If the General Assembly is going to introduce these restrictive practices they should be aware of its serious unintended consequences. For example, over 100,000 voters could be disenfranchised according to Dr. Norman Robbins in his Facts to Ponder About the 2004 General Election in Considering House Bill 3:

Number of Ohioans 18 and over who have neither a driver’s license nor a state ID: 357,000\(^2\) (4% of all adults 18 and over);

Number of Ohio voters who would be refused the right to vote for lack of a photo ID if even only 2% of attempted voters were in this category\(^3\): 114,400; and

Numbers of Ohioans over 75 years of age potentially unable to vote if 36% did not have a driver’s license, as found in Georgia by AARP\(^4\): about 154,000.

---

\(^2\) According to Mr. R. Rauch, Chief, Ohio BMV Research Section, in 2003, 8,174,513 Ohioans 18 years of age and over had either Driver’s license or State ID. The US Census (2003) gives a total of 8,531,105 Ohioans 18 and over. By taking the difference, one finds that 356,592 Ohioans have neither driver’s license or state ID, and this number is 4% of all Ohioans 18 and over.

\(^3\) 2% of the 5.7 million votes cast in the Ohio 2004 General Elections.

\(^4\) The Atlanta Journal-Constitution, 4/8/05; “Voter ID supporters lack hard evidence” by Prof. Spencer Overton, of George Washington University Law School. According to the 2000 Census, http://www.elderweb.com/?PageID=2601, 717,505 Ohioans are 75 and older. 36% of this number is 258,302. If one assumes the registration rate (74%) and turnout (81%) found in Georgia for citizens 60 and over (data from consultant to Georgia AARP), then the number of Ohio voters 75 and over without a license photo ID would be 154,000. However, this would be reduced somewhat by those senior citizens who have state photo ID’s.
PRESENTATION TO OHIO SENATE RULES COMMITTEE
Norman Robbins, MD, PhD
(nxr@cwr.edu; 216-767-1525)
For the Greater Cleveland Voter Coalition
Dec. 6, 2005

Most of my remarks today will be directed toward the new provision in HB3 Sub that requires every voter to show photo ID or some other form of acceptable ID before being allowed to vote. I will present data that shows that this proposed legislation is both unnecessary to prevent voter fraud, and worse yet, almost certainly will disenfranchise tens of thousands of legitimate Ohio voters. Still worse, the data show that this legislation selectively makes voting more difficult for the elderly, youth, the poor, and minorities—it is in fact, a kind of de facto discrimination, a new kind of “poll tax,” and a major step backward for the cause of election reform. Secondly, I will discuss a few serious election problems that are totally neglected by HB3, and could be fixed by thoughtful legislation if you take the time necessary.

1. ID requirement of every voter on election day: Why should this new requirement be deleted?

a. It is totally unnecessary for the supposed problem of voter fraud, because voter fraud in Ohio has been minimal. A recent COHPIO/LWV study found that in over 9 million votes cast in the 2002 and 2004 general elections, there were only 4 proven cases of voter fraud in the entire state. U.S. Justice Department investigations nationally also turned up “minimal” evidence of voter fraud.

b. It will selectively disenfranchise specific groups of Ohio citizens who may not have other forms of identification available at the polls.

First, from Ohio Census data and a detailed study from the University of Wisconsin\(^1\), we estimate that 738,436 adult Ohioans have neither driver’s license or state ID. Of these, 350,531 are 65 years or older. Many of these citizens with neither form of photo ID will show up at the polls with no other identification, and half of them will be over 65. For instance, if only 5% of these adults failed to bring their other identification with them, we would turn back nearly 37,000 legitimate voters (half of them elderly), forcing them to go back and return with their identification or vote provisional ballots which have a risk of rejection for trivial reasons.

Second, from the University of Wisconsin study (from which Table 1 was formulated) we know that four classes of citizens stand out because they are substantially less likely to have licenses or state ID: they include the elderly (23% don’t have photo IDs); youth 18-24 including college students with non-local ID’s, African Americans and Hispanics (about 50% don’t have photoID, and the percentage is still higher in young adults). The homeless should also be included as likely to face disenfranchisement.

\(^1\) [http://www.uwm.edu/Dept/ETI/barriers/DriversLicense.pdf](http://www.uwm.edu/Dept/ETI/barriers/DriversLicense.pdf)
Finally, many of those who move more frequently will not have current photo ID addresses. We know from US census data, that moving is 6 times more frequent in young adults than older adults, twice as frequent in those with low than high incomes, and 50% more frequent in minorities than non-minorities. In other words, the new ID requirement in HB3 will doubly tend to disenfranchise voters who are young, poor, or minority – first because they are less likely to have a photo ID and secondly because, if they do, it is less likely to be current because they have recently moved.

c. It will create long lines at general elections. In Ohio’s 2004 elections, 2-3% of voters (about 129,000 votes, almost equally Republican and Democrat) gave up and did not vote because of long lines\(^2\). If the new law compels poll workers to check everyone’s ID and issue far more provisional ballots, on top of anticipated problems with new electronic recording machines coming into use in 2006, this new requirement is a recipe for ensuring that long lines will happen again and will effectively disenfranchise thousands of voters.

d. It puts undue pressure on provisional ballots. If a fully registered voter is forced to vote a provisional ballot, that person is more subject to rejection of their vote because of errors in filling out the form or clerical errors in establishing voter legitimacy. In addition, the increased costs of handling these thousands of extra provisional ballots represent an unfunded mandate from the state legislature.

2. The state database of registered voters is not made readily available so voters can ensure that they are fully registered. Based on studies in Cuyahoga County\(^3\), we project that the registrations (or change of address forms) of tens of thousands of Ohio voters were either never entered or entered incorrectly (see Table 2). Other legitimate voters (close to 1,000 in Cuyahoga County alone) were incorrectly deleted from the database. By far the best way for voters to find out in time to make corrections is by enabling them to search on-line, as was done by several counties in 2004. Legislation can enable this to happen but HB3 does not address this important issue, except by making the voter go in person to the Boards of Elections to check their registration.

---

\(^2\) [http://www.democrats.org/a/2005/06/democracy_at_ri.php](http://www.democrats.org/a/2005/06/democracy_at_ri.php)

Table 2

<table>
<thead>
<tr>
<th>Compromised or lost votes due to BOE errors</th>
<th><strong>Up to 38,000</strong> applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boards of Elections (BOE) do not enter all submitted registrations/change of addresses</td>
<td>Up to 38,000 applications</td>
</tr>
<tr>
<td>BOE errors incorrectly entering names and addresses or both, leading to possible voting confusion and loss (e.g. provisional ballots)</td>
<td><strong>Up to 29,000</strong> applications</td>
</tr>
<tr>
<td>BOE inadvertent purging of legitimate voters from database</td>
<td><strong>7800</strong> votes</td>
</tr>
</tbody>
</table>

3. **HB3 does nothing to improve poll worker and voter education.** The 2004 Ohio elections yielded hundreds of cases of poll worker error which led to voter disenfranchisement. This was due to lack of training, evaluation, and measures to prevent poll workers from continuing to give out misinformation. For instance, poll workers incorrectly asked for ID when none was required, did not offer provisional ballots to some of those eligible, and did not direct voters to the correct precinct even when they were in the same room with that precinct. Long lines, resulting in part from poll worker inadequacy, led to the loss of some 129,000 votes in 2004.

Also, voters need education to ensure that they are properly registered before the deadline, and to ensure that they vote at the correct precinct, if this requirement is upheld. The introduction of voting machines further increases the need for both poll worker and voter education.

4. **HB3 covers the obligation of motor vehicle bureaus to provide registration (a federal law) but curiously fails to specifically cover the equally required obligation of public assistance agencies to provide registration.** People with very low income are less likely to have a driver’s license but more likely to have some form of public assistance. The federal NVRA law was intended to make registration equally available, but Ohio is one of the worst states for lack of enforcement. The motor vehicle bureau section of HB3 stands in stark contrast to its total omission of consideration of low income people.

---

4 See Table 1 in http://www.clevelandvotes.org/news/reports/Analyses_Full_Report.pdf, according to which Cuyahoga County had received (projected) 2816 new registrations and 5006 address updates which were never entered; multiplying by 3.6 for all statewide urban areas (see report) = 3.6 x (2816+5006)=38,000.

5 See Table 3 in reference above. Cuyahoga County projected mistakes in entering name (4310), address (3200) or multiple items (555) multiplied by a factor of 3.6 to all Ohio urban areas, 3.6 x (4310+3200+555) = 29,000.

6 At least 944 voters were apparently inadvertently purged from the Cuyahoga County BOE registration lists prior to the 2004 election, and the ratio of votes cast Statewide/Cuyahoga County was 8.3. Assuming the same inadvertent purge rate statewide, there would have been 8.3 x 944 = ~7800 votes lost (i.e. provisional ballots rejected as “not registered”) because of this error.

7 http://www.democrats.org/a/2005/06/democracy_at_ri.php
The National Voter Registration Act ("motor voter act") (1993) requires that states ensure that public assistance agencies register voters in the same manner as Bureaus of Motor Vehicles. Here are some disturbing facts:

Percent of all Ohio's voter applications (Registrations/Change of Address, Nov. 2002-Nov. 2004) submitted by Ohio public assistance agencies.................1.4%

National average (39 states) of percent of statewide applications submitted by public assistance agencies......................................................2.9%

Percent of applications from Public Assistance Agencies in Tennessee after state was placed under court order to enforce NVRA..................................................16.1%

Additional voters that would be registered or submit change of address forms annually if Ohio enforced NVRA public assistance mandate as well as Tennessee...up to 180,000

5. **There is inadequate time to consider implications of other provisions of the newly amended HB3**, e.g.
   - The requirement that voters be denied their vote if they are in the incorrect precinct. This unnecessary rule disenfranchised about 10,500 Ohioans in 2004.
   - The requirement that people who are compensated for registering voters must be approved in every county in which they will register, whereas no such rule applies to volunteer registrars.

**IN SUM**, HB3 contains harmful and unnecessary legislation requiring voter identification, disenfranchising many thousands of Ohioans without any factual basis for the supposed problem of voter fraud. At the same time, HB3 utterly fails to fix known problems which currently disenfranchise tens of thousands of legitimate voters. Clearly, we must stop and reconsider this legislation. If we don't, the resulting damage to Ohio citizens of both parties will be justly blamed on the hasty actions of legislators who were fully forewarned. We surely can do better.

---

8 [http://workforce.security.doleta.gov/dmstree/gal/gal96/gal_02-96.htm](http://workforce.security.doleta.gov/dmstree/gal/gal96/gal_02-96.htm)


10 These numbers were derived by taking 16.3% of Ohio’s 2,834,685 applications reported for 2002-2004 (ref. 19), deducting the 1.4% (i.e. 38,821) that were submitted by Ohio public assistance agencies, and then assuming that the percent of these that were new registrations (54%) and changes of address (33%) were the same as those reported overall by Ohio in reference 19. The total number for the 2 years (2002-2004) was divided by 2 to get an annual number of applications. However, many of these applicants could have been registered by Registration groups that were targeting low-income populations.

EXHIBIT B: FRONT SIDES, UNUSED PUNCH CARD BALLOTS, BUTLER COUNTY, MIDDLETOWN, PRECINCT 3BI.
EXHIBIT D: STICKERED BALLOT, CLERMONT COUNTY, PIERCE TOWNSHIP H, ENHANCED SECTION ONLY.
EXHIBIT E: TALLY SHEET FOR
DELAWARE COUNTY, GENOA I.
BUSH IS IN POSITION #4, KERRY IS IN POSITION #6.
EXHIBIT G: VOTER SIGNATURE BOOK, MIAMI COUNTY, CONCORD SOUTH WEST, PAGES 20 & 21.
THIRTEEN REGISTERED VOTERS LISTED ON THESE PAGES DID NOT VOTE.
EXHIBIT H: BOX CONTAINING 570 "REMAKES," MIAMI COUNTY.
EXHIBIT I: “PINK MEMO SHEET”

CUYAHOGA COUNTY, CLEVELAND 8G
INSPECTOR OVERRULED PRESIDING JUDGE,
OLD HER TO ALLOW VOTERS TO VOTE AT ANY VACANT BOOTH,
REGARDLESS OF PRECINCT.

<table>
<thead>
<tr>
<th>TIME</th>
<th>NATURE OF PROBLEM</th>
<th>VOTES PERFORMED</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:30</td>
<td>DeFaced Ballots</td>
<td>75, 79, 679, 799</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

ESTIMATED TIME PEOPLE WAITED TO VOTE:

1. Average wait throughout day: ________ minutes
2. Longest wait during busy period: ________ minutes

CCBOE USE ONLY
EXHIBIT J: FRONT SIDES, PUNCH CARD BALLOTS, CUYAHOGA COUNTY, CLEVELAND 6M. NADER IS IN POSITION #10. THESE WERE VOTES CAST BY KERRY SUPPORTERS WHO WENT TO MACHINES INTENDED FOR CLEVELAND 6L.
EXHIBIT L:

GRAPH OF CUYAHOGA COUNTY PURGES
ORANGE "PURGE RATIO" AND PERCENTAGE PURGED
FOLLOWS 2000 GORE TURNOUT
NOT 2000 ELECTION TURNOUT

Cuyahoga County Trends in Purging

Precincts
ALL OF THESE BALLOTS ARE DOUBLE-PUNCHED FOR KERRY AND A THIRD-PARTY CANDIDATE. THE PRESIDENTIAL COLUMN IS PHOTO ENHANCED.
EXHIBIT N: SECURITY CODE, HAMILTON COUNTY.

THE PUNCH CARD BALLOTS IN THE TOP ROW ARE ABSENTEE BALLOTS. THOSE IN THE BOTTOM ROW ARE REGULAR BALLOTS. NOTE THE DIFFERENCE IN THE PUNCH CODE AT THE BOTTOM OF THE BALLOTS.
EXHIBIT O: PUNCH CARD BALLOTS, SUMMIT COUNTY, SECOND ROTATION. KERRY IS IN POSITION #4.

All of these ballots are double-punched for Kerry and one or more third-party candidates.
ALL OF THESE BALLOTS ARE DOUBLE-PUNCHED FOR KERRY AND A THIRD-PARTY CANDIDATE.