

To: Subcommittee on Elections of the Committee on House Administration

From: Inajo Davis Chappell, Esq.

Date: April 25, 2019

Re: Written Testimony on Early Voting and Challenges in Election Administration– Field Hearing on “Voting Rights and Election Administration in Ohio”

First, thank you to the Honorable Marcia L. Fudge, Chairperson of the Subcommittee on Elections, for the invitation and opportunity to testify today. Thanks also to the other distinguished Members of the United States House of Representatives who are present.

I am currently a member of the Cuyahoga County Board of Elections, where I have had the privilege of serving as a board member since 2007 and as immediate past board chair for the last six years. I am also a former member and chair of the Ohio Board of Voting Machine Examiners. Please know that my testimony and comments today reflect my personal opinion and viewpoint, and I am not here in any representative or official capacity as a member of the Board of Elections. I am a nongovernmental witness, but my thoughts, conclusions and statements here today are informed by my experiences in election administration as a member of the Cuyahoga County Board of Elections and as an active voter in Ohio.

It is important for me to be clear that I do not speak here today either for the Cuyahoga County Board of Elections or for any of my colleagues on that Board. Notwithstanding that disclaimer, I am very much an advocate for voting rights, full enfranchisement of all voters especially in my home County of Cuyahoga, Ohio and for robust ballot access, which includes unfettered opportunities for early voting (in-person and vote by mail).

For those of you that do not know, Cuyahoga County is the largest voting district in Ohio. It has the greatest number of registered voters. The most recent Cuyahoga County election statistics (from November, 2018) are an indicator of size as follows: 903,046 registered voters, 973 precincts, 345 voting locations, 59 municipalities. The Cuyahoga County Board of Elections currently has ninety-one (91) employees, and uses a significant number of temporary staff in any given election. For instance, in the November, 2016 election 321 temporary staff were hired, resulting in a payroll of \$997,468. Although a smaller election, in November, 2018 206 temporary staff were hired with payroll processed totaling \$631,808. Given nearly 1,000,000 registered voters, it is fair to say that election administration is of critical importance for our county. My comments today are going to focus on what I perceive as challenges in election administration and the importance of early voting (both in-person and vote by mail).

One of the ongoing challenges faced by our Cuyahoga County Board of Elections concerns the ability to set our own rules around early voting. In Ohio, at least since 2014, a decision was made by the Secretary of State, the Ohio Legislature and the Ohio Association of Elections Officials that uniformity in the rules governing elections administration would be the key organizing principle for the 88 county boards of election in Ohio. Although the 88 counties in Ohio are very different (in size, number of voters, staffing, and available resources), uniform rules have been

adopted and continue to be implemented in a manner that limits, rather than expands, ballot access. While reasonable minds fairly disagree about the extent to which uniform rules have hindered voter participation in Cuyahoga County, I personally believe limited early voting hours (particularly in large-scale election cycles) runs counter to basic democratic principles, and has excluded urban, poor and older voters from the process. Some argue that this issue has now been well-settled (a negotiated result has been codified). But, I view the uniformity principle and practice of having the same in-person early voting hours for every county as a missed opportunity -- both for efficient election administration and robust voter participation in the largest voting district in Ohio.

Early voting (both in-person and by mail) remains a key tool for efficient election administration. The opportunity to cast ballots other than on Election Day is important for voters and for those of us charged with counting those ballots. Since 2010, early voting (including in-person at the board of elections and vote by mail ballots returned) represents anywhere from 35-40% of the total votes cast in elections in Cuyahoga County. Early voting has had a positive effect on election administration, as it reduces lines and wait times on Election Day, allows for preliminary processing (not counting) in advance of election day, and results in efficient use of elections staff time.

Because of the importance of early voting, it should be noted that a significant challenge to efficient election administration exists. That challenge is the state limitation (codified at Ohio Revised Code Section 3501.10(C)), which prescribes early voting only at one location operated by a board of elections where voting is permitted. The statute expressly provides that: *“The board of elections may maintain permanent or temporary branch offices at any place within the county, provided that, if the board of elections permits electors to vote at a branch office, electors shall not be permitted to vote at any other branch office or any other office of the board of elections.”* [emphasis added]

In effect, early in-person voting is restricted to one location for all counties, regardless of size. The early voting location in Cuyahoga County is our central office building at 30th and Euclid. At this one location, we have significant space constraints, parking is limited and the site is congested and difficult to manage during periods of heavy voting. Because of the limit to this one location, voting lines are long, especially during the presidential election cycle. During periods of heavy voting, long lines can be wrapped around the building and down the street for several blocks.

Clearly, a substantial challenge in our county is the 1-site limitation for early voting. It is my hope that legislative initiatives from our State legislature for vote centers to be established will move forward. Of course, such centers would need to be identified and located in a manner that is equitable, fair, and strategically sited to serve both suburban and urban voters. In 2018, 132nd General Assembly, Rep. Dan Ramos introduced HB 596 that would have allowed counties to add additional early voting sites; an additional site for every 60,000 registered voters. The bill was referred to committee and appears to have died there. No new legislation on the matter has been introduced. Additional opportunities for early voting sites would clearly enhance election administration capabilities.

As a general comment, I wanted to share my observation over the years that major impediments to efficient elections administration in our county include: last minute changes to process and voting rules; constant litigation (even on expedited tracks); and, the politicization of voting rights and the elections process. When I look at voter turn-out numbers from the past few election cycles, the downturn in the numbers of voters is concerning. We need to be looking at ways to increase voter participation and engagement and, conversely, to decrease voter uncertainty, confusion and fear.

I believe that the constant clamoring about rampant voter fraud is also discouraging voter participation. My experience in administering elections in Cuyahoga County over the last twelve years permits me to say with confidence that claims of voter fraud in the elections process are wholly without merit. Indeed, the voter fraud narrative is a patently false narrative.

As an elections official, I have had (and continue to have) responsibility for reporting election irregularities and instances of voter fraud. However, the instances of such irregularities are few and far between. In the last twelve years, I believe we have referred only a few individuals to the prosecutor's office to investigate suspected election violations or other misconduct.

I was pleased that just a few months ago our new Ohio Secretary of State and Chief Elections Officer, Frank LaRose, stated that voter fraud was rare. We need more truthful, public statements like this. My hope is that action is taken to eliminate false claims of voter fraud. Claims of voter fraud have a direct and negative effect on elections administration. False statements destroy voter confidence in the elections process and undermine the very hard work in which elections officials engage for the voting public.

In thinking about ways that Congress might act to strengthen voting rights and improve elections administration, I would suggest the following for consideration. First, authorize a subsidy to the US Postal Service that will cover the cost of processing and delivery of absentee ballots to and from voters so there would be no cost to vote by mail.

Secondly, change voting day for federal elections from the first Tuesday after the first Monday in November to the first Saturday and Sunday in November. Instead of one long marathon day during the traditional workweek, provide for two weekend days for voting from 8-5 each day. There would be benefits for voters as well as poll workers.

Finally, it would be wonderful if Election Day could be a National Holiday. In such a scenario, citizens would be given release time from employers and would have the day to exercise their fundamental right/privilege to vote or to participate in the process by serving as poll workers and elections officials.

In conclusion, thank you for undertaking this initiative around elections and voting rights and for allowing me this opportunity to testify. I appreciate the time you have given me to express a few thoughts about challenges we face in administering elections here in Cuyahoga County, Ohio. I am hopeful the information shared about the importance of early voting and increasing opportunities (and locations) for ballot access/exercise will be helpful as you continue this process.