Wednesday, February 22, 2023 at 12:06 PM
To: Hays, Caleb <Caleb.Hays@mail.house.gov>, Lane, Thomas <Thomas.Lane@mail.house.gov>
Cc: Mauk, Jason <jmauk@OhioSOS.Gov>
Subject: DATA Act

Hi Caleb and Thomas,

It was great to see both of you in D.C.! Thanks so much for attending Secretary LaRose's briefing. Attached is the DATA Act that was introduced today. We also held a [press conference](#) on it. Happy to answer any questions you may have. Also, we'd love to understand if there are any federal funds available to support its implementation. Of course, we believe that the DATA Act, in part, is simply enforcing, expanding, and codifying at a state level what some would argue is already required at a federal level.

We look forward to hearing from you!

Thanks,
Mandi

Lawrence, Julia

From: Lane, Thomas <Thomas.Lane@mail.house.gov>
Sent: Thursday, February 23, 2023 12:51 PM
To: Grandjean, Amanda
Cc: Mauk, Jason
Subject: [EXTERNAL] RE: DATA Act

****Secretary of State Security Notice****

This e-mail is from an external source. Think before you click links or open attachments.

Mandi and Jason,

It was great seeing you both last week. Thank you for having us at the briefing.

I watched the press conference and I'm comparing the relevant parts of the DATA Act to 52 USC 20701 (the federal retention law). On the federal side, there has been talk of narrowing the definition of "all records and papers" so that we don't inadvertently capture internal non-necessary documents and records. The goal would be to alleviate elections offices from getting bogged down with fishing expeditions/requests for extraneous materials.

The DATA Act was built to work for Ohio, but I'm curious your thoughts about the interplay between the DATA Act and 52 USC 20701 as well as what recommendations you would have for a federal statutory amendment (if one makes sense).

Thank you!

—

Thomas Lane
Elections Counsel & Director of Election Coalitions
Committee on House Administration
Rep. Bryan Steil (WI-01), Chairman
O: (202) 225-8281
C: (202) 913-1220

From: Hays, Caleb <Caleb.Hays@mail.house.gov>
Sent: Wednesday, February 22, 2023 12:17 PM
To: Grandjean, Amanda <agrandjean@OhioSOS.Gov>; Lane, Thomas <Thomas.Lane@mail.house.gov>
Cc: Mauk, Jason <jmauk@OhioSOS.Gov>
Subject: Re: DATA Act

Thanks, Mandi! Great to see you last week.

From: Grandjean, Amanda <agrandjean@OhioSOS.Gov>
Date: Wednesday, February 22, 2023 at 12:06 PM
To: Hays, Caleb <Caleb.Hays@mail.house.gov>, Lane, Thomas <Thomas.Lane@mail.house.gov>
Cc: Mauk, Jason <jmauk@OhioSOS.Gov>
Subject: DATA Act

Hi Caleb and Thomas,

It was great to see both of you in D.C.! Thanks so much for attending Secretary LaRose's briefing. Attached is the DATA Act that was introduced today. We also held a [press conference](#) on it. Happy to answer any questions you may have. Also, we'd love to understand if there are any federal funds available to support its implementation. Of course, we believe that the DATA Act, in part, is simply enforcing, expanding, and codifying at a state level what some would argue is already required at a federal level.

We look forward to hearing from you!

Thanks,
Mandi

Lawrence, Julia

From: Lane, Thomas <Thomas.Lane@mail.house.gov>
Sent: Thursday, March 9, 2023 12:01 PM
To: Grandjean, Amanda; Mauk, Jason; Farrell, Paula; Chadsey, Jeananne
Subject: [EXTERNAL] FW: MATERIALS: 3/10 Elections Subcommittee Hearing
Attachments: Chris Anderson Congressional testimony packet.pdf; Damon Hewitt Bio.pdf; LaRose Bio.pdf; Bio, Sec. Ardoin, 3.10.23.pdf; Ardoin Testimony.pdf; US House Admin Testimony.pdf; Damon Hewitt House Admin Elections Subcommittee Testimony 3.10.23.pdf

Importance: High

****Secretary of State Security Notice****

This e-mail is from an external source. Think before you click links or open attachments.

The [Committee Repository](#) hosts these documents and more.

The Elections Subcommittee membership is:

- Chair Laurel Lee (FL-15)
- Barry Loudermilk (GA-11)
- Stephanie Bice (OK-05)
- Anthony D'Esposito (NY-04)
- Ranking Member Terri Sewell (AL-07)
- Norma Torres (CA-35)

We are also expecting Bryan Steil (WI-01) and Greg Murphy (NC-03) for the beginning of the hearing.

Thank you and see you tomorrow!

—

Thomas Lane

Elections Counsel & Director of Election Coalitions
Committee on House Administration
O: (202) 225-8281 | C: (202) 913-1220

From: Lassiter, Hillary <Hillary.Lassiter@mail.house.gov>
Sent: Wednesday, March 8, 2023 6:30 PM
To: Lassiter, Hillary <Hillary.Lassiter@mail.house.gov>
Subject: MATERIALS: 3/10 Elections Subcommittee Hearing
Importance: High

Hi, all. We're in the home stretch of a busy week! The below documents are attached and available on the [Committee Repository](#) for Friday's Elections Subcommittee hearing.

Chris Anderson, Supervisor of Elections, Florida, Seminole County:

- Testimony
- Bio

Frank LaRose, Ohio Secretary of State:

- Testimony
- Bio

Kyle Ardoin, Louisiana Secretary of State:

- Testimony
- Bio

Damon Hewitt, President and Executive Director of the Lawyers' Committee:

- Testimony
- Bio

Thanks,
Hillary

Hillary Lassiter | Clerk
Committee on House Administration
1309 Longworth HOB | (202) 225-8281

Chairwoman Lee, Ranking Member Sewell, and distinguished members of this committee: good morning and thank you for having me. I am especially pleased to be speaking before you today because Louisiana has unique experience in election preparation that lent itself to the successful execution of our 2020, 2021, and 2022 statewide elections.

In 2020, not only did Louisiana face the challenges of the COVID-19 pandemic—as did my colleagues across the country—but we also had to contend with several hurricanes and tropical storms in a major election cycle, the last of which made landfall six days before the Presidential Election. In 2021, we had to contend with another major storm, Hurricane Ida, which made landfall in southeast Louisiana six weeks prior to a statewide election. The damage caused by Ida was so widespread and severe that we were forced to reschedule the election.

Thankfully, we developed a contingency plan in 2020—Operation Geaux Vote—which gave our office, election workers, and partners across the state the tools necessary to successfully execute these major elections. In fact, despite the

storms and ongoing pandemic, over 70.1 percent of eligible voters in Louisiana participated in the 2020 Presidential Election.

Since 2014, Louisiana has successfully carried out nine statewide elections in a row. This track record of success was once again on display in the 2022 congressional midterm elections, where we were able to roll back our COVID restrictions and, thankfully, did not have to contend with any major storms. As usual, we finalized the tabulation of results in a matter of hours.

This consistency is why the Louisiana Legislative Auditor released a 45-page report last year which confirmed the effectiveness of our policies and procedures. The report stated that “overall, we found the Department of State has procedures and practices to ensure election integrity.”

The policies they site, in addition to my office’s work with the legislature, have been vital in promoting integrity and efficiency in Louisiana’s elections.

We have worked to pass legislation that banned ballot harvesting, provides more accurate data from the Louisiana

Department of Health to conduct more accurate audits of our voter rolls, holds managed service providers accountable, and strengthened the testing of our voting equipment. I have also taken the step of banning TikTok from the Louisiana Department of State's devices and network as a means of protecting our constituents' personally identifiable information. I am pleased to say that our governor, at my urging, followed suit and banned the app from devices and networks under his jurisdiction. This app has strong ties to the Chinese Communist Party and has no business being anywhere near government devices.

Further, I am happy to say that Louisianians overwhelmingly voted in favor of a constitutional amendment in December that prohibits non-citizens from registering or voting in any election in our state. Participation in our democracy is both a right of American citizens, and a tremendous responsibility for those that exercise it. It is how we, as Americans, exercise political power over our government, our nation, and ultimately, each other. As citizens, we rely on the assumption that those who have a say over how we govern ourselves are our countrymen.

That is why the practice of non-citizen voting is particularly egregious. It is wrong in principle, and in practice it could open the door for foreign nationals with no loyalty to our communities and country to exercise political power over our citizens.

The Washington Post's editorial board even expressed their opposition to the bill that has been recently become law in Washington, D.C. that allows for non-citizen voting in local elections. I am grateful to the House for moving swiftly to block this measure. Unfortunately, your colleagues in the Senate did not follow suit. This law has the potential to irreparably weaken one of the strongest ties that binds us together as a nation. I would suggest that other states move swiftly to enact legislation or amendments similar to Louisiana's. It is yet another safeguard that ensures our election integrity.

Our state utilizes a top-down approach to the administration, preparation, and execution of its elections, whereby our policies and procedures are set in the Secretary of State's office and flow downstream to the Registrars of Voters and Clerks of Court in all 64 parishes. This gives Louisiana much-needed uniformity in

our elections. Whether a voter is in St. Bernard, Beauregard, or Bossier Parish, they will be voting on the same system, in the same manner, with the same procedures for tabulation and reporting.

This top-down approach to elections is what allowed us to have over 1.4 million votes tabulated within five hours of poll closure on election night. It is this system that keeps Louisianians from having to wait two weeks to learn who their elected representatives are going to be. Where some states counted their returns in terms of days and weeks, we counted ours in terms of hours.

Unfortunately, there are some states across the union that failed to produce timely results during the most recent election cycle. We are 22 years removed from the logistical and operational debacle of *Bush v. Gore*, and despite the resources available to election officials, it took some states days and weeks to tabulate their results. This, in turn, has created space for some to question the integrity of their state elections.

As election officials, we have to get it right the first time, every time—any deviation from that standard risks losing the trust of

the voters. That trust is the lifeblood of our democracy. Our social contract rests on the assumption that the power we delegate to our elected officials is done so in a uniform, fair, and consistent manner. If we as election officials fail to maintain the voters' faith in their elections, then the political health and long-term stability of the republic is put at risk.

The best way for officials to counter claims of stolen elections, fraud, or interference is to leave no room for doubt. I would humbly suggest that other states look to Louisiana as a model for conducting elections and maintaining their integrity.

Consider adopting some of the standards and practices Louisiana has in place. If we leave zero room for doubt, we will give the voters every reason to trust in their elections and our democracy.

Biography: Louisiana Secretary of State Kyle Ardoin

Kyle Ardoin is Louisiana's 44th Secretary of State. A resident of Baton Rouge, Secretary Ardoin was elected on Dec. 8, 2018. He brings a wealth of knowledge to the office having served as interim Secretary of State from May 2018 until his election, and First Assistant Secretary of State for eight years prior to that. Secretary Ardoin previously served as President of the National Association of Secretaries of State, currently serves on the Election Infrastructure Subsector Government Coordinating Council, and became a Certified Elections Registration Administrator in 2021. He brings to the office more than 30 years of experience working in both the private and public sectors.

Secretary Ardoin has a diverse background, including starting his own association management and lobbying firm, which specialized in health care and educational services. He also has extensive experience in state government having worked for the Louisiana House of Representatives, served as a gubernatorial appointment on the Capital Area Human Services District and served on the Health Care Reform Commission before his service as First Assistant Secretary of State. Additionally, he was elected to and served four years on the West Baton Rouge Parish School Board.

Secretary Ardoin is married to the former Letti Lowe of Port Allen and has a daughter, Abbigale and grandson, J.J. The Ardoins are members of St. Aloysius (AL-oh-ISH-əs) Catholic Church in Baton Rouge.

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)* of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: House Administration

Subcommittee: Elections

Hearing Date: 03/07/2023

Hearing Title :

2022 Midterms Look Back Series: Success in the 2022 Midterm

Witness Name: Chris Anderson

Position/Title: Seminole County Supervisor of Elections

Witness Type: Governmental Non-governmental

Are you representing yourself or an organization? Self Organization

If you are representing an organization, please list what entity or entities you are representing:

Seminole County Supervisor of Election's Office

FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

Are you a fiduciary—including, but not limited to, a director, officer, advisor, or resident agent—of any organization or entity that has an interest in the subject matter of the hearing? If so, please list the name of the organization(s) or entities.

Please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the source and amount of each grant or contract.

2022-2023 Election Security Enhancement Funds
2021-2022 Election Security Grant (Grant 4)
2021 Election Security Grant (Grant 1)
2020 Coronavirus Aid, Relief and Economic Security (CARES) Act
2019-2020 Federal Election Cybersecurity Initiatives

Please list any contracts, grants, or payments originating with a foreign government and related to the hearing's subject that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the amount and country of origin of each contract or payment.

Not applicable

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

- I have attached a written statement of proposed testimony.
- I have attached my curriculum vitae or biography.

* Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include— (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.

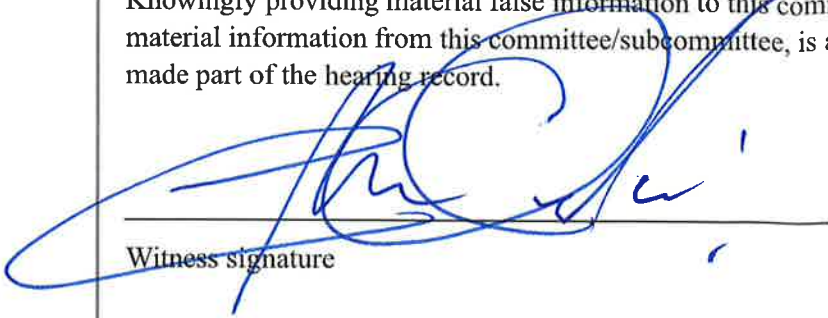
(C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.



False Statements Certification

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.



Witness signature

3/7/20

Date





The Honorable Chris Anderson Biography

After a long career serving his country in the military, where he earned a medal as a combat veteran of Operation Enduring Freedom, and in law enforcement, where he was awarded the exceptional service medal, Anderson was appointed by Governor Ron DeSantis as the Supervisor of Elections for Seminole County, in January of 2019. In 2020, Anderson was elected to office as the first African American constitutional officer in the history of Seminole County. Anderson will become the first Supervisor of Elections in the history of Seminole County to graduate with his Master Florida Certification in elections administration from the nationally awarded Florida Certified Election Professionals Program (MFCEP) facilitated by Florida State University.

In this role, Chris is responsible for overseeing all election activities for the county, including managing all municipal, county, state, and national elections in Seminole County; preventing voting fraud activities and facilitating qualifying of county-wide candidates for office.

Very quickly, Chris transformed the mission of the office to working to “Ensuring Your Choice Counts.” This new mission focuses on providing fair and equitable elections for all of the citizens of Seminole County, regardless of their party and background.

Growing up, there was every reason why Chris should have been in the back seat of a police car rather than in the front seat. He attributes the difference to his faith and often shares his story to inspire others - especially young people - to help them overcome their adversities.

Chris was raised by a single father who had to fight numerous internal demons while trying to raise a son on his own. He died in 2003 of AIDS. Despite his father's best efforts, they often lived without essentials such as running water and electricity due to unpaid bills. Chris vividly remembers doing homework by candlelight and going to bed hungry.

Chris was able to overcome his adversities with the help of many others, such as his beloved grandmother Ida. They stepped in to help when his father was no longer able to.

Chris persevered and, after finishing high school, he enlisted in the United States Army less than two months before the 9/11 terrorist attacks. He was deployed to Afghanistan and oversaw security details focused on clearing the forward operating Bagram airfield and providing armed escorts for Afghanistan locals providing services to the base.

Personally, Chris is focused on his family. He met his wife, Ebony, in 9th grade and are high school sweethearts that will celebrate 20 years of marriage in January 2022. He is the father of one son, C.J., and two daughters, Christiana and Christian. He graduated from Columbia College with a degree in criminal justice and is a licensed pilot. He is a member of the Church of Christ and enjoys spending time with his family at the beach and reading books on leadership when he is not at the Supervisor of Elections office.



CHRIS ANDERSON SEMINOLE COUNTY SUPERVISOR OF ELECTIONS

1500 EAST AIRPORT BLVD, SANFORD, FL 32773

MAIN OFFICE PHONE: **407-585-VOTE** (8683) | GENERAL FAX: 407-708-7705

House Administration and Elections subcommittee

Good morning Chairwoman Lee, and to all members of the Committee. Thank you for inviting me to testify today.

I'm Chris Anderson. I was appointed to office by Governor Ron DeSantis in 2019, and I was elected into office in 2020, as the first African American constitutional officer in the history of Seminole County as Supervisor of Elections. I will also become the first Supervisor of Elections serving the voters of Seminole County to graduate with his Master Florida Certification in elections administration from the nationally awarded Florida Certified Election Professionals Program (MFCEP) facilitated by Florida State University.

Prior to my appointment, I served in the United States Army serving in combat in Afghanistan in support of Operation Enduring Freedom. I am a former law enforcement professional serving as a major crimes detective, background investigator, and truth verification examiner. Most importantly, I've been married for over 20 years to my high school sweetheart, Ebony Anderson. We have three beautiful children, Christopher, Christiana and Christian. It is my distinct honor to be here.

I'd like to take a moment to share some statistics from Seminole County. Currently, Seminole County has a total of 345,141 voters. There are 117,204 Republicans, 114,490 Democrats and 113,447 NPA/minor party affiliated voters, essentially, a third, a third, and a third. Of our voting population, there are 37,336 African American registered voters and 57,871 registered Hispanic voters. During the 2022 election cycle, 22,213 African Americans and 28,264 Hispanic voters cast a ballot.

As election officials across the country are presently preparing for the extremely busy 2024 election cycle, we pause to reflect on the lessons and improvements Florida has undertaken to transform itself from a punchline in 2000 to the gold standard for elections in 2022.

Over the last two decades, Florida has put the needs of the voter first, culminating in easy and accessible access to the ballot, as well as timely and accurate reporting of results.

We offer a no-excuse vote-by-mail option that has proven to be quite popular, especially in 2020, with heightened health concerns. Setting Florida apart from many other states, vote-by-mail ballots are allowed to be verified, opened, and tabulated in the weeks prior to the election. This process allows us to publish nearly complete vote-by-mail totals as soon as polls close on election night. In addition, if there is an issue with a mail ballot signature, we have more time to contact the voter, providing them an opportunity to "CURE" their ballot. This early opening process is advantageous to both election administrators and voters. As an early adopter of in-person Early Voting, Florida forged its own path, creating a model uniquely serving all 67 counties, large and small.



CHRIS ANDERSON SEMINOLE COUNTY SUPERVISOR OF ELECTIONS

1500 EAST AIRPORT BLVD, SANFORD, FL 32773

MAIN OFFICE PHONE: **407-585-VOTE** (8683) | GENERAL FAX: 407-708-7705

All counties are required to offer Early Voting, but each county has the freedom and flexibility to determine the length of time, the voting hours, and the number of Early Voting sites that will work best for its size.

Echoing lessons learned from 2000, Florida has also revamped its laws and procedures for recounts and post-election audits. This system provides clear guidelines for election administrators and candidates, and gives certainty to voters when election results are close.

Understanding that professional partnerships are crucial to the enhancement and continued refinement of our procedures, Florida's supervisors, legislators, and stakeholders have come together to ensure that Florida's elections remain safe, secure, efficient, and accurate while facing the challenges of administering elections in the 21st century.

In recent years election security has become a top priority. Partnerships between local, state, and federal agencies have strengthened our ability to defend against cyberattacks from nation-state actors and other groups.

In 2017, the Department of Homeland Security designated elections as critical infrastructure, and the Center for Internet Security formed the Elections Infrastructure Information Sharing and Analysis Center (EI-ISAC). Through EI-ISAC, election officials have access to a cyber defense suite, including sector-specific threat intelligence products, incident response and remediation, threat and vulnerability monitoring, cybersecurity awareness and training products, and tools for implementing security best practices. Florida has used HAVA dollars to fund election security grant programs for local offices, where they have been incredibly successful.

There have also been significant efforts in raising the professionalism of election officials. Since 2000, over 1,300 election professionals have received their national Certified Elections Registration Administrator designation, with 119 of those from Florida. I am proud to say I am well on my way to gaining the Certified Elections and Registration Administrator certification as well.

Going a step further, the Florida Supervisors of Elections Association developed the nationally awarded Florida Certified Elections Professional program. The FCEP program consists of 30 core courses, renewal courses, and 120 hours of content instructed by experts on topics such as voter registration, election law, election worker recruitment, and more.

Since its inception in 2009, we have had over 800 participants, with 245 obtaining their Master Florida Certified Elections Professional designation.

I'd like to thank you again for the opportunity to appear before the Committee today, and I look forward to your questions.

Damon Hewitt, a long-time civil rights lawyer, social justice strategist, philanthropist, manager and coalition-builder, currently serves as the President and Executive Director of the Lawyers' Committee for Civil Rights Under Law.

Prior to joining the Lawyers' Committee, Hewitt served as inaugural executive director of the Executives' Alliance for Boys and Men of Color. He previously served as Senior Advisor at the Open Society Foundations where he coordinated funding efforts responding to the uprising in Ferguson, Missouri. Before entering philanthropy, Hewitt worked for over a decade as an attorney at the NAACP Legal Defense and Educational Fund where he was lead counsel on litigation and policy matters and supervised teams of lawyers and non-lawyers. He led pioneering efforts addressing the School to Prison Pipeline and coordinated litigation and advocacy efforts following Hurricane Katrina. Hewitt also served as Executive Director of the New York State Task Force on Police-on-Police Shootings, an entity analyzing police practices following the deaths of off-duty African American and Latino police officers who were shot by fellow officers after being mistaken for "criminal" suspects.

Hewitt is co-author of a book, *The School-to-Prison Pipeline: Structuring Legal Reform*, and has published numerous articles on racial justice, school discipline policy and progressive education reform. He holds a B.A. in Political Science from Louisiana State University and a J.D. from the University of Pennsylvania Law School.



**LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
U N D E R L A W**

**STATEMENT OF DAMON T. HEWITT
PRESIDENT AND EXECUTIVE DIRECTOR
LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW**

**U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON ADMINISTRATION
SUBCOMMITTEE ON ELECTIONS
HEARING ON
"2022 MIDTERMS LOOK BACK SERIES:
SUCCESSSES IN THE 2022 MIDTERM ELECTIONS"**

MARCH 10, 2023

I. Introduction

Chairwoman Lee, Ranking Member Sewell, and Members of the Subcommittee on Elections of the U.S. House of Representatives Committee on House Administration, my name is Damon T. Hewitt, and I am the President and Executive Director of the Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee"). Thank you for the opportunity to testify today on the successes and the challenges of the 2022 midterm elections.

The Lawyers' Committee uses legal advocacy to achieve racial justice, fighting inside and outside the courts to ensure that Black people and other people of color have voice, opportunity, and power to make the promises of our democracy real. The Lawyers' Committee convenes the nation's largest nonpartisan voter protection effort, the Election Protection coalition, which includes a suite of voter assistance hotlines including 866-OUR-VOTE which the organization administers. The Election Protection Coalition worked year-round with almost four hundred national, state, and community partners to provide Americans from coast to coast with comprehensive voting information and resources during the 2022 midterm elections. Our work lets us stand shoulder to shoulder with the thousands of election workers, volunteers, administrators, and organizers who carry the burden of keeping our democracy functioning at great personal costs of time, effort, and money.

On March 7, 1965, over five-hundred civil rights "foot soldiers" marched from Selma to Montgomery, Alabama to protest the denial of their right to vote.¹ These true patriots played a "significant, powerful, and historic role" during the civil rights movement of the 1960s.² They were thousands of unsung Black people, White people and other people of color, who marched not only across the Edmund Pettus bridge, but all across the South to demand their full citizenship rights. During the march from Selma, the foot soldiers gathered on the Edmund Pettus Bridge in peaceful protest.³ However, as they attempted to cross the bridge, Alabama state troopers "used tear gas . . . and beat them with clubs and whips."⁴ Their courage and sacrifice ultimately led to the passage of the Voting Rights Act of 1965.⁵

Today, the modern foot soldiers of our democracy are the volunteers, poll workers, and organizers who work tirelessly across the country to ensure that every

¹ *Who were Selma's 'Bloody Sunday' marchers? Project seeks names of civil rights foot soldiers*, AL.COM (Oct. 3, 2021), <https://www.al.com/news/2021/10/who-were-selmas-bloody-sunday-marchers-project-seeks-names-of-civil-rights-foot-soldiers.html>.

² *Foot Soldiers Oral Histories*, 58TH SELMA, <https://www.selmajubilee.com/foot-soldiers> (last visited Mar. 8, 2023).

³ Hazel Scott, *'Bloody Sunday' Exhibit to Identify Foot Soldiers*, ASU (Apr. 22, 2022), <https://www.alasu.edu/bloody-sunday-exhibit-identify-foot-soldiers>.

⁴ *Id.*

⁵ *About*, 58TH SELMA, <https://www.selmajubilee.com/mission-history> (last visited Mar. 7, 2023).

American can vote free from racial discrimination and unnecessary barriers that suffocate democracy.

Last weekend, I and other Lawyers' Committee staff had the opportunity to march with some of the original foot soldiers, as well as a new cohort of modern defenders of democracy. I was one of many thousands who had the honor of crossing the Edmund Pettis bridge with Ranking Member Sewell during the Bridge Crossing Jubilee—the annual event that honors the sacrifice of those attacked on Bloody Sunday.

But the purpose of this event is not to celebrate the end of a past problem that has now been solved. Thousands of people from all walks of life march across that bridge every year so that America does not forget that the right to vote is *still* under attack today. On that bridge this year were voters who have confronted unnecessary hurdles to the ballot box, volunteers who have seen burdensome election laws make it harder for voters to register, and election administrators, many of whom confront threats, simply for trying to do their job in good faith. While the Selma to Montgomery March includes the surviving heroes of the original march, they are joined by thousands who march with them because they know that voters—predominantly voters of color—still face unnecessary obstacles when all they want to do is cast their vote and have that vote be counted.

As Congressman John Lewis said, “Voting is the most powerful, non-violent tool we have to create a more perfect union.”⁶ Whether the sacrifice for the right to vote came in 1965 or 2022, whether it came in the form of spilled blood yesterday or standing up to intimidation today, as President Lyndon Baines Johnson said upon signing the Voting Rights Act, “denial of the right to vote is still a deadly wrong.”⁷ Congress must honor those who have sacrificed for the right to vote by fulfilling the promise of our Constitution and ensuring every American can exercise that right on an equal and non-discriminatory basis without obstruction or capricious repercussion under law.

As some have noted, the midterm elections of 2022 were a success, but we must be clear about what that success was, and what it took to achieve. We had success in a relative sense despite all the obstacles that stood in the way – but how much, and at what cost in time, talent, and treasure to get there? It was successful in terms of the size of overall voter turnout, though, as discussed below there were significant disparities between White and Black turnout in several states. But it was *not*

⁶ John Lewis, *The March for Civil Rights*, NAT'L CONST. CTR. (Sept. 17, 2013), <https://constitutioncenter.org/news-debate/americas-town-hall-programs/congressman-john-lewis-the-march-for-civil-rights>.

⁷ Lyndon B. Johnson, *Remarks in the Capitol Rotunda at the Signing of the Voting Rights Act*, AM. PRESIDENCY PROJECT (Aug. 6, 1965), <https://www.presidency.ucsb.edu/documents/remarks-the-capitol-rotunda-the-signing-the-voting-rights-act>.

successful in terms of the ease of voting. The “success” of the 2022 election was built on the shoulders of those who expended time, money, and effort that was needed to overcome unnecessary burdens to voting. The “success” occurred despite onerous government restrictions on ballot access and tremendous pressure and threats directed towards the administrators and workers, who were instrumental in helping the elections run smoothly. The elections were “successfully” certified, despite attacks based on racist stereotypes and lies.⁸

This is not to ignore progress. Many states and localities offered early voting, voting by mail, election day registration, and other voting options, which were especially critical in an ongoing pandemic.⁹ Indeed, all of the states where the percentage of turnout of eligible voters exceeded 55% (Colorado, Maine, Michigan, Minnesota, Oregon, Vermont, Washington, and Wisconsin), offered some combination of election day registration, no excuse voting by mail, and in-person early voting. Overall, an estimated 46.6 percent of eligible voters participated – a generally high level for a mid-term election in this country, though not as high as in 2018.¹⁰ While these successes are real, and the volunteers, election workers, and officials deserve to be proud of their accomplishments, a true accounting of the 2022 elections must include not just how many are able to vote, but which people are able to vote, and the barriers they are forced to overcome to do so.

The fact is that some people—predominantly voters of color—face barriers to the ballot box that make it more difficult and more costly for them to vote than for other people. The past two years have demonstrated the precarity of this grand experiment called participatory democracy. Each election cycle, we are left to wonder and worry whether barriers to vote and attacks on democratic infrastructure will have their intended effect in suppressing the political power of voters of color, or if our infrastructure to scaffold democracy—made possible by organizations that provide voter education or assistance, and litigate—can once more hold up despite these challenges.

Now more than ever, our elections are a work in progress that requires much from the foot soldiers of our democracy. This is certainly no time to proclaim, “Mission Accomplished”. Democracy demands more.

II. Voter Suppression Before and During the 2022 Election

⁸ Erin Banco, *‘People are fearful’: Threats to midterm election workers spur law enforcement response across U.S.*, POLITICO (Nov. 3, 2022), <https://www.politico.com/news/2022/11/03/threats-midterm-election-workers-law-enforcement-00065017>.

⁹ *Early In-Person Voting*, NCSL (Aug. 30, 2022), <https://www.ncsl.org/elections-and-campaigns/early-in-person-voting>.

¹⁰ *2022 November General Election Turnout Rates*, US ELECTIONS PROJECT (Jan. 10, 2023), <https://www.electproject.org/2022g>.

This testimony contextualizes what we saw in the non-partisan, nationwide Election Protect Coalition, spotlights analysis of the growing racial disparity in participation rates; surveys of the barriers Election Protection efforts encounter in one key state (Georgia); and showcases voter experiences documented by litigation we brought in another jurisdiction (Beaumont, Texas).

Too often in 2022 election workers, civil rights organizers, litigators, and voters were forced to jam their fingers into the doorframe of opportunity while state legislators and hostile elections officials sought to slam the door closed on them. No eligible voting-age citizen, particularly historically disenfranchised Black voters, should be confronted with barriers designed to make it more difficult for them to register to vote or cast a ballot. Nor should they be limited to “participating in an empty ritual” in which the ballots cast are rejected or are rendered meaningless by discriminatory procedures or redistricting practices.¹¹

We are less than two months away from the 10th anniversary of the *Shelby County v. Holder* decision, which ripped preclearance protections from the Voting Rights Act (VRA). The floodgates of voter suppression have long been reopened. Justice Ginsberg’s famous dissenting admonishment that “[t]hrowing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet” seems more prophetic with each new wave of suppressive voting laws.¹² Voters of color are feeling the storm. Moreover, it must be stressed that there is no justification for the rash of restrictive election laws. They are garnished with the rhetoric of making it “harder to cheat,” but there is no evidence of widespread cheating affecting election outcomes. In fact, such claims have been widely debunked and dismissed by numerous courts and the public at large.

Throughout 2021 and 2022, states enacted bills banning or limiting the use of drop boxes for mail-in ballots, restricting early voting hours, shortening the window of time that voters had to request – and otherwise limiting use of – absentee ballots, creating new criminal and financial penalties for election administrators, and giving partisan poll watchers unfettered access to the polls. Restrictive voting laws passed in 2021 and 2022 had a meaningful impact on their intended targets—voters of color.

Texas rejected roughly one out of every eight mail ballots in the 2022 primaries due to onerous administrative requirements, such as requiring that voters list the

¹¹ MARTIN LUTHER KING, JR., A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS AND SPEECHES 307 (2003).

¹² *Shelby County, Ala. v. Holder*, 570 U.S. 529, 590 (2013) (Ginsburg, J., dissenting).

same identification number they originally used to register; the impact fell disproportionately on Latino and Black voters¹³

Georgia passed new restrictive measures that targeted and limited voting methods, like early in-person voting, voting by absentee ballot, and ballot drop boxes, all of which were used much more extensively by voters of color than voting in-person on recent election days. In the November 2022 election, Georgia had a 13.3 percentage point gap between White (58.3%) and Black (45.0%) turnout of registered voters, which was significantly greater than the 8.3 percentage point gap (62.2% to 53.9%) of the previous midterm election in 2018.¹⁴ Notably turnout amongst both Black and White voters fell in 2022 as compared to 2018 despite the significant interest in Georgia elections.¹⁵

Extolling the “success” of the 2022 elections rings hollow to voters, disproportionately voters of color, who waited for hours in line at polling locations or at the only drop box in their county.¹⁶ The Election Protection coalition documents the numerous delayed openings, ballot shortages, and equipment failures which negatively affected voters, particularly voters of color, who have work, school, childcare, eldercare, or other responsibilities, and who were not always able to endure long wait times and, as a result, were unable to cast a ballot. The suppressive new requirements and rules enacted by state legislatures over the past two years that make election administration more taxing for election workers magnified the issues that communities of color have historically faced at the polls. Furthermore, these newly enacted laws have already had and will continue to have a chilling effect on patriotic citizens who would otherwise serve as election administrators. People who have worked as election administrators and workers for decades now fear prosecution, intimidation, and violence. They are citing these as reasons why they are retiring at a rapid rate, taking their skills and institutional memory with them. Most nonsupervisory election workers are nonpartisan volunteers over the age of 60.¹⁷ In fact, 1 in 5 local election officials have already declared that they will likely

¹³ Natalia Contreras, *Voters of color had mail-in ballots rejected at higher rates than white voters in Texas’ March primary*, TEX. TRIBUNE (Oct. 20, 2022), <https://www.texastribune.org/2022/10/20/voting-texas-ballot-rejections/>.

¹⁴ *Georgia Election Results*, GA. SEC’Y STATE, <https://sos.ga.gov/page/georgia-election-results> (last visited Mar. 8, 2023).

¹⁵ Sara Loving & Kevin Morris, *Georgia’s Racial Turnout Gap Grew in 2022*, BRENNAN CTR. JUST. (Dec. 16, 2022), <https://www.brennancenter.org/our-work/analysis-opinion/georgias-racial-turnout-gap-grew-2022>.

¹⁶ Hannah Klain et al., *Waiting to Vote: Racial Disparities in Election Day Experiences*, BRENNAN CTR. JUST. (June 3, 2020), <https://www.brennancenter.org/our-work/research-reports/waiting-vote>.

¹⁷ Michael Barthel & Galen Stocking, *Older People Account for Large Shares of Poll Workers and Voters in U.S. General Elections*, PEW RES. CTR. (Apr. 6, 2020), <https://www.pewresearch.org/fact-tank/2020/04/06/older-people-account-for-large-shares-of-poll-workers-and-voters-in-u-s-general-elections/>.

step down before the 2024 elections.¹⁸ This mass exodus of election officials and election workers is certain to lead to staffing shortages that will require polling places to be closed or consolidated—a practice that has disproportionately happened in Black communities and other communities of color.¹⁹

One thing about the 2022 election cycle is clear: the magnitude of issues we experienced cannot be allowed to become the new normal. Defenders of democracy, from civil rights litigators to volunteer poll workers, have been put in a position where their collective efforts must triumph in a contest every election cycle when facing voter suppression laws that make it harder to vote, where disinformation and misinformation is disseminated with the intent of scaring voters away from voting, where there is intimidation at polling places and harassment of voters and poll workers, where poll watchers are recruited and trained to question the eligibility of voters at the polls, and where mass challenges on voter eligibility are lodged right before voting begins. These are all deliberate attacks on the right to vote, and unfortunately combating them means having a robust rapid response plan every cycle that includes election protection and emergency litigation. The Election Protection coalition will stand ready each time. This election, we largely got ahead of these threats and were able to support voters against numerous attempts to challenge, confuse, and silence them.

But we face real and growing obstacles. The worst voter suppression laws in the country—in states like Texas—are still on the books. Congress has done nothing to either stop the laws that have already been passed or to stop states from enacting even more. We also know that some who deny the very validity of fair and free elections won their races or have been appointed to oversee future elections, raising the specter of hostile state and local election officials acting in explicitly partisan and not-so-subtle racist ways in 2024.

We will continue to confront these dynamics. This means inoculating disinformation, providing voter education, launching timely legal challenges, and sustaining an election protection infrastructure that continues to take voters through every step of the voting process. From needlessly confusing registration requirements, to unnecessary challenges, to onerous ballot curing procedures, we will be there for voters.

Yet Congress and State Government must not ask voters to keep bearing these burdens with no relief in sight. The Lawyers' Committee will continue to provide

¹⁸ Miles Parks, *1 in 5 local election officials say they're likely to quit before 2024*, NPR (Mar. 10, 2022), <https://www.npr.org/2022/03/10/1085425464/1-in-5-local-election-officials-say-theyre-likely-to-quit-before-2024>.

¹⁹ *Democracy Diverted: Polling Place Closures and the Right to Vote*, LEADERSHIP CONF. EDUC. FUND (Sept. 2019), <http://civilrightsdocs.info/pdf/reports/Democracy-Diverted.pdf>.

support and guidance for every eligible voter nationwide, but we will also continue to call on Congress to act now. Democracy is only as strong as our willingness to fight for it—and we are fighting for it. We need Congress to do the same.

III. Indicators of Problems in the 2022 Midterm Elections

Comprised of 389 local, state, and national partners, Election Protection provides Americans from coast to coast with comprehensive information and assistance at all stages of voting—from registration to absentee and early voting, to casting a vote at the polls, to overcoming obstacles to their participation—and works to remove barriers to voting.

Voters can call our suite of voter protection hotlines to seek information, ask questions, and report problems—no matter how simple or complex—and receive assistance from highly trained legal volunteers. In addition to the 866-OUR-VOTE Hotline, the suite of hotlines include 888-VE-Y-VOTA (in Spanish), administered by the National Association of Latino Elected and Appointed Officials Educational Fund, to provide identical assistance to Spanish-speaking voters; 888-API-VOTE which provides assistance in Mandarin, Cantonese, Korean, Vietnamese, Tagalog, Urdu, Hindi, and Bengali, administered by APIAVote and Asian Americans Advancing Justice-AAJC and 844-YALLA-US, administered by the Arab American Institute which provides assistance in Arabic. Voters can also reach the hotline for assistance by text; through chat from the www.866ourvote.org; by direct message through the @866ourVote Twitter account and at facebook.com/866OurVote.

In addition to the hotlines, Election Protection provides both legal and grassroots assistance at polling places in 33 states. In every major election, thousands of attorneys and grassroots volunteers monitor polling locations, meet with election officials, develop legal and voter outreach materials, and engage in legal and policy advocacy, including litigation when necessary. National partner Common Cause coordinates the grassroots program along with state and local partners. Legal and grassroots volunteers work collaboratively to answer questions and aid voters at the polls during early vote and on Election Day.

Since 2004, Election Protection has amassed a record of the systemic problems Americans face when exercising their right to vote, at every step of the voting process from registration to ensuring their ballot is counted. Using this data, we have developed concrete election reform policy proposals at the local, state, and federal levels that address the true problems voters face, as well as supporting high-impact litigation to ensure our elections are free, fair, and accessible to all eligible voters.

In 2022, the 866-OUR-VOTE hotline’s call volume was similar to the 2018 midterm call volume. However, there were some marked trends that are of particular note for assessing the 2022 election.

A. Timing of Calls

The timing of requests for information and assistance changed between 2018 and 2022. In 2018, almost 50% of call volume occurred on Election Day; in 2022, only about 20% of calls came in on Election Day. Although the number of calls is similar, many more voters are choosing to vote early or by mail, indicating that the massive spike in absentee voting in 2020 due to the pandemic may have caused a long-term change to the way voters interact with the election system. Although Election Protection is often thought of as an Election Day effort, the coalition works year-round to educate voters, engage election officials, and provide assistance to voters throughout the election cycle.

B. Polling Place Access and Equipment Issues

Reports to Election Protection show a small but noticeable increase in polling place access and equipment issues. Polling place access issues included late openings and early closings of voting locations; lack of language and disability access; and general access concerns, such as lack of signage and privacy. In 2022, 1.9% of all calls to the hotline regarded late openings and early closings of polling places. This represents a proportional increase from 2020 when 1.7% of calls reported access concerns. According to our database, equipment issues impacted numerous voting locations across the country on Election Day, often creating or exacerbating access concerns.

Voting equipment issues, problems with electronic poll books, scanners, insufficient supplies of paper and other voting equipment related issues, led to some polls opening late in several states, including in Georgia, Michigan, South Carolina, Arizona, Illinois, Texas and New Jersey, Utah, and Delaware, among others, and generated calls to the Election Protection hotline.

In some instances, poll managers deployed emergency paper ballots to help alleviate long lines or courts ordered extensions of the time when polls would close.²⁰

C. Voter Intimidation

Additionally, we documented increased reports of voter intimidation. Our Election Protection infrastructure received 1,648 calls regarding voter intimidation incidents, representing a small proportional increase over the 2018 midterm elections. Incidents related to later publicized reports of coordinated voter

²⁰ Julia Mueller, *Here's where voting hours were extended on Tuesday*, THE HILL (Nov. 8, 2022), <https://thehill.com/homenews/campaign/3726186-heres-where-voting-hours-were-extended/>.

intimidation campaigns,²¹ also formed a basis for litigation intervention, which is discussed in detail further below.²²

IV. Racial Disparities in Voter Turnout Continued to Grow in 2022

Racialized gaps in turnout suggest troubling disparities in how barriers to voting disproportionately, and effectively, burden communities of color. The uptick of suppressive voting laws enacted since 2020 and targeted at voters of color suggested that this disparity would worsen. Recent history since the *Shelby County* decision has also offered discouraging indications of racial disparity when voting protections have been loosened. As a Brennan Center for Justice report found, “between 2012 and 2020, the White-Black turnout gap grew between 9.2 and 20.9 percentage points across five of the six states originally covered by Section 5 of the Voting Rights Act.”²³

In 2020, turnout by voters of color continued a trend of being consistently lower than White turnout, with 70.9 percent of White voters ultimately able to cast ballots compared to only 58.4 percent of voters of color.²⁴ Changes to voting laws can have cross-cutting effects, with suppressive changes to voting practices met by grassroots mobilization, voter education and election protection efforts to counter them. However, even with efforts to mobilize voters and ensure they are able to register and vote, gaps in participation rates between racial groups can highlight the uneven burden applied by targeted voter suppression measures that can be obscured by focus on general turnout rates.²⁵

Overall voter turnout metrics cannot tell the whole story when the intent of suppressive voter legislation is to make it more difficult to vote for a targeted minority. According to Bernard L. Fraga, a professor, and elections expert “changes in [overall] voter turnout are an incomplete metric for gauging the impact of

²¹ Ali Dukakis, *Cases of alleged intimidation at Arizona ballot boxes continue to rise*, ABC:NEWS (Nov. 7, 2022), <https://abcnews.go.com/US/cases-alleged-intimidation-arizona-ballot-boxes-continue-rise/story?id=92811526>.

²² *Lawyers’ Committee for Civil Rights Under Law Gets Relief for Black Voters Facing Voter Intimidation in Texas*, LAWYER’S COMM. C.R. UNDER LAW (Nov. 8, 2022), <https://www.lawyerscommittee.org/lawyers-committee-for-civil-rights-under-law-gets-relief-for-black-voters-facing-voter-intimidation-in-texas/>.

²³ Kevin Morris et al., *Racial Turnout Gap Grew in Jurisdictions Previously Covered by the Voting Rights Act*, BRENNAN CTR. JUST. (Aug. 20, 2021), <https://www.brennancenter.org/our-work/research-reports/racial-turnout-gap-grew-jurisdictions-previously-covered-voting-rights>.

²⁴ Kevin Morris & Coryn Grange, *Large Racial Turnout Gap Persisted in 2020 Election*, BRENNAN CTR. JUST. (Aug. 6, 2021), <https://www.brennancenter.org/our-work/analysis-opinion/large-racial-turnout-gap-persisted-2020-election>.

²⁵ John Kuk et al., *A disproportionate burden: strict voter identification laws and minority turnout*, TAYLOR & FRANCIS ONLINE (Aug. 28, 2019), <https://www.tandfonline.com/doi/full/10.1080/21565503.2020.1773280>.

election law policies or changes in policies on the burdens citizens face.”²⁶ That is because voters take steps to counter barriers to voting, and those steps are “not evidence that the barrier does not exist.”²⁷

Racial disparities in voting seem to have grown across states. This can be seen best in those states where voters are asked to provide race data when they register to vote. Above, I provided statistics from Georgia showing the large and growing disparity in White and Black turnout. In North Carolina, 58% of White registered voters voted in the 2022 general election compared to 41.8% percent of Black or African American voters. In North Carolina White voters had the highest voter turnout percentage compared to all other racial groups.²⁸ Statewide, the gap in turnout between White and Black voters in midterms is soaring, growing from 5 percentage points in 2014 and 8 points in 2018, compared to a roughly 16 percentage point gap in 2022.²⁹

My home state of Louisiana also had a shameful racial disparity in participation. 52.56% of White eligible voters cast a ballot in 2022 compared with only 37.85% of eligible Black voters.³⁰

Further, some states that have passed suppressive voting laws have seen *overall* turnout fall. In Florida, sixty-three percent of voters voted in the 2018 general election compared to 54% in 2022.³¹ Ohio had similar trends, with a fifty-five percent turnout rate in 2018,³² and then dropping down to fifty-two percent in 2022.³³ An estimated 61.2 percent of eligible White voters participated in Ohio’s 2022 election, compared to just 26.2 percent of eligible Black voters, a 35-point difference.³⁴

²⁶ Sur-Rebuttal Report of Bernard L. Fraga, In re Georgia Senate Bill 202, No. 1:21-CV-01229-JPB, 2022 WL 3573076 4 (N.D. Ga. Aug. 18, 2022).

²⁷ *Id.* at 5.

²⁸ *2022 General Election Turnout*, N.C. STATE BD. ELECTIONS, <https://www.ncsbe.gov/results-data/voter-turnout/2022-general-election-turnout> (last visited Mar. 7, 2023).

²⁹ Bob Hall, *NC voter turnout in the midterms: What the data show for various groups*, THE PULSE (Dec. 8, 2022), <https://pulse.ncpolicywatch.org/2022/12/08/nc-voter-turnout-in-the-midterms-what-the-data-show-for-various-groups/#sthash.QNHeOdH5.w2aLakDb.dpbs>.

³⁰ *State Wide Post Election Statistical Report*, LA. SEC’Y STATE, https://electionstatistics.sos.la.gov/Data/Post_Election_Statistics/statewide/2022_1108_sta.pdf (last visited Mar. 8, 2023).

³¹ *Voter Turnout*, FLA. DIVISION OF ELECTIONS (Feb. 27, 2023), <https://www.dos.myflorida.com/elections/data-statistics/elections-data/voter-turnout/>.

³² *Voter Turnout in General Elections*, OHIO SEC’Y OF STATE, <https://www.ohiosos.gov/elections/election-results-and-data/historical-election-comparisons/voter-turnout-in-general-elections/> (last visited Mar. 7, 2023).

³³ *Voter Turnout by County*, OHIO SEC’Y OF STATE, <https://www.ohiosos.gov/globalassets/elections/2022/gen/11-8-22-voter-turnout-summary.xlsx> (last visited Mar. 7, 2023).

³⁴ Lawyers’ Committee estimate. Turnout by race estimated using Ecological Inference.

It is troubling that large racial disparities, and in some cases, drops in overall turnout, have shadowed the 2022 election.

V. Voters Overcame Obstacles in Georgia, but Structural Barriers and Challenges Continue to Grow

Georgia serves as an example of how new laws that target Black voters and make it harder to vote have been confronted by Election Protection and litigation efforts. It is also a stark reminder of the difficulty and substantial resources required by advocates to address voter suppression.

Leading up to the 2022 midterm elections, administrators in Georgia across party lines spoke out against recently passed state laws that made election administration more difficult.³⁵ Despite the fact that Secretary of State Brad Raffensperger and Georgia elections official Gabriel Sterling confirmed that there was no evidence of widespread voter fraud in Fulton County or anywhere else in Georgia during the 2020 election,³⁶ the state legislature passed SB 202, which included provisions that target and make early in-person voting, voting by absentee ballot, and using ballot drop boxes more difficult, all of which were used much more extensively by voters of color than voting in-person on election day. SB 202 not only increased criminal penalties for election administrators in Georgia, but also included state takeover provisions that allow members of the State Elections Board—the majority of whom are appointed by the state legislature—to completely takeover election administration in counties and fire career election administrators.³⁷ These provisions were clearly meant to target Fulton County and other counties with a significant Black population in Georgia.

After the passage of SB 202, the Election Protection coalition received calls from voters having trouble obtaining absentee ballots. In 2020, nearly 30 percent of Black voters in Georgia voted by mail, while only 24 percent of White voters cast their ballot by mail.³⁸ Then, the Georgia legislature included several provisions that make it harder to vote by mail in SB 202. One of these provisions requires any voter who

³⁵ Maya King & Nick Corasaniti, *Local Election Officials in Georgia Oppose G.O.P. Election Bill*, N.Y. TIMES (Mar. 28, 2022), <https://www.nytimes.com/2022/03/28/us/politics/georgia-election-bill.html>.

³⁶ Bart Jansen, *Georgia Election Official: Trump Legal Team 'Intentionally Misled' Voters on Election Fraud*, USA TODAY (Jan. 4, 2021), <https://www.usatoday.com/story/news/politics/elections/2021/01/04/gabriel-sterling-trump-team-misled-voters-election-fraud-georgia/4130374001/>.

³⁷ Domingo Morel, *As Georgia's New Law Shows, When Black People Gain Local Power, States Strip That Power Away*, WASH. POST (Apr. 1, 2021), <https://www.washingtonpost.com/politics/2021/04/01/georgias-new-law-shows-when-black-people-gain-local-power-states-strip-that-power-away/>.

³⁸ Kevin Morris, *Georgia's Proposed Voting Restrictions Will Harm Black Voters Most*, BRENNAN CTR. JUST. (Mar. 6, 2021), <https://www.brennancenter.org/our-work/research-reports/georgias-proposed-voting-restrictions-will-harm-black-voters-most>.

wishes to vote absentee to print out a hard copy of an absentee ballot application, sign it with a pen, and then either return it by mail or scan the application after signing it in ink and uploading it online.³⁹ Previously, voters could simply apply for an absentee ballot online without printing and scanning the form.⁴⁰ This requirement increased the volume of paper absentee ballot applications that county elections offices across the state have to process by hand and decreased access to absentee voting for Black voters and other voters of color who do not have access to printers or scanners at home and would otherwise have to pay money to meet this strenuous requirement.

Another provision of SB 202 also had a negative impact even before the primary election day in Georgia: it cut the window for voters to request an absentee ballot by more than half from 180 days before an election to just 78 days before an election. This unnecessarily restricted the time that voters had to request absentee ballots and that election administrators had to process requests and send the ballots out.⁴¹ Unsurprisingly, many voters in Georgia did not receive their vote by mail ballots by Election Day, including many out of state Georgia college students. Over one thousand ballots simply were not mailed out at all, due to burdens on administrators caused by the law.⁴² Our Election Protection Coalition helped numerous voters who received their absentee ballots late, including two college students who were so eager to vote that they had returned their ballots to their county by express mail, but they still had not been delivered.

Perhaps the gravest threat we saw in 2022 was the abuse of citizen challenges. Made possible by a provision in SB 202 amending Georgia challenge laws⁴³ more than 65,000 Georgia voters had their eligibility challenged; one man alone challenged the eligibility of 31,000 Forsyth County voters.⁴⁴

Approximately 3,200 of those challenges had been sustained prior to November 1, 2022. Challenges in Georgia are approved by county election boards, and if approved, they take effect immediately. Often voters were caught unaware.

³⁹ *Absentee Ballot Request*, GA. SEC'Y OF STATE, <https://securemyabsenteeballot.sos.ga.gov/s/> (last visited Mar. 8, 2023).

⁴⁰ Patricia McKnight, *Georgia Sued Over Rule That Absentee Ballot Applications Be Signed in Ink*, NEWSWEEK (May 2, 2022), <https://www.newsweek.com/georgia-sued-over-rule-that-absentee-ballot-applications-signed-ink-1702733>.

⁴¹ S.B. 202, Ga. Gen. Assemb. (2021).

⁴² *Over 1K absentee ballots never mailed to some Georgia voters*, GPB (Nov. 7, 2022), <https://www.gpb.org/news/2022/11/07/over-1k-absentee-ballots-never-mailed-some-georgia-voters>.

⁴³ Mark Niese, *Voter vs. voter: Georgia conservatives target thousands for cancellation*, THE ATLANTA J. CONST. (July 26, 2022), <https://www.ajc.com/politics/voter-vs-voter-right-wing-residents-target-thousands-for-cancellation/WORGNRFPWJAF3D2PVFWP346BGI/>.

⁴⁴ Mark Niese, *Eligibility challenges impede several Georgia voters at the polls*, THE ATLANTA J. CONST. (Nov. 1, 2022), <https://www.ajc.com/politics/several-georgia-voters-report-hurdles-after-eligibility-challenges/WOUAH77TLRBD5A5HLLFSJV3S44/>.

The Election Protection coalition continued to receive reports of eligible voters appearing at their polling place seeking to cast a ballot in the 2022 general election, only to be told that they had been challenged and had to provide additional evidence of residence. Election workers then risked exacerbating the burdens of the recent change in the law due to unfamiliarity and inadequate training. One voter was initially told during early voting in Fulton County, Georgia, that she would have to cast a provisional ballot, even though she was properly registered and eligible to vote in Fulton County.⁴⁵ She contacted Election Protection and worked with our long-time coalition partner in Georgia to resolve the issue and was able to cast a regular ballot.⁴⁶

Further challenges in the 2022 elections were created by a significant number of county elections administrators retiring or resigning after the state enacted SB 202. The chief county elections administrators in the three counties that include Macon,⁴⁷ Augusta,⁴⁸ and Atlanta⁴⁹—three of the four largest cities in the state of Georgia—all resigned. They had each served in their roles for 10, 28, and 8 years respectively. The former elections director in Macon-Bibb County cited “rapidly changing elections laws” as making her job overwhelmingly stressful and motivating her decision to resign.⁵⁰

The Lawyers’ Committee sued Georgia officials over SB 202 on behalf of the Georgia State Conference of the NAACP, Common Cause, the Georgia Coalition for the People’s Agenda, Inc., the GALEO Latino Community Development Fund, Inc., League of Women Voters of Georgia, and the Lower Muskogee Creek Tribe in federal court.⁵¹ We specifically sued over SB 202’s provisions allowing the State Elections

⁴⁵ *Id.*

⁴⁶ Carlisa N. Johnson, *Early voters in Georgia face obstacles under state’s new election law*, THE GUARDIAN (Oct. 22, 2022), <https://www.theguardian.com/us-news/2022/oct/22/georgia-early-voting-obstacles-new-election-law>.

⁴⁷ Liz Fabian, *Macon-Bibb Elections Supervisor Resigns Due to Stress, Workload, New Election Laws*, WMAZ-TV (Jan. 10, 2022), <https://www.13wmaz.com/article/news/local/macon-bibb-elections-supervisor-resigns/93-8fc78126-6601-4de6-b46e-cbcaf56f8ae5>.

⁴⁸ Susan McCord, *Lynn Bailey, Richmond County elections chief, announces retirement after 28 years*, THE AUGUSTA CHRONICLE (June 15, 2021), <https://www.augustachronicle.com/story/news/local/2021/06/15/lynn-bailey-director-elections-richmond-county-augusta-ga-to-retire/7698364002/>.

⁴⁹ Jeff Amy & Kate Brumback, *Election Director in Georgia’s Fulton County Resigning*, ASSOCIATED PRESS (Nov. 3, 2021), <https://apnews.com/article/elections-voting-georgia-atlanta-0980431ec0eeba03471216fc264895ee>.

⁵⁰ Liz Fabian, *Macon-Bibb Elections Supervisor Resigns Due to Stress, Workload, New Election Laws*, WMAZ-TV (Jan. 10, 2022), <https://www.13wmaz.com/article/news/local/macon-bibb-elections-supervisor-resigns/93-8fc78126-6601-4de6-b46e-cbcaf56f8ae5>.

⁵¹ *Georgia’s SB202 is a Culmination of Concerted Efforts to Suppress the Participation of Black Voters and Other Voters of Color*, LAWYERS’ COMM. C.R. UNDER LAW, (Mar, 29, 2021), <https://www.lawyerscommittee.org/georgias-sb202-is-a-culmination-of-concerted-efforts-to-suppress-the-participation-of-black-voters-and-other-voters-of-color/>.

Board to “take over county election boards, which would give the State Elections Board unprecedented authority to target jurisdictions with a large population of Black voters and other voters of color.”⁵² Last December, the court denied the State’s attempt to dismiss our case, allowing our clients to move forward with their claims and finding that the organizations we represent have stated a plausible discriminatory purpose claim.

When the state legislature seemed poised to pass a second round of restrictions last year, one Republican member of the Forsyth County board of elections warned state lawmakers in Georgia “you’re going to cause me to lose poll workers...I have 400 poll workers that work for our board. That is 400 people that I could see telling me after May, ‘Have a nice life,’ and it’s hard enough to keep them right now.”⁵³ Despite these bipartisan warnings, state lawmakers in Georgia passed an election police force bill that gives the Georgia Bureau of Investigations the power to investigate any violation of the state’s election code, which will almost certainly include investigations of elections workers and administrators in Georgia’s predominantly Black counties.⁵⁴ In fact, elections administrators warned state legislators that involving the GBI would throw a wrench in their efforts to run elections smoothly. Specifically, Douglas County Election Director Milton Kidd warned that allowing the GBI to initiate investigations “could have a ‘chilling effect’ on poll workers and voters who might fear becoming targets of unfounded fraud accusations.”⁵⁵ The GBI could also target election administrators and poll workers for making minor, innocent administrative mistakes, prosecuting those individuals for the kinds of slip ups that do not affect the final vote count in any way.

VI. Beaumont, Texas Voter Discrimination Examples

Texas has a well-documented history of voter intimidation by poll watchers that has disproportionately affected voters of color. The courts have acknowledged this pattern before: in 2014, a federal district court described this very issue: “Minorities continue to have to overcome fear and intimidation when they vote. . . . [T]here are still Anglos at the polls who demand that minority voters identify themselves, telling them that if they have ever gone to jail, they will go to prison if

⁵² Complaint, *Georgia State Conference of the NAACP v. Brad Raffensperger*, (N.D. Ga. 2021), <https://lawyerscommittee.org/wp-content/uploads/2021/03/2021-03-28-complaint-as-filed-with-temporary-case-number.pdf>.

⁵³ Maya King & Nick Corasaniti, *Local Election Officials in Georgia Oppose G.O.P. Election Bill*, N.Y. TIMES (Mar. 28, 2022), <https://www.nytimes.com/2022/03/28/us/politics/georgia-election-bill.html>.

⁵⁴ Brad Dress, *Georgia Lawmakers Pass Bill Empowering Election Force to Investigate Voter Fraud*, THE HILL (Apr. 5, 2022), <https://thehill.com/news/3259631-georgia-lawmakers-pass-bill-empowering-election-force-to-investigate-voter-fraud/>.

⁵⁵ Stanley Dunlap, *Poll Supervisors Fret as Senate Considers Another Election Overhaul*, GEORGIA RECORDER (Mar. 22, 2022), <https://thecurrentga.org/2022/03/22/poll-supervisors-fret-as-senate-considers-another-election-overhaul/>.

they vote. Additionally, there are poll watchers who dress in law enforcement-style clothing for an intimidating effect to which voters of color are often the target.”⁵⁶

However, in this cycle we received disturbing reports of similar intimidation stemming not from poll watchers, but from poll workers themselves. During the early voting period leading up to Election Day in 2022, 866-OUR-VOTE, received complaints from voters at a historically Black polling location in Beaumont, Texas of white poll workers exclusively asking Black voters to recite their addresses out loud after their voter eligibility had already been confirmed.⁵⁷ Our team immediately investigated the allegations, and quickly filed suit on behalf of the Beaumont Branch of the NAACP and an individual Texas voter alleging that Black voters were being targeted and intimidated by White poll workers in the John Paul Davis Community Center polling place, which was located in a predominantly Black neighborhood in Beaumont.

Black voters, poll workers, and voter assistants in Beaumont provided several first-hand accounts of what they witnessed. These are just a few of their stories:

*I have never witnessed what I saw that day at the Community Center, a White poll worker loudly demanding that an elderly Black woman recite her address out loud even though she already verified her address one time and seemed to be checked in.*⁵⁸

- Declaration of Plaintiff Jessica Daye

[V]oters who I was serving at Theodore Johns Library told me that they had previously attempted to vote at the John Paul Davis Community Center and had been unable to vote. One voter was a man and one was a woman. They were both Black. One of these two voters informed me that they had requested a mail ballot and did not receive it in the mail. This voter told me that they were told they could vote a provisional ballot when they attempted to vote at the John Paul Davis Community Center. The other voter told me that they were not informed why they could not have voted at the John Paul Davis Community Center and did not know why

⁵⁶ *Veasey v. Perry*, 71 F. Supp. 3d 627, 636–37 (S.D. Tex. 2014), *aff'd and reversed on other grounds*, *Veasey v. Abbott*, 830 F.3d 216 (5th Cir. 2016).

⁵⁷ *Lawyers' Committee For Civil Rights Under Law Gets Relief for Black Voters Facing Voter Intimidation in Texas*, LAWYERS' COMM. C.R. UNDER LAW (Nov. 8, 2022) <https://www.lawyerscommittee.org/lawyers-committee-for-civil-rights-under-law-gets-relief-for-black-voters-facing-voter-intimidation-in-texas/>.

⁵⁸ Complaint at 3, *Beaumont Chapter of the NAACP v. Jefferson County, Tex.*, 1:22-cv-00488-MJT (E.D. Tex., 2022).

they had been turned away. Based on my knowledge and experience as a poll worker, there was no reason indicated by the poll pad that these voters could not have voted. They voted at the Theodore Johns Library.⁵⁹

- Declaration of Poll Worker Wilmeretta Lowe

[O] my routine trips through the polling place with voters who had requested assistance, I noticed that Black voters were repeatedly and aggressively asked to recite their address by White poll workers as they were checking in at the polling place. Again and again I saw Black voters being interrogated about their address, even after handing over their license to the poll worker and confirming their address was still correct...I saw plenty of White voters cast ballots while I was in the Community Center, but I never saw a single White voter be questioned about their address, their identification, or anything else.⁶⁰

Over the course of the ten days that I assisted voters at the Community Center, I spent a lot of time outside the polling place waiting for voters who asked for my assistance. During this time, I often talked to community members who were heading into the polls to vote or heading out of the polls having already voted. What is most alarming to me is that over the course of ten days of early voting, more than sixty voters told me they felt intimidated, uneasy, and uncomfortable voting in the Community Center. All of these stories came from Black voters. And they all centered on the same issues I was noticing: an aggressive interrogation when Black voters tried to check in, surveillance of Black voters as they worked their way through the polling place, and a failure to assist Black voters in successfully casting their votes using the new scanning machines. I have never heard so much negative feedback about the voting process in my life, but it was important for me to hear it as it motivated me to work even harder to identify voters that were in need of assistance during the voting process, and to closely observe the events happening around me.⁶¹

- Declaration of Joyce Roper (Voter Assistant)

After the Lawyers' Committee and our pro bono partner Latham & Watkins, LLP, sued in federal court, a federal judge held an emergency hearing the evening before

⁵⁹ *Id.*

⁶⁰ *Id.* at 2.

⁶¹ *Id.* at 4.

Election Day, that ran for over two hours. Ultimately, the judge issued an order granting our clients a temporary restraining order, prohibiting all election judges, clerks, workers, volunteers, or watchers at the Beaumont polling place from engaging in intimidation, including asking voters to publicly recite their addresses before allowing them to vote, standing close enough to voters to view who they were voting for, refusing to provide voters assistance with scanning their ballots, or otherwise turning eligible voters away.⁶²

VII. Conclusion

The 2022 election cycle was a “success,” but one with a cost. It still presented challenges to voters and election administrators—intimidation of election workers and administrators, rampant disinformation, staffing shortages, and unprecedented restrictions on voters. That elections proceeded, and did so “successfully,” was due to the sacrifices of voters, organizers, poll workers, election administrators, and litigators focused on protecting “the right preservative of all rights.”⁶³ They have done their part, going above and beyond what should be required of them in a free and democratic society. Now Congress must act immediately to ensure that future elections are administered safely, adequately funded, and freed from suppressive and malicious barriers to registering, casting, and counting ballots so that our democracy can continue to function and Black voters and other voters of color have equal access to the fundamental, precious right to vote.

⁶² Alexa Ura, *Texas Tribune*, *Federal judge tells Beaumont election officials not to harass or discriminate against Black voters*, TEXAS TRIBUNE (Nov. 8, 2022), <https://www.texastribune.org/2022/11/07/voting-discrimination-lawsuit-beaumont/>; Order on TRO, *Beaumont Chapter of the NAACP v. Jefferson County, Tex.*, Case 1:22-cv-00488-MJT Document 14 (E.D. Tex., 2022).

⁶³ *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886).



ABOUT SECRETARY LAROSE

Frank LaRose became Ohio's 51st Secretary of State on January 14, 2019, bringing to the office years of hard-earned leadership skills and public service developed as a U.S. Army Reservist, State Senator, U.S. Army Special Forces Green Beret, and Eagle Scout.

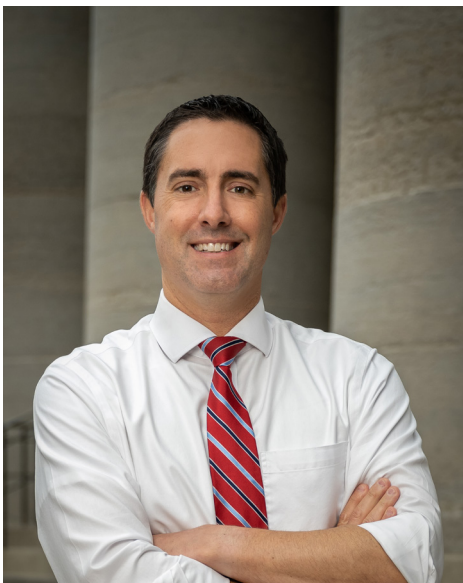
As Secretary of State, he oversees a statewide constitutional office responsible for administering elections and incorporating new businesses. Secretary LaRose principally serves as the state's chief elections officer, working with 88 county boards of elections to ensure the security, accuracy, and accessibility of Ohio's voting process. In 2020, he helped guide the state through the unprecedented challenges of a presidential election conducted at the height of a global pandemic, successfully managing the highest voter turnout election in state history.

Secretary LaRose also positioned Ohio as a leader in election security and vulnerability assessment, putting more resources than ever into cybersecurity improvements, data retention, and post-election audit protocols. He created the office's first Public Integrity Division, launching a bipartisan Election Integrity Task Force and empowering a full-time investigative unit to review alleged violations of state election laws. He authorized the most aggressive effort in the history of the office to ensure the accuracy of Ohio's voter rolls, requiring regular audits of registration data and working with the state attorney general to prevent and potentially prosecute non-citizen voting activity.

Secretary LaRose also modernized the office's campaign finance disclosure system, improving the electronic accessibility and transparency of public reports, and he became one of just four secretaries of state nationwide to win a coveted award for innovative voter outreach and poll worker recruitment programs.

As the lead statewide agency responsible for helping businesses get organized and opened, Secretary LaRose's administration assisted job creators in registering more new ventures than at any time in Ohio's history. He also worked with the General Assembly to enact the most significant business modernization reform since 1994, providing new options for organizing LLCs and improving the office's electronic filing system for business start-ups.

Prior to his election as Secretary of State, LaRose served as a member of the State Senate, where he led efforts to increase government transparency and efficiency, particularly in the areas of elections administration and regulatory reform. Among numerous recognitions, LaRose earned the Legislator of the Year award from the Ohio Association of Election Officials for his efforts to improve Ohio's election process.



LaRose developed his strong work ethic and sense of responsibility at a young age while working on a small, family-owned farm in Northeast Ohio. After graduating from Copley High School, he fulfilled a lifelong dream of enlisting in the United States Army with the 101st Airborne, ultimately serving as a U.S. Special Forces Green Beret. During his decade in uniform around the globe, LaRose received numerous commendations and honors, including the Bronze Star. He continues to serve as an Army Reservist and helps to support his fellow veterans and advance the cause of patriotism as a member of the VFW and as a local board member for the Green Beret Foundation. LaRose graduated from The Ohio State University with a degree in Consumer Affairs and Business. A life-long Northeast Ohioan, he now lives in Central Ohio with his wife, Lauren, and their three daughters.

Chairwoman Lee, Ranking Member Sewell, and members of the U.S. House of Representatives Elections Subcommittee, thank you for the opportunity to submit testimony on the state of our elections and what Ohio is doing to keep moving the ball forward.

Fair elections are the foundation of our democratic republic. They serve to document and certify what Thomas Jefferson called “the consent of the governed,” and their integrity is vital to the representative government on which our states and nation have thrived. With integrity comes confidence in the system, and a belief by the electorate that each election had a sure winner and a sure loser.

Integrity and confidence. They go hand in hand. And yet, today our nation faces a crisis of confidence. Republicans and Democrats alike are losing faith in the electoral system. That hasn’t always been the case.

You’ve all likely heard the phrase, “as Ohio goes, so goes the nation”. For decades, the Buckeye State served as the nation’s bellwether. With that moniker comes intensive scrutiny and attention – the kind of scrutiny and attention that empowered Ohio to implement election protocols that made our state the gold standard.

Over the past two decades, Ohio has never rested on our laurels. The only way to stay ahead of the curve is with innovation. With the crisis of confidence our nation now faces, immediate action is required. So Ohio is stepping up to bat once again with two significant advancements designed to strengthen the public trust.

First, a focus on strengthening election transparency through technology:

More than 60 years ago, Congress enacted the Civil Rights Act of 1960 seeking, in part, to prevent acts of voter suppression and discrimination through the retention of paper election records.

The idea was simple: to allow for the scrutiny of election-related records so the public could ensure that lawful votes weren’t being altered or stolen. This requirement established a tradition of transparency that served to protect the voting rights of all Americans for decades. The problem, however, lies in the fact that this legislation, written in an analog era, resulted in a patchwork of state and local practices that have not kept pace with modern technology or expectations.

States have done little, if anything, to codify the retention of electronic election records. They lack consistent standards for defining important election data. They’ve never set

clear guidelines on how and for how long electronic voter data should be stored, or even whether and how it should be disclosed for analysis. These digital records should be used to make our elections more accessible, searchable, and transparent. However, the opposite too often is true.

A comparative analysis with colleagues in other states finds antiquated, inconsistent data retention practices that fall considerably short of the transparency we all expect. In many cases, election officials update their records by erasing or “saving over” old data sets to accommodate limited storage capacity. In other cases, efforts to “clean the rolls” by removing deceased or relocated voters have removed critical data, limiting the ability of researchers to cross-check and validate election outcomes months after the votes are cast and counted. This antiquated, patchwork of procedures does little to inspire confidence in the process and often renders attempts at post-election analysis useless.

As the Secretary of State in one of the nation’s biggest political battlegrounds, I’m leading an effort to change this. Working with our state legislature, we have introduced legislation, the DATA Act, that codifies key election data definitions and retention requirements for voter registration data and non-federal election ballots. I’m asking my colleagues in other states to consider using this legislation as a framework for their own reforms. Together, we can adopt uniform standards for retaining and disclosing electronic election data. This is a common sense, bipartisan solution to the growing crisis of confidence in our democracy, and it’s long overdue.

Our second new initiative is the Public Integrity Division.

A review of our office’s capabilities demonstrated there was room to strengthen our investigative functions far beyond what they were. For too long, questions of election law violations, campaign finance reporting, and more were left to election officials whose primary mission is to execute on a successful election. They weren’t trained, nor should they be expected to know how to properly investigate election law violations. Our Public Integrity Division now consolidates our investigative capabilities under one umbrella and is led by a team of investigators who know what to look for, how to look for it, and how to prepare information for prosecutors.

Demonstrating integrity comes with a very direct and positive impact: increased participation in elections thanks to elevated levels of voter confidence. By strengthening investigative capabilities as well as enhancing the transparency of security protocols & outcomes, voters will have greater confidence their vote has value, and the integrity of Ohio’s election system is secure.

We have to remember that every vote really matters. Since 2020, 31 different contests have ended in ties across Ohio with many dozens of others coming down to a very small number or even being decided by a single vote. In these cases, a single vote can impact the trajectory of a community. Our renewed focus on integrity will better ensure the will of the people is followed.

In Ohio, where our efforts have maintained the confidence of voters, we're seeing great success. Both in turnout, where the 2022 elections saw the 2nd highest number of voters ever for a midterm election, and in accuracy, where post-election audits once again demonstrated a 99.9 percent accuracy rate.

This is happening because Ohio embraces our role as a laboratory of democracy, always striving to be the best – where it's easy to vote and hard to cheat. That balance is possible, and it's happening in Ohio.

I look forward to your questions.

Lawrence, Julia

From: Grandjean, Amanda
Sent: Thursday, April 13, 2023 4:04 PM
To: Shehy, Stephan
Subject: RE: [EXTERNAL] Constituent Response
Attachments: Letter re ERIC Membership 3_17[11].pdf; Letter re Ohio Supplemental Process.pdf

Hi Lexie,

Yes, the Secretary sent the attached letter announcing his resignation from ERIC on March 17, 2023. Secretary LaRose's Office has led a working group of 26 states and the D.C. to identify a solution to securely share data between states for the purpose of identifying potential cross-state voter fraud. Yes, we sent the attached letter to every state in the country.

From: Shehy, Stephan <sshehy@OhioSOS.Gov>
Sent: Thursday, April 13, 2023 3:59 PM
To: Grandjean, Amanda <agrandjean@OhioSOS.Gov>
Subject: FW: [EXTERNAL] Constituent Response

Stephan Shehy | Director of Legislative Affairs
Office of the Ohio Secretary of State

O: 614.995.2170
OhioSoS.gov

This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.

From: Alexis.Davis@ohiosenate.gov <Alexis.Davis@ohiosenate.gov>
Sent: Wednesday, April 12, 2023 12:48 PM
To: Shehy, Stephan <sshehy@OhioSOS.Gov>
Subject: RE: [EXTERNAL] Constituent Response

****Secretary of State Security Notice****

This e-mail is from an external source. Think before you click links or open attachments.

Good afternoon Stephen,

Hope you're well! I had reached out to you previously about a constituent's concerns regarding ERIC. That constituent has followed up with a few additional questions (copied below). Is there a response or any insight you could offer? Please let me know.

“It is my understanding that Ohio has announced they are canceling their contract with ERIC. Can you confirm this is correct? If so do you know what the plan to replace ERIC is going forward? Lastly does our SOS office share with the SOS’s of other states the results of their investigation of ERIC and their decision to discontinue using them as a vendor of voter role management? Something I would strongly encourage.”

Thank you!
Lexie

Alexis Davis | Legislative Aide
Office of State Senator Nathan Manning
13th Senate District | Phone: (614) 644-7613

From: Shehy, Stephan <sshehy@OhioSOS.Gov>
Sent: Tuesday, March 7, 2023 8:46 AM
To: Davis, Alexis <Alexis.Davis@ohiosenate.gov>
Subject: RE: [EXTERNAL] Constituent Response

Good Morning Alexis,

I had a great weekend and hope you did as well!

The Electronic Registration Information Center (ERIC) is a multi-state partnership where member states pay dues to participate in the organization. Ohio has been a member of ERIC since 2016, and during our time with ERIC, the Secretary of State has been able to identify hundreds of cases of individuals committing voter fraud. However, recent events at ERIC have caused Secretary LaRose to be concerned about the trajectory of this organization. That is why Ohio convened a bipartisan working group at ERIC to identify necessary reforms to ensure ERIC remains a viable tool to combat voter fraud. However, on February 19, 2023, the proposals of the Ohio-led working group were stifled by aggressive lobbying of one of the ex-officio members of the board. This event, and the current trajectory of ERIC led to Secretary LaRose submitting the attached letter to the ERIC board yesterday afternoon, where the Secretary is requiring ERIC to approve the proposed reforms of the working group, or else Ohio may withdraw from ERIC.

Please feel free to share this letter with your constituents, and I would be more than happy to answer any additional questions.

Best,

Stephan Shehy | Director of Legislative Affairs
Office of the Ohio Secretary of State

O: 614.995.2170
OhioSoS.gov

This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.

From: Alexis.Davis@ohiosenate.gov <Alexis.Davis@ohiosenate.gov>
Sent: Monday, March 6, 2023 11:21 AM
To: Shehy, Stephan <sshehy@OhioSOS.Gov>
Subject: [EXTERNAL] Constituent Response

******Secretary of State Security Notice******

This e-mail is from an external source. Think before you click links or open attachments.

Hi Stephan,

Hope you had a great weekend!

I'm reaching out in regards to a constituent email (copied below). As mentioned in the email, your office may have already been contacted. Is there any information or a response you could share with our office? Please let me know.

"Mr Manning, It is my understanding that our voter rolls are maintained and managed by a Soros backed group named ERIC. To say this is alarming is an understatement. From what I have read many many times this system is rife with ways to commit voter fraud. I strongly recommend the use of ERIC be stopped immediately and be replaced with fractal technology. More information on this technology can be found on the Omega4America website . It is also my understanding that the states AG and SOS offices have been contacted with this same information. Thank You Michael R Foote"

Thank you,
Lexie

Alexis Davis | Legislative Aide
Office of State Senator Nathan Manning
13th Senate District | Phone: (614) 644-7613



Via Electronic Mail

March 17, 2023

Mr. Shane Hamlin
Executive Director, Electronic Registration Information Center (ERIC)
1201 Connecticut Ave., NW, Suite 600
Washington, D.C. 20036

Re: Notice of Resignation from ERIC

Dear Mr. Hamlin and ERIC Board Members:

I am hereby notifying you of Ohio's resignation from the Electronic Registration Information Center (ERIC), effective 91 days from the date of this letter as stated in the bylaws. This decision does not come without careful thought and extensive conversations with my counterparts in the organization. The action Ohio is taking today follows nearly a year of good faith, bipartisan efforts to reform ERIC's oversight and services. Unfortunately, these attempts to save what could be an unparalleled election integrity service have fallen short.

ERIC has chosen repeatedly to ignore demands to embrace reforms that would bolster confidence in its performance, encourage growth in its membership, and ensure not only its present stability but also its durability. Rather, you have chosen to double-down on poor strategic decisions, which have only resulted in the transformation of a previously bipartisan organization to one that appears to favor only the interests of one political party. I believe the current actions and inactions of ERIC will effectively set in motion its demise.

As stated in my March 6, 2023 letter: [T]he immediate action of the ERIC board at its March 17 meeting can potentially salvage their participation and ours, but ONLY if the proposed reforms win the approval of the board. These include:

1. Amending the bylaws to explicitly state that ERIC's membership should only consist of member states, who answer to the voters and taxpayers they represent,
2. Removing ex-officio membership positions from ERIC's bylaws, and
3. Permitting member states to utilize ERIC's data-sharing services 'a la carte,' in the manner which they believe best serves their local interests. For example, members should not be forced to meet specific requirements, such as Eligible but Unregistered voter mailings or cross-state fraud analysis, if they do not deem those actions necessary or relevant to the needs of their respective states.

Unfortunately, you chose to stifle action on these proposed reforms through questionable tactics at the board's February meeting and again today through a selective and overly aggressive enforcement of ERIC's bylaws. We fundamentally disagree with the legal interpretation that every member of ERIC, whether they have resigned or not, must waive notice to offer a proposed amendment for consideration – especially after the proposed amendment was previously noticed and voted on. One must ask what reasons motivated the author of the governing documents to intentionally draft them to be so restrictive and difficult to amend. Nonetheless, my staff solely took the initiative to comply with this onerous interpretation and achieved some of the reforms, while the rest were rejected.

I cannot justify the use of Ohio's tax dollars for an organization that seems intent on rejecting meaningful accountability, publicly maligning my motives, and waging a relentless campaign of misinformation about this effort. The conduct of ERIC and some of its hyper-partisan allies in recent weeks only heightens my suspicion and reinforces my decision. Additionally, I cannot accept the board's refusal – for a third time – to adopt basic reforms to the use of ERIC's data-sharing services. I fundamentally believe that every dues-paying ERIC member should have the right to use these services in the best interest of their own state and its taxpayers. This should be a non-controversial policy, yet you have chosen to make it a hyperbolic, partisan fight that has fractured an organization that had so much potential for good.

As every past and present member of ERIC knows, I have been a hopeful advocate for reform. You had every chance to deliver it, but you chose not to act. Therefore, you have left me with no choice but to look for a more accountable alternative.

Yours in service,



Frank LaRose
Ohio Secretary of State



March 22, 2023

Dear Colleagues,

As you may know, Ohio recently announced its resignation from membership in the Electronic Registration Information Center (“ERIC”). That decision generated an unfortunate amount of misinformed reporting and false claims from ERIC defenders looking to score political points. Talking heads from the American Civil Liberties Union to a fellow Republican secretary of state went as far as suggesting that our decision to step away from ERIC would lead to inaccurate voter rolls and even illegal voting. That’s simply not true.

Ohio has never used ERIC data to cancel inactive or ineligible voter registrations. My state has adopted a uniform, nondiscriminatory list maintenance procedure called the “supplemental process,” and I’m writing today to suggest that you should consider doing the same as an alternative to a costly data-sharing membership. Ohio’s law complies with the National Voter Registration Act (“NVRA”) and the Voting Rights Act of 1965, and it’s been upheld by the nation’s highest court. Read the law for yourself in the Ohio Revised Code Section 3503.21.¹ Here’s how it works: Ohio election officials are required annually to conduct a general voter records maintenance program made up of two parts: the National Change of Address Process (“NCOA”) and the supplemental process.

The **NCOA process** is triggered when a voter record appears in the U.S. Postal Service NCOA database indicating the voter associated with that record likely has moved since the records were last compared. This indicates, of course, that a voter may need to update the registration to the current voting residence. Ohio law requires the Secretary of State to match voter records in the Statewide Voter Registration Database (“SWVRD”) against the NCOA database to compile data for the NCOA process.

The **supplemental process** is triggered by a voter’s inactivity during a fixed period, generally two years. It’s called a “supplemental process” because it goes a step beyond the traditional review of NCOA data. This process flags voters that lack what we call “voter-initiated activity” as an indication that a voter might’ve moved, even if they aren’t listed in the NCOA system. Here’s how it works:

- If a voter doesn’t show any voter-initiated activity for a look-back period of two years, the board of elections sends a confirmation notice to the individual. The objective here is twofold. First to encourage the voter to participate in elections if they have simply stopped voting for the past two years and second to begin the process for removal if they in fact are no longer living at that address.

¹ R.C. 3503.21(A)(7): The registration of a registered elector shall be canceled upon the occurrence of any of the following: the failure of the registered elector, after having been mailed a confirmation notice, to do either of the following: (a) respond to such a notice and vote at least once during a period of four consecutive years, which period shall include two general federal elections; or (b) update the elector’s registration and vote at least once during a period of four consecutive years, which period shall include two general federal elections.

- That notice asks the voter to confirm they're still at the registered address or to update the registration if they've moved.
- If the voter doesn't return the confirmation notice or engage in any voter-initiated activity, including voting, for a period of two federal elections (generally four years) from the date on the confirmation notice mailing, the voter registration record will be cancelled.
- In total, the voter has at least six years to indicate to election officials in a wide variety of different ways that they still are eligible Ohio voters.

This two-part approach to Ohio's voter list maintenance program works well to keep our records honest and accurate, and, again, it doesn't rely on any third-party organization or data-sharing agreement (outside of the NCOA). Most importantly, as I mentioned, the process has been upheld by the United States Supreme Court² and has stood the test of time here in Ohio. We've even made it completely transparent, becoming the first Secretary of State's office in history to publish online the list of potentially abandoned voter registrations at risk of cancellation. This allows the public to review the listed registrations as a last resort, so action can still be taken after 10 months of unanswered notices and "last chance" appeals. The website informs registrants that their status can be restored to fully active by taking just one of any seven voter-initiated actions listed.

Of course, Ohio's election data is managed by 88 different county boards of elections, so data entry errors, while rare, can sometimes occur. Publishing the list of registrations slated for removal well in advance of a scheduled cancellation effectively "crowd sources" the data, creating another layer of accountability. You can view at our **Registration Readiness** website [here](#). Other states have also copied this transparent approach with great success. My team and I stand ready to help if you have an interest in learning more about how to adopt and implement this voter records maintenance program in your state. We'll set up a video conference and walk you through the materials we've developed.

Here's the bottom line: Ohio did use ERIC's data-sharing agreement to investigate potential cases of illegal cross-state voting, but as states left the ERIC membership – and many of the largest population states refuse to join – our investment produced rapidly diminishing returns. We likely will need to consider state-specific list exchanges to do that analysis in the future. We've already started those conversations. But Ohio doesn't need an ERIC data-sharing agreement to keep our voter rolls honest, for reasons I've stated in this letter. It's unfortunate that critics of our decision didn't take the time to get the facts before offering an opinion. Now you have them. I wish you the best as you consider what's best for your own state's election integrity efforts.

Yours in service,



Frank LaRose
Ohio Secretary of State

² *Husted v. A. Philip Randolph Inst.*, 138 S. Ct. 1833 (2018).