

Inquiry Design Model (IDM) Blueprint™

Compelling Question	What should we do to ensure free and fair elections in Ohio?		
Standards and Practices	Ohio's Model Curriculum for American Government, Content Statement 18: A variety of entities within the three branches of government, at all levels, address public policy issues that arise in domestic and international affairs. Public policy issues are matters of discussion and debate related to the functions of government. They frequently revolve around problems the government is attempting to address and the projected consequences of public policy decisions. The complexity of public policy issues may involve multiple levels and branches of government. These levels and branches may engage in collaboration or conflict as they attempt to address public policy issues. EXPECTATIONS FOR LEARNING: Analyze a public policy issue in terms of collaboration or conflict among the levels of government involved and the branches of government involved.		
Staging the Question	Students will view the data graphs presented in Figure 2 from "State of the United States poll: Free and fair? American attitudes towards electoral integrity and legitimacy" and engage in Question Formulation Technique.		
Supporting Question 1	Supporting Question 2	Supporting Question 3	
What institutions are currently in charge of administering elections and what is their function?	What are our institutions currently doing to ensure free and fair elections?	What are some barriers to free and fair elections that have been raised by Ohioans, and how have our institutions responded to them?	
Formative Performance Task	Formative Performance Task	Formative Performance Task	
List each person or group of people involved in election administration. For each, identify how they are selected and their role in election administration.	Write a paragraph summarizing the different ways our institutions are working to ensure our elections are free and fair	Create a chart identifying the barrier(s) identified in each source, the institution or group who raised the objection, the practical effect of the barrier, the action taken or proposed by those raising the objection, and the outcome of said action (if any).	
Featured Sources	Featured Sources	Featured Sources	
A1: Excerpt from Precinct Election Official Manual (Election Authority Hierarchy Graphic) A2: Excerpts from Secretary of State Elections Official Manual, Ch. 2: Board of	B1: Excerpts from Secretary of State Election Official Manual, Ch. 6: Precincts, Polling Locations, And Precinct Election Officials B2: Excerpts from Election Assistance Commission - Overview of Federal	C1: Excerpts from Center for American Progress - Strengthening Our Democracy by Expanding Voting Rights C2: Excerpts from Ohio Capital Journal - Citizens caught in Ohio noncitizen	

Elections Organization & Operations A3: ORC Section 3517.03 A4: PBS News - How your Secretary of State affects elections & why you should care		Election Laws B3: League of Women Voters of Ohio – Election Security	voting audit say latest letter offers incomplete information C3: Excerpt from League of Women Voters of Ohio - Redistricting FAQ C4: ACLU of Ohio - Court Cases: League of Women Voters of Ohio, et al. v. LaRose, et al. (HB458) C5: Oyez- Husted v. A. Philip Randolph Institute
Summative Performance Task	Argument	What should we do to ensure free and fair elections in Ohio? Construct an argument (e.g., detailed outline, poster, or essay) that addresses the compelling question using specific claims and relevant evidence and information from sources while acknowledging competing views. Student arguments will likely vary, but could include any of the following: • We should make elections free and fair by making our voting districts less gerrymandered. • We should make elections free and fair by making it easier for eligible voters to vote. • We should make elections free and fair by lessening the power that political parties have in the process of election administration. • As they currently are being administered, our elections are free and fair.	
	Extension	Create a political cartoon that expresses your stance on how free and fair Ohio's elections are and what, if anything, should be done to improve our elections.	
Taking Informed Action		Understand: Review the questions students wrote during the Staging exercise. Identify questions that were and were not answered by the inquiry. Assess: Choose one of the questions whose answer you believe would significantly improve or undermine perceptions of electoral integrity. Identify actions that would or currently are being used to improve perceptions of elections based on the question and answer chosen. Action Possibilities: • Create an informative or persuasive poster explaining the action identified • Initiate an informed conversation with an adult (e.g., parent, guardian, voting-age relative or neighbor) explaining the action • Survey peers on their opinions about the identified action and report the results of the survey	

Staging the Compelling Question	
Compelling Question	What should we do to ensure free and fair elections in Ohio?
Featured Source	Figure 2 from “State of the United States poll: Free and fair? American attitudes towards electoral integrity and legitimacy”

Staging the Compelling Question

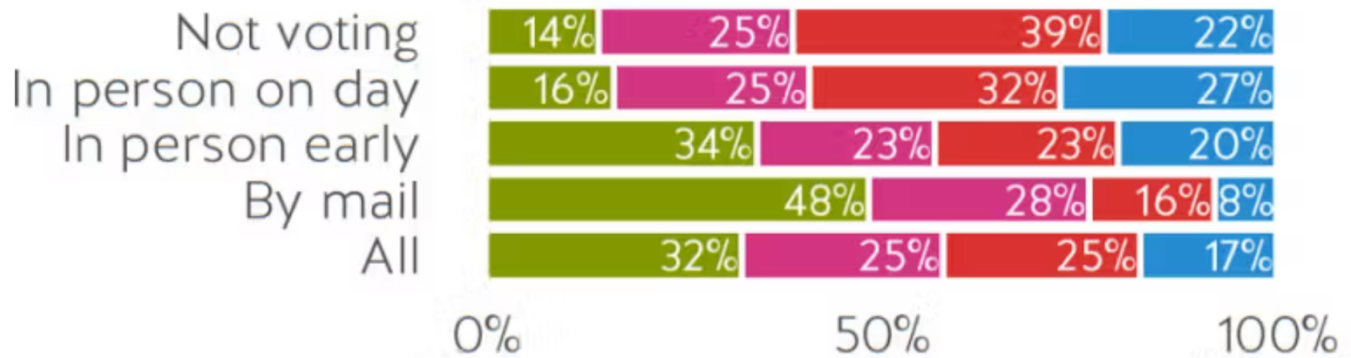
By engaging with Question Formulation Technique (QFT) students will brainstorm questions about the reasons behind Americans’ perceptions of electoral integrity. By engaging with questions worth exploring in this area, students are primed to engage with supporting questions 2 (what our institutions are currently doing to ensure free and fair elections) and 3 (barriers to free and fair elections in Ohio and institutions’ responses).

Steps for Engaging Students in Question Formulation Technique (QFT)

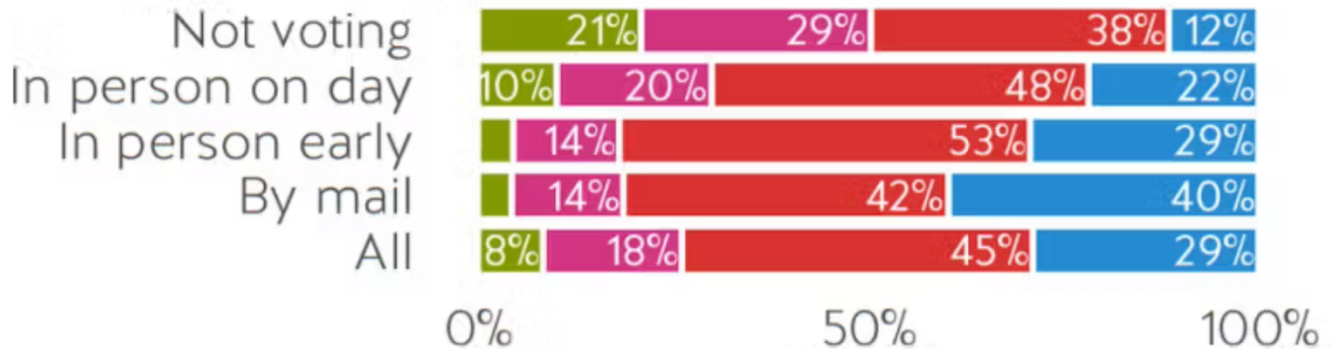
The stimulus: 1 or 2 of the graphs from Figure 2 from [“State of the United States poll: Free and fair? American attitudes towards electoral integrity and legitimacy”](#) (next page). The graphs for mail ballot fraud & votes will be counted fairly work well together, as well as ease of voting & voters threatened with violence.

1. **Question Generation:** Students write/ask as many questions as they can. Be clear about the time limit for question generation. No stopping to answer or judge any of the questions. This can be done individually or in small groups. If students slow down in their questioning, encourage them to think about their understanding of the subject beyond just the graphs and compare it with the information they see in the data, shift perspectives, etc.
2. **Question Categorization:**
 - Teacher chooses a categorization scheme such as PEGS (political, economic, geographical, and social), open-ended v. close-ended questions, etc.
 - Students categorize their questions and reformulate or brainstorm new questions as they see fit.
3. **Question Prioritization:** Students rank or choose their most important questions and share out. Teachers could use think-pair-share here or have students individually share out their most important questions. Record questions shared.
4. **Transition to Inquiry:** Use one of the strategies below to transition to the Compelling Question
 - *Option 1: Consensus Question* – Students and teacher agree on central inquiry question(s) that aligns to the upcoming inquiry. Best if there are questions shared out in step 3 that already align with the supporting questions in this inquiry
 - *Option 2: “Inception” Question* – Carefully identify and rephrase a student question to align with upcoming inquiry. Be sure that students don’t perceive this as “railroading” their questions
 - *Option 3: Wait and See* – Tell students that we will return to these questions after completing the upcoming inquiry. Express interest in the questions they have generated and explain that some of their questions may be answered over the course of this inquiry.

Mail ballot fraud

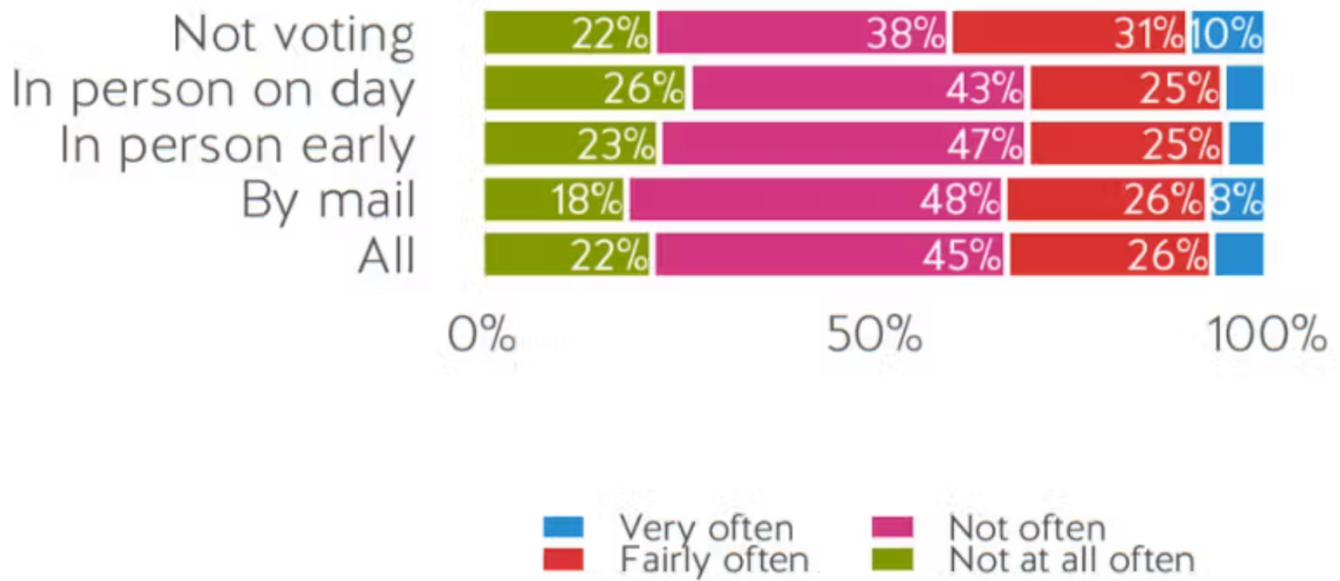


Votes will be counted fairly

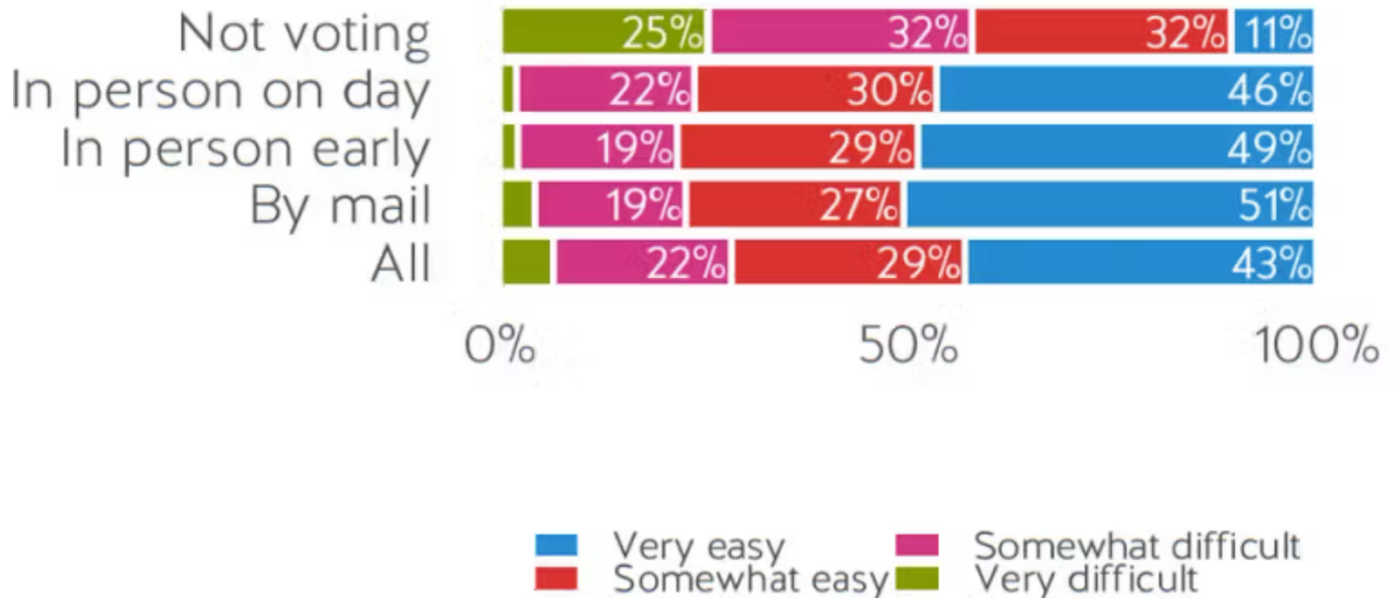


■ Very often ■ Not often
■ Fairly often ■ Not at all often

Voters will be threatened with violence



Ease of voting



Source	Barrier(s) Identified	Institution or group who raised the objection	Practical effect of the barrier	Action taken or proposed by those raising objection	Outcome of action (if any)

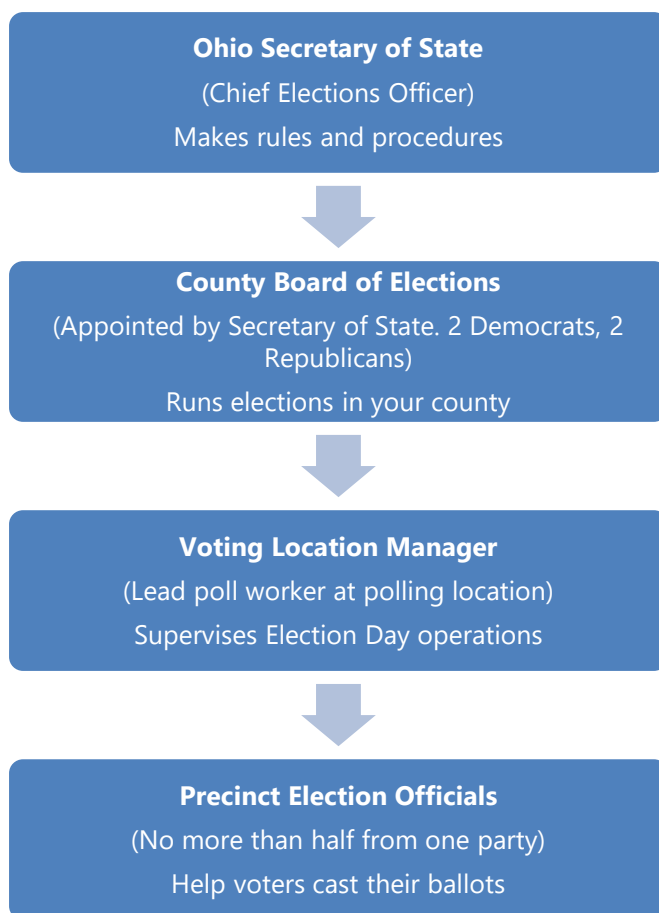
ELECTIONS PROCESS OVERVIEW

Ohio Election Law and the Secretary of State

Ohio law requires the Ohio Secretary of State to establish policies and procedures for running Ohio elections ([R.C. 3501.04](#); [R.C. 3501.05](#)). Most steps for running elections in Ohio are set by state law and by instructions from the Secretary of State, issued through advisories and directives.

More information on election laws may be found in the [Ohio Election Official Manual, Chapter 1, section 1.03](#).

Election Authority Hierarchy



County Boards of Elections

County boards of elections carry out state and federal law as instructed by the Secretary of State and by board policies. The four members of county boards of elections are appointed by the Secretary of

Source A2

**from Secretary of State Elections Official Manual, Ch. 2: Board of Elections
Organization & Operations**

<https://www.ohiosos.gov/assets/dir2026-05-ch02.pdf>

Section 2.02: The Board of Elections

The Secretary of State appoints the members of the county boards of elections. Each board has four board members, two Democrats and two Republicans. Board members serve four-year terms that stagger to start at different times.

The board's main jobs are to:

- Run elections according to state and federal law.
- Follow Secretary of State directions.
- Create and follow board policies.

The board must hire a director to run its daily office operations. The board must also hire a deputy director unless three board members vote not to have one. It can hire other staff as needed. Directors and deputy directors serve for two years at a time. All staff serve at the board's pleasure.

State law blocks collective bargaining between a board and its employees.

All board members and staff must:

- Act in a professional way.
- Be courteous to everyone.
- Help anyone who asks for information.
- Treat all people the same, regardless of political party.

Board Membership

How Members are Appointed

The Secretary of State appoints two members, one from each major political party. Terms last four years and start March 1 in odd-numbered years. The terms are staggered so that two board members are appointed every two years.

County executive committees (Democrat and Republican) must each meet 15 to 60 days before terms end. They recommend qualified voters to the Secretary of State to serve as a board member.

Everyone recommended (including current board members seeking additional terms) must:

- Complete a background check.
- Fill out Secretary of State Form 307.
- Report any criminal history.

Criminal convictions matter because they can reduce public confidence in the integrity of public election officials. Criminal convictions and elections or ethics law convictions may disqualify someone from serving as a member of a board.

Board Duties

Main Duties

County boards of elections must run fair, orderly, and efficient elections. To accomplish this, R.C. 3501.11 gives the board several important responsibilities, outlined below.

Ethics and Compliance

- Follow election laws and Secretary of State directives.

Personnel Management

- Hire and fire the director, deputy director, employees, and all registrars, precinct election officials (PEOs), and other election workers, and designate the ward or district and precinct where they'll work.
- Give oaths related to elections.
- Create rules that follow state law to guide election officers and voters.

Operational Administration

- Make annual reports to the Secretary of State, which include the number of registered voters, elections held, votes cast, moneys received, expenditures made, and other information as required.
- Create and submit elections budgets.
- Submit required reports on elected officials to the Secretary of State.
- Prepare an Election Administration Plan (EAP) (see in this chapter section 2.09) and send it to the Secretary of State at least 75 days before a presidential primary election and 120 days before general elections of even-numbered years.
- Submit tie votes during board activity to the Secretary of State within 14 days for final decision.

Voter Registration

- Check voter residence qualifications.
- Create and maintain voter registration database.
- Update voter registration records.
- Help area agencies with voter registration and forward those from outside the county to the appropriate board within five days.

Petitions

- Review and certify petitions and nomination papers; return forwarded materials to the Secretary of State

Preparing for Elections

- Buy and maintain election equipment.
- Choose places for registration and elections.
- Set up and adjust election precincts.
- Send out required notices, ads, and publications concerning elections.
- Advertise and contract ballot printing and other election supplies.
- Provide paper voting equipment to each precinct. Take a full board vote during a public session on the distribution of equipment for county precincts.
- Approve ballot language for local questions or issues and send a copy to the Secretary of State for final approval.

Administering Elections

- Arrange for the delivery of materials and equipment to polling places.
- Help military and overseas voters register and vote.
- Post notices about illegal voting in every polling location.
- Follow rules for in-person voting sites at the board office when that office serves as a polling location.
- Count votes and report results to the proper authorities.

Ohio law prohibits any person from voting or attempting to vote more than once at the same election. Violators are guilty of a felony of the fourth degree and shall be imprisoned and additionally may be fined in accordance with law.
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Post-Election Activities

- Investigate problems or violations of election laws (Title 35 of the Revised Code).
- Issue certificates of election on Secretary of State forms.

Investigatory Responsibilities

The board must investigate:

- Irregularities.
- Failure to perform duties by election officials and other persons.
- Violations of Title 35 of the Revised Code.
 - Trying to intimidate voters.
 - Delaying delivery of absentee ballots.
 - Blocking the delivery or counting of an absentee ballot.
 - Intimidating an election officer or preventing an election official from performing the official's duties.
 - Voting more than once in the same election.
 - Having someone else's absentee ballot without permission.
 - Knowingly registering in the wrong precinct.
 - Registering under more than one name.
 - Making false statements on registration or ballot forms.



Ohio Revised Code

Section 3517.03 Controlling committees of major or intermediate political party membership.

Effective: February 5, 2014

Legislation: Senate Bill 193 - 130th General Assembly

The controlling committees of each major political party or organization shall be a state central committee consisting of two members, one a man and one a woman, representing either each congressional district in the state or each senatorial district in the state, as the outgoing committee determines; a county central committee consisting of one member from each election precinct in the county, or of one member from each ward in each city and from each township in the county, as the outgoing committee determines; and such district, city, township, or other committees as the rules of the party provide.

All the members of such committees shall be members of the party and shall be elected for terms of either two or four years, as determined by party rules, by direct vote at the primary held in an even-numbered year. Except as otherwise provided in section 3517.02 of the Revised Code, candidates for election as state central committee members shall be elected at primaries in the same manner as provided in sections 3513.01 to 3513.32 of the Revised Code for the nomination of candidates for office in a county. Candidates for election as members of the county central committee shall be elected at primaries in the same manner as provided in those sections for the nomination of candidates for county offices, except as otherwise provided in sections 3513.051 and 3517.02 of the Revised Code.

Each major party controlling committee shall elect an executive committee that shall have the powers granted to it by the party controlling committee, and provided to it by law. When a judicial, senatorial, or congressional district is comprised of more than one county, the chairperson and secretary of the county central committee from each county in that district shall constitute the judicial, senatorial, or congressional committee of the district. When a judicial, senatorial, or congressional district is included within a county, the county central committee shall constitute the judicial, senatorial, or congressional committee of the district.

A minor political party may elect controlling committees at a primary election in the even-numbered



year by filing a plan for party organization with the secretary of state on or before the ninetieth day before the day of the primary election. The plan shall specify which offices are to be elected and provide the procedure for qualification of candidates for those offices. Candidates to be elected pursuant to the plan shall be designated and qualified on or before the ninetieth day before the day of the election. Such parties may, in lieu of electing a controlling committee or other officials, choose such committee or other officials in accordance with party rules. Each such party shall file the names and addresses of members of its controlling committee and party officers with the secretary of state.



By — Hannah Grabenstein



By — Jenna Cohen

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How your secretary of state affects elections and why you should care

Politics Updated on Nov 14, 2022 9:25 AM EDT — Published on Nov 3, 2022 6:22 PM EDT

Correction: PBS NewsHour has reclassified Secretary of State-elect Phil McGrane after speaking with him and confirming he is an election defender. [Find more here.](#)

A once under-the-radar governmental role with significant control over elections is getting a lot more attention this year.

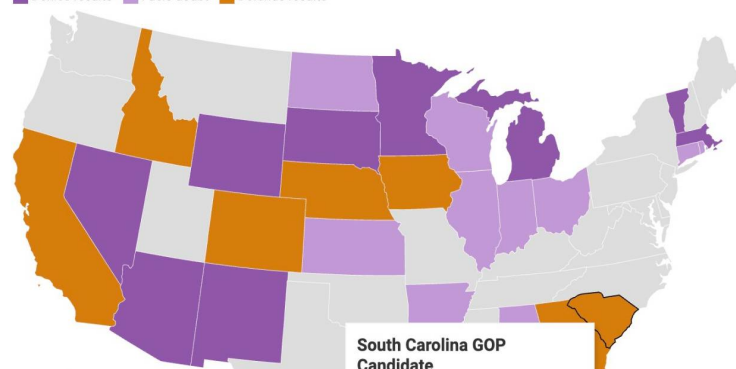
In 38 states, the secretary of state is the **chief election official**, a role required by federal law, often in charge of running and certifying elections of their local, state and national leaders – think county-level officials, governors and state legislators, plus U.S. senators and representatives. In 31 states, the secretary of state has to run for office, meaning they are not nonpartisan, but usually affiliated as Democrats or Republicans.

READ MORE: [Who runs elections in your state? Use our map to find out](#)

While experts say the vast majority of secretaries of state are impartial, people who study American democracy warn that a new batch of candidates who deny the results of the 2020 election are calling that impartiality into question.

Republican Secretary of State candidates who deny, doubt or defend the 2020 election results

Denies results Fuels doubt Defends results



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Left: While experts say the vast majority of secretaries of state are impartial, people who study American democracy warn that a new batch of candidates who deny the results of the 2020 election are calling that impartiality into question. Photo via Getty Images.

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Washington has no Republicans on the ballot for secretary of state.
All other states in grey have no secretary of state election in the 2022 midterms.
Map: Jenna Cohen/PBS NewsHour • Created with [Datawrapper](#)

PBS NewsHour examined candidates' campaign ads, interviews, tweets, lawsuits they joined, and more over the last two years to **classify their actions** as one of three categories: **Denies results** (expressly pushed claims of fraud or the idea of a stolen election); **Fuels doubt** (raised questions about potential cases of voter fraud or have pushed concerns about election integrity); **Defends results** (defended the results and integrity of the 2020 election).

Former President Donald Trump's false claims and failed lawsuits over the outcome of the 2020 presidential race have helped spur misinformation about the integrity of U.S. elections and inspire dozens of more restrictive voting laws around the nation. Election officials and workers have been the target of **harassment, intimidation and threats**. These baseless claims have also been repeated on the campaign trail this year.

WATCH: Rep. Liz Cheney says Trump knew 'his election fraud claims were false'

President Joe Biden on Tuesday lambasted the harm these "lies" have caused, especially in undermining the faith of the electorate.

"This intimidation, this violence against Democrats, Republicans and nonpartisan officials just doing their jobs, are the consequence of lies told for power and profit, lies of conspiracy and malice, lies repeated over and over to generate a cycle of anger, hate, vitriol and even violence," **Biden said in a speech**. He argued that candidates who deny the results of the 2020 election, or who are complicit while others deny the results, are a threat to democracy.

Out of the 27 races for secretary of state this year, only six GOP candidates for the role – including **Brad Raffensperger** in Georgia, who defied Trump's pressure over the election results in that state – have defended the 2020 election results. Dozens of GOP candidates running for secretary of state this cycle, however, have raised doubts or outright denied the results of the 2020 election.

Secretaries of state "are elected on partisan agendas. And then we expect them to come into office and act like nonpartisan administrators," said Jeremy Gruber, senior vice president of **Open Primaries**, an organization advocating for open, nonpartisan primary systems and independent voters. "And that's not how they're elected and that's not how they're incentivized to act if they're going to continue to get reelected."

“

"They can sure put a kink in it ... but they can't single-handedly stop it."

As Election Day approaches, here's what secretaries of state do, why people should care about who fills this role and the danger of having a hyper-partisan chief election officer.

What does a secretary of state do?

The United States has a decentralized election system, which means that every state runs its own elections and the duties performed by the secretary of state (SoS) vary from place to place. In states where the SoS is the chief election officer, they **control nearly every aspect** of how elections are run, including certifying elections, ensuring all state and federal election laws are followed by local officials, maintaining the state's voter registration database, publishing election manuals that direct how local officials run elections and investigating allegations of voting-related improprieties.

WATCH: The critical role secretaries of state will play in midterm elections

3

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DHS says ICE officer who fatally shot driver in Maine was 'fearing for public safety'

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What you need to know about the cyclosporiasis outbreak

When the job doubles as the state's chief election officer, the SoS has a lot of sway over how elections are run, said Kevin Johnson, co-founder and executive director at [Election Reformers Network](#), an organization that advocates for making elections nonpartisan.

Why should I care about my secretary of state?

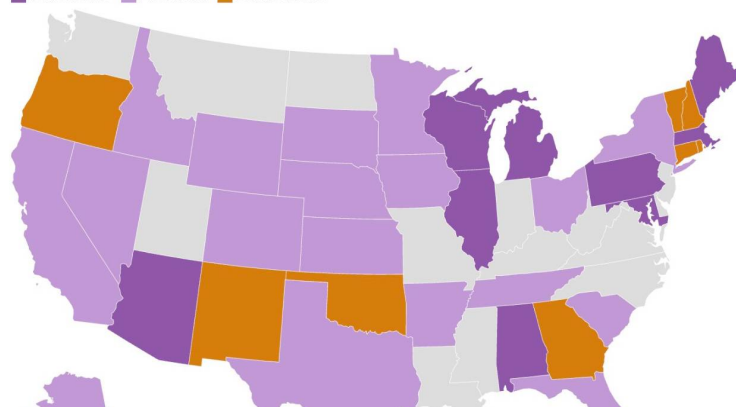
For example, Maine was the first state to enact same-day voter registration in 1973. A process **run by their secretary of state**, same-day registration – offered in 22 states and D.C. – allows voters to register and vote at the same time. This often correlates with stronger voter turnout in state and federal elections.

Keeping up with your secretary of state's policy actions, especially those election-related decisions, can help ensure accountability, Gruber said.

It's very unlikely that a rogue secretary of state alone could actually overturn the results of an election, or even refuse to certify the results, said Thom Reilly, co-director of the [Center for an Independent and Sustainable Democracy](#) at Arizona State University.

"They can sure put a kink in it," he said. "But they can't single-handedly stop it. There's other types of checking policies."

■ Denies results ■ Fuels doubt ■ Defends results



States in grey have no gubernatorial election in 2022.
Map: Jenna Cohen/PBS NewsHour • Created with [Datawrapper](#)

PBS NewsHour examined candidates' campaign ads, interviews, tweets, lawsuits they joined, and more over the last two years to [classify their actions](#) as one of three categories: Denies results (expressly pushed claims of fraud or the idea of a stolen election); Fuels doubt (raised questions about potential cases of voter fraud or have pushed concerns about election integrity); Defends results (defended the results and integrity of the 2020 election).

What's more likely is that a SoS could use their power to undermine faith in elections.

"We've never had so many individuals who are running openly as questioning the whole process. And although they single-handedly can't do away with early voting or voting by machines or some of these other mechanisms, they can have more influence in the process and they can create a good deal of doubt," Reilly said.

The worry is that people will start to think of the role of secretary of state, and the duties of running elections, as explicitly partisan. And when people believe elections are run by partisans, they may not see the election – or its results – as impartial.

"It's beyond the danger [of denial]. It's a bigger danger that people will see the person in charge as not a neutral referee, but instead as someone playing for one team," Johnson said.

Most other democracies operate elections with nonpartisan officials, Johnson said. And most American secretaries of state do operate impartially, both he and Reilly said.

Election Reformers Network has found that that's what voters want. When [they asked voters](#) how important it was for them that election officials act impartially, more than 80 percent said it was very important, Johnson said, including the vast majority of both Democrats and Republicans.

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By — Hannah Grabenstein

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By — Jenna Cohen

Jenna Cohen is the Associate Product Manager at PBS NewsHour. Working on the digital team, she specializes in data, design and product management.

[X](#) @jennacohen

Source B1

from Election Official Manual, Ch. 6: Precincts, Polling Locations, And Precinct Election Officials

<https://www.ohiosos.gov/assets/dir2026-08-ch06.pdf>

Professional Conduct

Precinct officials set the tone at polling locations. They should treat voters and other election officials with courtesy and respect.

Acceptable Conduct

Officials must:

- Treat voters professionally.
- Work efficiently with each other.
- Resolve problems so voters can vote with ease and privacy.
- Avoid distracting voters.

Unacceptable Conduct

PEOs may not:

- Campaign or try to influence voters.
- Wear or distribute campaign materials, sample ballots, slate cards, campaign badges or clothing, or campaign buttons.
- Use personal electronic devices (such as laptops, cell phones, radios, televisions, etc.).
- Sell raffle tickets or other items (such as baked goods, candy, crafts, etc.).
- Place food or drinks on the check-in table or near voting equipment or supplies.
- Engage in any other illegal or unacceptable activities.
- Refuse to enforce election laws. (R.C. 3501.33; R.C. 3501.35(A); R.C. 3599.02)

See also Chapter 16, Section 16.06.

Ethics Requirements

All PEOs must follow Ohio ethics laws and the Secretary of State's Ethics Policy as it applies to them. All PEOs must complete the Ethics Policy Acknowledgment Form (Form 351). Keep the completed form on file at the board office.

Ethics violations may be reported to the board director or deputy director. Anonymous reports may be mailed to the board's director or deputy director. Reports may also be filed with the Secretary of State's Election Integrity Unit in the office's Public Integrity Division.

Violations of the ethics policy may result in dismissal.

Key Ethics Rules

1. Officials cannot serve in any precinct where they are on the ballot (except unopposed party committee candidates).
2. Officials (including rovers, scouts, or similar, temporary election workers) cannot serve where family members or business associates are candidates.
3. Officials (including rovers, scouts, or similar, temporary election workers) cannot wear or distribute campaign materials (shirts, buttons, stickers, or other campaign items) at the board office or polling locations.
4. Officials (including rovers, scouts, or similar, temporary election workers) cannot engage in political activity while on board time.
5. Officials (including rovers, scouts, or other similar, temporary election workers) should avoid actions that could undermine public confidence in Ohio elections.

Bipartisan Custody of Election Materials

Ballots and required voting materials and supplies must be transported to the board by a voting location manager and an official from the opposite party (R.C. 3505.31). See specific transport instructions from the board for more details.

Each board must arrange for voting equipment delivery to polling locations before or on Election Day. If it will be delivered before Election Day, board employees must arrange for its security.

Equipment Storage Rules

- Never store voting equipment at an official's home, vehicle, or workplace.
- At a polling location, store voting equipment as recommended by the manufacturer. Keep it in a clean, climate-controlled environment.
- Never store equipment on the ground in an area that might flood.

Removable Media Devices

If removable media devices are inserted into the voting machines before delivery, the board must:

- Use tamper-evident seals with unique identifiers.
- Document each seal's identifier for each voting machine.

This documentation of the unique identifiers should be kept on three lists (one list must be kept in a secure location at the board office, one of them in a secure location with the director, and the other with the deputy director, also in a secure location).

PEOs must inspect voting equipment for damage during setup and closing. They must document the inspections on a maintenance log from the board and note any signs of damage or tampering.

Boards must use a Chain of Custody Log (Form 400 or local equivalent) to document all transfers of voting equipment, election supplies, and/or ballots. Train PEOs on tamper-evident seals so they know what to look for when inspecting the equipment.

Polling Location Security and Emergency Response

PEOs must control all voting equipment, keys, removable media devices, ballots, and other election supplies at all times. They must report suspicious activity or damage immediately. The board must give each voting location manager emergency contact information.

In emergencies, a PEO's first priority is safety. They should only remove voting equipment, election supplies, and ballots if it is safe to do so. At least one official (preferably two from opposite parties) must stay with any removed equipment and supplies.

Secure Return of Ballots and Election Day Supplies

At poll closing, a bipartisan team must return all ballots and election supplies to the board office or other designated location. The bipartisan team must:

Include the voting location manager and an official from the opposite party than the manager who "has taken an oath to uphold the laws and constitution of this state, including an oath that the person will promptly and securely perform the duties [of promptly and securely transporting and delivering ballots and election supplies to the board of elections]." (R.C. 3505.31)

Travel in the same vehicle.

Additional people, such as law enforcement, may accompany the team. One bipartisan team may transport the ballots and election supplies for an entire multi-precinct polling location.

Source B2

from United States Election Assistance Commission – Overview of Federal Election Laws (23 December 2025)

<https://www.eac.gov/election-officials/clearinghouse-resources-election-law-policy/overview-federal-election-laws>

Voting Rights and Voter Registration Laws

Voting Rights Act (VRA) (1965)

The Voting Rights Act and Language Assistance

The Voting Rights Act of 1965 (VRA) includes provisions to ensure that language-minority citizens have access to the electoral process.

Specifically, Section 203 of the VRA requires certain jurisdictions, usually counties but sometimes townships or municipalities, to provide bilingual voting materials and oral assistance. These requirements apply when specific conditions are met regarding the number and concentration of citizens who are members of a language-minority group and who are not proficient in English.

A jurisdiction must provide language assistance if more than 10,000 or over 5% of the total voting-age citizens in the jurisdiction are members of a single language-minority group and are limited-English proficient, and if the illiteracy rate of these citizens is higher than the national illiteracy rate. The U.S. Census Bureau determines which jurisdictions meet these thresholds based on census data. According to the U.S. Census Bureau and the Department of Justice, there are currently more than 20 languages covered under Section 203 of the VRA. Jurisdictions that fall under Section 203 are required to provide all election information, including voting materials, ballots, instructions, notices, and other written materials, in the relevant minority languages. They must also provide oral assistance in these languages.

The Department of Justice (DOJ) is responsible for enforcing these provisions. Jurisdictions found to be noncompliant may face legal action. Obligations of jurisdictions include training poll workers to assist voters in minority languages, accurately translating election materials, and publicizing the availability of language assistance. The DOJ provides guidelines and technical assistance to jurisdictions that fall under Section 203.

Help America Vote Act (HAVA) (2002)

HAVA and Voting Systems

In passing HAVA, Congress (1) provided funding to states for the replacement of lever and punch card voting systems; (2) established several baseline requirements for new voting systems; and (3) tasked the EAC with adopting voluntary voting system guidelines.

First, voting systems must allow all voters, including voters with disabilities, to cast their ballots privately and independently. This means letting voters verify their selections and change or correct any selections before casting their ballot. Voters must also be issued a replacement ballot to make corrections, if needed.

The system must notify a voter if they've made too many selections in a contest, often referred to as overvoting, while maintaining voter privacy. The notification must explain the effect of overvoting and provide the voter an opportunity to correct the issue.

For jurisdictions using paper ballots or a central count system (including one for mail ballots), election officials must provide voter education on the voting system, the effect of overvoting, and written instructions on how to correct an overvote, including the use of a replacement ballot.

Voting systems must produce an auditable, permanent paper record of ballots cast that must be made available for a recount, if needed. Voters must be able to change or correct their ballot before the system produces the permanent paper record.

Voters with disabilities must have the same opportunity to cast a private and independent ballot while using the voting system. Each polling location must have at least one accessible voting machine.

Accessibility requirements also include language accessibility. Voting systems must support alternative languages consistent with Section 203 of the Voting Rights Act.

HAVA and Voter Registration

HAVA includes several requirements that contribute to the accuracy of voter registration lists. Congress recognized the issues caused by decentralized voter registration lists within states and the potential opportunity to verify voters' identities using other statewide databases.

HAVA's passage marked the first time states were required to implement "a single, uniform, official, centralized, interactive computerized statewide voter registration list" to be maintained and administered at the state level. Specifically, the statewide list has to:

- Include the name and registration information for every legally registered voter in the state;
- Include a unique identifier for each voter on the list;
- Provide immediate access to local election officials;
- Allow local election officials to electronically enter information at the time they receive it;
- Coordinate with other state agency databases; and
- Serve as the official voter registration list for federal elections.

Only North Dakota is exempt from the statewide voter list requirement, as it did not require voter registration when HAVA passed and has not implemented voter registration since.

HAVA reinforces the ongoing accuracy of the statewide database by requiring election officials to perform regular list maintenance in accordance with the National Voter Registration Act (NVRA). Maintenance required under HAVA includes coordinating the statewide voter registration database with state agency records on felony convictions, as required by state law, and deaths.

A state's list maintenance process must make sure that (1) the name of each registered voter is included in the statewide list, (2) only voters who are not registered or are ineligible to vote are removed, and (3) duplicate names are eliminated. States are responsible for accurate and regular maintenance of the system, which includes making reasonable efforts to remove ineligible registrants consistent with the NVRA and implementing safeguards to make sure eligible voters are not removed by mistake.

Election officials are also responsible for the security of the system and preventing unauthorized access.

Generally, HAVA requires registrants to include a driver's license number or the last four digits of their social security number when registering to vote in federal elections. If the registrant does not have either number, then the state must assign them a number to be used for their identification. It is up to the state to determine whether the information provided by the registrant is sufficient to meet this identification requirement under state law. The EAC has provided voluntary guidance to states on how such verification can occur.

Unless registrants are permitted to use full social security numbers to register, states must also enter into agreements with the state's motor vehicle authority. The agreement must allow the state to verify information in the statewide voter list with information in the motor vehicles database. These provisions provide a method of matching registrants' social security or driver's license numbers.

Accessibility Laws

Voting Accessibility for the Elderly and Handicapped Act (VAEHA) (1984)

Codified at 52 U.S.C. 20101-20107

The Voting Accessibility for the Elderly and Handicapped Act of 1984 generally requires polling places across the United States to be physically accessible to people with disabilities for federal elections. If no accessible location is available, then voters must be provided an alternate means of voting on Election Day. The law is enforced by the U.S. Department of Justice.

The law also requires states to provide accessibility to registration and voting aids for disabled persons, ballots printed in large print font, and access to aids, including telecommunication devices for the deaf. A state cannot require a medical certification or doctor documentation to verify a disability. In 2015, the law was amended to allow anyone who is physically disabled or over the age of 70 to move to the front of the line at a polling place.

Americans with Disabilities Act (ADA) (1990)

Codified at 42 U.S.C. 12101-12213

The ADA requires state and local governments and their election officials to ensure that people with disabilities have a full and equal opportunity to vote in all elections. This includes federal, state, and local elections. And it includes all parts of voting, such as voter registration, voting locations, and voting processes, whether in-person on election day or during early voting, or when voting by mail.

Polling places must be accessible to voters with disabilities. The ADA's regulations and Standards for Accessible Design define what makes a polling place accessible. This includes regulations related to parking, sidewalk cuts for wheelchair accessibility, ramps,

width of hallways, doorknobs and door openings, and crowding of voting spaces. Election officials must provide reasonable accommodations, including permitting voters to sit down (instead of standing in a long line), allowing voters to bring their service animal into a polling place, permitting voters to have a companion with them in the voting booth if they need assistance, or modifying other voting policies and practices when necessary to avoid discrimination.

The ADA also covers early voting processes. For example, if a jurisdiction uses drop boxes, those boxes must accommodate voters with disabilities, or there must be an alternative to casting an early ballot.

Laws Impacting Military and Overseas Voters

Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) (1986)

Codified at 52 U.S.C. 20301-20311

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) of 1986 protects the voting rights of members of the Uniformed Services (on active duty), members of the Merchant Marine and their eligible dependents, Commissioned Corps of the Public Health Service, Commissioned Corps of the National Oceanic and Atmospheric Administration, and U.S. citizens residing outside the U.S. UOCAVA requires that the states and territories allow certain groups of citizens to register to vote, as well as request and cast absentee ballots in elections for federal offices. In addition, most states and territories have their own laws allowing citizens covered by UOCAVA to register and vote absentee in state and local elections as well.



UNOFFICIAL CANVASS

Unofficial results are released on Election Night, which include all regular ballots cast at polling locations and verified absentee ballots received before the close of polls. It does not include ineligible ballots, provisional ballots, absentee ballots rejected due to a statutory deficiency, and absentee ballots that were not received by the close of polls on Election Day.

PROVISIONAL BALLOTS

In a public meeting, Boards of Elections determine and vote to determine the validity of each provisional ballot.

RECOUNT

A recount is automatically conducted when the difference between votes cast for a winning and losing candidate/issue is too close. Recounts may also be requested by any losing candidate or for any losing ballot issue.

THE ELECTION IS CERTIFIED



POST-ELECTION AUDIT

A post-election audit, a comprehensive review of one or more contests in an election to ensure that the results are accurate, is conducted by a bipartisan team of election officials.

OFFICIAL CANVASS

Boards of elections begin the official canvass and certify the results. It is this certification that provides the needed authority for swearing in newly elected officeholders.

Source C1

**from “Strengthening Our Democracy by Expanding Voting Rights” by Scott Keyes
(Center for American Democracy) (18 December 2012)**

<https://www.americanprogress.org/article/strengthening-our-democracy-by-expanding-voting-rights/>

Suffrage that is equally accessible to all Americans is the very backbone of our democracy. We rightfully take pride in the fact that no matter how privileged or seemingly disadvantaged someone is, each person’s vote counts equally. Our voting laws should reflect this fundamental belief, making the ballot box equally accessible for all. After all, our elections are best when the electorate closely mirrors society. If students and the poor, for example, tended to vote at higher rates—rates more representative of their numbers—it would be more difficult for politicians to ignore their issues. In essence, more voters means more legitimacy.

This paper briefly details 11 pieces of legislation that lawmakers can enact to strengthen voting rights in their state. A number of these policies would make registering to vote more accessible, including online voter registration, Election Day registration, and requiring public schools to help register voters. Others would make it simpler for citizens to cast a ballot, such as expanding early voting, permitting citizens to vote at any polling location, and allowing no-excuse absentee voting. States can also discourage those trying to suppress the vote by outlawing voter caging, strengthening penalties for knowingly deceiving voters, and reforming the voter-challenge process. Finally, legislators can pass other pro-voting policies, such as restoring voting rights to ex-felons and enacting constitutional language affirming an equal right to vote.

These are not partisan pieces of legislation. States as ideologically opposed as New York and Utah have passed online registration legislation, and states as large as California and as small as New Hampshire allow citizens to register on Election Day. These are simply good-government bills. With voting rights under attack in state legislatures across the country and voters in many states enduring long lines and other hurdles before they can cast a ballot, here are 11 ways for voting-rights advocates to turn the tide and help ensure that every American can exercise his or her right to vote. First let’s look at voter registration.

Online Voter Registration

States with online voting registration: Arizona, California, Colorado, Delaware (upcoming), Connecticut (implemented by 2014), Hawaii (implemented by 2016), Indiana, Kansas, Louisiana, Maryland, Nevada, New York, Oregon, South Carolina, Utah, and Washington.

Nowadays most government forms can be filed online. The Internal Revenue Service allows you to e-file your taxes. Many states permit you to register your vehicle on the Internet. Seniors can even apply for Social Security and Medicare online. And all of it is done safely and securely. Yet the vast majority of states still don't allow their citizens to register to vote on the web.

According to Project Vote, less than 63 percent of Americans aged 18-34 were registered to vote in 2009, yet a Nielsen survey found that these young citizens were by far the most electronically connected, with 88 percent having an Internet connection at home. Modernizing the voter-registration process and allowing people to register online would be a boon for the overall number of voters in our country.

A handful of states are bringing voting rights into the 21st century. Already 16 states have passed bills permitting their citizens to register online, and lawmakers in other states are pushing online voter-registration as well. The Brennan Center at New York University School of Law, a key player in the voting-rights discussion, backs online voter registration as a central tenet of modernizing our elections.

Another upside of online registration is that it isn't just good for voters it's good for state budgets as well. In Maricopa County, Arizona, for instance, processing a paper application costs taxpayers approximately 83 cents; an electronic application will cost them just 3 cents. The state of Washington found that the introduction of online registration reduced overall data entry time by 80 percent in some counties.

One final benefit of registering online is that it prevents many clerical snafus that often result in voters being disenfranchised. In Arizona the number of human and data-entry errors fell significantly because voters could enter and double-check their own information electronically.

Require public schools to help register voters

States with public school voter registration: California, Connecticut, Georgia, Kentucky, Louisiana, Massachusetts, New Jersey, North Carolina, Ohio, and Rhode Island.

Young Americans continue to vote at far lower rates than the rest of the citizenry. This year, for instance, only half of the voting-eligible population between the ages of 18 and 24 cast a ballot, compared to more than two-thirds of senior citizens.

One simple way to encourage students to vote is for states to require that public schools provide voter-registration services. Currently, at least 10 states require public high schools and colleges to either facilitate registration drives or provide voter-registration forms and accept completed applications.

Though not a state typically known for strong voting protections, Kentucky does an admirable job helping students register to vote. As Project Vote notes, high school principals across the state work in conjunction with the State Board of Elections to provide voter-registration resources to all students eligible to vote.

Let's turn next to the issue of voting legislation.

Expand early voting

States with early voting: Alaska, Arkansas, Arizona, California, Colorado, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, D.C., West Virginia, Wisconsin, and Wyoming.

Arguably the most successful election reform in the past decade has been the advent of early voting. After widespread voting problems in the 2000 election, many states passed legislation to open up polling sites for more than one month leading up to Election Day. The move has been a win-win for states and voters. Citizens get more flexibility to vote at their convenience—not everyone can take off an hour or two from work on the first Tuesday of November—which leads to higher turnout, something former Florida Gov. Jeb Bush (R) called “wonderful.” Meanwhile, early voting allows election officials to spread the process of counting ballots over a number of days or weeks, rather than getting inundated all at once.

Early voting has been a major boon for minority turnout. Many African American churches, for instance, participate in a “souls to the polls” voting drive on the Sunday before Election Day helping boost black early voting rates. In Cuyahoga County, Ohio a study found that the early vote rate among African American residents was more than 20 times greater the rate for white voters in 2008.

At present 32 states and Washington, D.C. offer some form of in-person early voting with the length of the early-voting period differing from state to state. Leading the way are states

like Iowa and South Dakota, which begin their early voting periods in late September, giving their citizens more than one month to vote. Pulling up the rear is Florida, which cut its early voting period from 14 days to just 8 thanks to Gov. Rick Scott (R) and the 2011-12 Republican dominated state legislature. The 16 states that have yet to embrace in-person early voting include some historically progressive states like Minnesota, New York, and Massachusetts.

No-excuse absentee voting

States with no-excuse absentee voting: Alaska, Arizona, California, Colorado, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Maine, Maryland, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Dakota, Utah, Vermont, Washington, D.C., Wisconsin, and Wyoming.

For many Americans taking time off during the work day to vote is not an option. Fortunately for them an increasing number of states are enacting “no-excuse absentee” laws that allow anyone who requests an absentee ballot to receive one, not just individuals who will be out of town or have another reason barring them from voting on Election Day.

Making absentee voting more accessible doesn’t just benefit voters who work on Election Day, it also allows citizens to research candidates and ballot issues while they have the actual ballot in their hands. With recurring voting machine snafus and long lines at the ballot box, millions of Americans have taken advantage of their state’s absentee voting option.

Restore voting rights to ex-felons

States that allow ex-felons to vote: Alaska, Arkansas, California, Colorado, Connecticut, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Washington, Washington, D.C., West Virginia, and Wisconsin.

Felons in most states aren’t just barred from voting while in prison; a handful of states strip them of their voting rights for the rest of their life, even after completing their sentence. As a result, 3.1 million Americans were disenfranchised in 2008.

If we as a society want to reintegrate people with felony convictions back into society after they finish their prison terms, it makes little sense to permanently brand them with a scarlet letter.

In all, 11 states disenfranchise certain classes of felons for life. Four of those states permanently strip all felons of their right to cast a ballot. Passing legislation to restore voting rights for individuals in these states would rectify this injustice and help ex-felons become good-standing members of society once more. Currently, only two states allow prisoners to vote (Maine and Vermont); 18 states allow probationers to vote; and 19 states allow felons who have completed their entire sentence to vote.

Source C2

from “Citizens caught in Ohio noncitizen voting audit say latest letter offers incomplete information” by Nick Evans (Ohio Capital Journal) (4 September 2024)

<https://ohiocapitaljournal.com/2024/09/04/citizens-caught-in-ohio-noncitizen-voting-audit-say-latest-letter-offers-incomplete-information/>

Since initially flagging hundreds of alleged noncitizens on Ohio’s voter rolls, Secretary of State Frank LaRose has begun sending letters to those who are, in fact, citizens. The letter congratulates them “on being an active participant in our democracy!” and encourages them to make sure their records are up to date.

And to two recently naturalized citizens caught in the audit, that’s all fine. It’s where the letter goes next that frustrates them.

The letter states, “Ohio law requires the use of a current driver’s license or state issue photo ID for the purpose of voter identification.” And while those forms of ID certainly are valid, they aren’t the only options available to voters. Other options include an interim ID form issued by the Ohio BMV, a U.S. passport, a U.S. passport card, a U.S. military ID card, an Ohio National Guard ID card; or a U.S. Department of Veterans Affairs ID card.

Nicholas Ross and Andrew Pearson both recently became naturalized citizens after living in the U.S. for more than 20 years. Ross is a pianist who chairs the Music Department at Otterbein University. Pearson teaches high school social studies in Cincinnati. They’re both British by birth and speak English as their first language. Each expressed concerns about how new citizens who aren’t native speakers would navigate the process.

As part of the naturalization ceremony, they both registered to vote. But a few months ago, they received letters challenging that registration. They’d both previously gotten a driver’s license, and since they hadn’t been in to the state BMV since naturalization, according to those records they weren’t citizens.

The problem is that the secretary of state relies on BMV records when checking citizenship.

“The way they are trying to double check if non-U.S. citizens are voting, is based upon the idea that the driver’s license they see will exactly reflect your current citizenship,” Ross said. “And yet we know it doesn’t.”

What’s more, he added, there’s no current law requiring new citizens to update their information at the BMV.

All the same, Ross quickly returned his letter requesting proof of citizenship, but Pearson never did. Both received the follow up letter congratulating them and warning them about the state's photo ID requirements for voting.

Ross argued the letter's framing of Ohio law as requiring "a state issue photo ID" is incomplete and misleading. He noted the letter itself includes a link that makes it clear Ohio voters have a handful of other options.

"So, in other words, that's not true," Ross said of the secretary's letter.

One of the other acceptable forms of ID is a U.S. Passport, which Ross had always planned on using to vote anyway.

Pearson, meanwhile, saw the letter as confirmation the secretary's initial challenge was "performative," or "smoke and mirrors." If he never gave the secretary his citizenship information, but the office confirmed his status anyway, why send the letter in the first place?

"They didn't really need to go through that whole process of sending letters out to people, threatening (them) with felony charges," he said, "All of those steps that they took were kind of redundant."

As for the ID requirements, Pearson zeroed in on a different problem.

Starting last year, the BMV began printing "noncitizen" on driver's licenses and ID cards for people who are in the country legally but are not yet citizens. While the secretary doesn't explicitly state that a non-citizen ID is invalid for voting, he warns "you must avoid" using one and that "you could be required to vote provisionally."

But what if you got your license before Ohio started including that notation and it's still current? Pearson noted that's the boat he and his father found themselves in, and his dad read the letter as requiring him to get to the BMV to update his license if he wanted to vote. Pearson argued that was an unnecessary inconvenience.

And even for those voters who do have the noncitizen marking on their license, he questions whether that by itself should be an obstacle.

Practically speaking, if a poll worker saw a noncitizen marking on a voter's identification card it could be grounds for challenging their right to vote. The problem is that nothing in state law, the administrative code or the secretary's directive implementing Ohio's photo voter ID law actually prohibits the use of noncitizen ID to vote. The only requirement is that a person's ID be current.

It's an important distinction, because a driver's license or ID is valid for four or eight years. That means anyone who got a license that includes the marking, and has since naturalized, is holding a card that will be valid through at least 2027. The BMV will give you a new version for free, but again, Pearson argued the voter shouldn't have to fix a problem state lawmakers created. For comparison, he brought up the paper card the BMV sends out after you update your address.

"They could totally do that with citizenship," he said. He added that if the Secretary can send him a letter confirming his citizenship, the BMV should be able to send along that free updated ID card.

And either way, Pearson said, if the secretary has just done all this work to clean up the voter rolls, then it shouldn't matter if your license says noncitizen or not.

"If they are in fact doing their job, which they claim they are, because he says he's very serious about removing noncitizens — as he should be — then that list that the polling locations have is valid," he said. "So as long as the photo ID matches who you are and verifies your identity, shouldn't we be trusting the voter rolls?"

REDISTRICTING



LEAGUE OF WOMEN VOTERS®
OF OHIO

FAQ

What is redistricting?

- **Redistricting:** the process of drawing federal and state electoral district boundaries. Every 10 years, after every decennial Census, Ohio must make new maps outlining Congressional and General Assembly districts.
- **Goal:** To create a legislative district in a geographical area that reflects changes in an area's population. Districts reflect new population numbers so that each district has similar population numbers for fairness.

Why should I care about redistricting?

- **The legislative maps created this year will determine how communities are divided, resources are allocated, and voters are represented for years to come.**
 - How and where the district lines are drawn will determine how strong a voice each voter or each group of voters has in coming elections.
 - It also affects how strong a voice each has when lobbying for or against legislation.

What is gerrymandering?

- **Gerrymandering:** when districts are drawn by incumbent politicians to maintain their power with the intention of influencing elections to their advantage.
 - **Gerrymandering is a form discrimination.** It intentionally favors one political party or candidate over the other
 - **Gerrymandering allows the party with more control over the redistricting process to artificially inflate the number of seats it gets.** Elected officials of both political parties have marginalized the other party through mapmaking, and Ohio has some of the most gerrymandered districts in the country.

How does gerrymandering work?

- **Gerrymandered districts manipulate district lines to benefit a particular party by either:**
 - **packing:** where voters from a particular party or demographic groups are concentrated into one district to reduce their influence in other districts
 - **cracking:** where voters from a particular party or demographic group are split up to dilute their voting power, making it harder for them to influence elections.
- **All this makes for districts that don't follow geographic or community logic.** Gerrymandering creates districts that are stretched out or broken into jagged areas, which undermines equal representation for Ohio voters.

How does gerrymandering impact incumbents?

- **Gerrymandering also occurs when maps separate incumbents of the opposition party from their established base to put them into a less favorable district.** Mapmakers also can "double-bunk" two of the opposition party's incumbents into a single district, ensuring that at least one will be eliminated. In 2011, Congressional District 9 was created in order to pit incumbents Marcy Kaptur of Toledo against Dennis Kucinich of Cleveland.

How does gerrymandering hurt every voter?

- **Gerrymandering takes away voter choice.**
 - Because partisan gerrymandering causes legislative districts to be won heavily by one party, the primary election becomes more important than the general election.

- A competitive primary election without a competitive general election leads to the election of extreme candidates who are less likely to compromise or work across the aisle on behalf of their constituents.
- This system especially disadvantages independent voters who do not vote in partisan primaries and voters who generally do not vote straight-party tickets.

How does partisan gerrymandering make elected officials less accountable?

- **Given that the map is rigged, an incumbent legislator is virtually assured re-election as long as he or she cares to hold the seat.**
 - Gerrymandering provides individual legislators, legislative leadership, and the legislature as a whole immunity from changes in voter priorities or sentiments.
 - Such security means that lawmakers do not need to listen to their voters, but instead work just to please extreme partisan interests or major donors.

How does gerrymandering confuse voters?

- **Oddly shaped and sprawling districts create confusion.**
 - For 3.6 million Ohioans, the closest Congressional District Office to their home is for the wrong congressional district.
 - In the past decade, even County Boards of Elections have accidentally placed voters into the wrong districts.

Is gerrymandering new to American politics?

- **Nope!**
 - Gerrymandering has been part of American politics since– at least!–1812
 - That's when Elbridge Gerry was governor of Massachusetts- (he later went on to become the VP of the US under James Madison).
 - He signed a bill that redistricted the state in a way that would benefit his party. Noticing that one of the districts looked like a salamander, the Boston Gazette coined the term 'gerrymander' in 1812, forever connecting the irregular shape of a district shaped by political power to Governor Gerry.

Is Ohio an especially gerrymandered state?

- **Sure is!**
 - **We are consistently ranked in the top 10 most gerrymandered states. You can learn more [here](#) and [here](#),**

Is there anything in Ohio's constitution about redistricting reform?

- **Yes!**
 - 2015: Ohio voters overwhelmingly supported state legislative redistricting reform
 - 2018: Ohio voters followed up by passing congressional redistricting reform.
- Both constitutional ballot measures won in all 88 Ohio counties and by more than 70% of the vote. We have a once-in-a-decade chance to protect our democracy, and we need people from across Ohio calling for a transparent, open, and bipartisan redistricting process that results in legislative maps that truly serve Ohio voters, not partisan interests.

So what's the problem– why is gerrymandering still so bad?

- **Ironically, gerrymandering itself explains this.**
 - Even after Ohioans voted overwhelmingly twice to amend our Ohio constitution with redistricting reform protections, Ohio's district maps are still drawn unfairly because incumbent politicians can't be held accountable.
 - They can't be held accountable because legislators at the state house know that with the rigged districts created for them by the incumbents in power, they will keep getting reelected– so why wouldn't they do whatever they wanted?
 - They've flouted our constitution and ignored the Supreme Court five times because only Ohio voters can hold these politicians accountable.
 - And we can't hold politicians accountable when politicians make the rules for themselves.

What would fair maps look like?

- **All voters should be fairly represented, no matter race, background, zip code, or income.**
- **Some aspects of fair maps include:**
 - **Population equality:** Political districts need to generally have the same number of residents.

- **Contiguity:** All areas in the district are physically connected to each other.
- **Geographic integrity:** To the extent possible, local governmental subdivisions should not be divided into different districts. Districts should also minimize the division of communities of interest, which are areas with similar interests (economic, social, cultural, geographic, historic identities, etc).
- **Responsiveness:** Districts should not be drawn to favor one political party/candidate over another.
- **Representational Fairness:** The total number of votes cast for each political party should be roughly equivalent to the number of seats each party receives.
- **Racial equity:** Districts should not harm voters based on their race or ethnicity,
- **Compactness:** Where practicable, districts should not be too elongated, spread out, or jagged.

Who approves state legislative district lines?

- **The Ohio Redistricting Commission** approves districts for state legislators.
- **Commission members are:**
 - **Ohio Governor:** Mike DeWine (Republican)
 - **Ohio Auditor:** Keith Faber (Republican)
 - **Ohio Secretary of State:** Frank LaRose (Republican)
 - **One individual appointed by the Ohio Senate President:** Senator Rob McColley (Republican)
 - **One individual appointed by the Speaker Ohio House:** Representative Jeff LaRue (Republican)
 - **One individual appointed by the Senate Minority Leader:** Senator Nickie Antonio (Democrat)
 - **One individual appointed by the Ohio House Minority Leader:** Representative Allison Russo (Democrat)
- **You can see the problem just looking at this for a second:** One party will likely always be dominant, leading to map drawing that benefits the party in power.
- **But incumbents from both parties work to create safe seats for their members, not just the party in charge.**
 - That's what happened with Ohio's latest maps, which were approved by all seven members because each party was able to manipulate the maps to their advantage.
- The party in charge will do this the most, but both parties will do it, given the chance.

What's the solution– how do we fix this, once and for all?

- **We fix this by getting politicians out of the map-making process.**
- **That's what the [Citizens Not Politicians](#) amendment would do:**
 - Create a citizen-led commission
 - Ban politicians and lobbyists from the process
 - Empower citizens to pick their representatives, not the other way around
- **Read the amendment [here](#)**
- **Learn about the amendment [here](#)**
- **Sign up to help [here](#)**

Defending Democracy. Empowering Voters.



League of Women Voters of Ohio, et al. v. LaRose, et al. (HB458)

 acluohio.org/cases/league-women-voters-ohio-et-al-v-larose-et-al-hb458

December 19, 2023

- Filed: Dec 19, 2023
- Status: Victory!
- Court: Federal District Court for the Northern District of Ohio
- Latest Update: Dec 19, 2023

Summary

HB458 makes it a felony for anyone not on a limited list of government workers and relatives to assist a disabled Ohioan with their ballot. This significantly impairs access to the ballot for people with disabilities and violates several federal laws.

FACTS:

During the 2022 lame duck session, the Ohio legislature passed H.B. 458. A “death by 1,000 cuts” voter restriction bill that went into effect on April 7, 2023. Its major provisions are:

- A requirement that an elector present government-issued photo ID to vote in person, unless the elector has a religious objection to being photographed. The acceptable forms of ID are an unexpired Ohio driver’s license or state ID card, U.S. passport or military ID.
- Shortening the deadline – by 4 days - to submit an application for an absentee ballot. Now a ballot must be applied for by the close of business 7 days before Election Day.
- Shortening the deadline for the Board of Elections to receive an absentee ballot by 6 days. Now the ballot must be received by the fourth day after Election Day.
- Restricting the Board of Elections during the absentee voting period to providing not more than one drop box, which must be located on the premises of the Board.
- Criminalizing the returning of an absent voter’s ballot by persons other than certain listed relatives or agents of the USPS or private mail carriers.
- Elimination of in-person absentee voting on the Monday before Election Day, and reallocation of those hours to earlier in the absentee voting period.
- Apparently imposing a limit on the types of disabilities that a voter must have in order to be permitted to vote curbside.

- The cumulative impact of many of the restrictions – including the cutbacks to early voting, the new photo ID requirements, and the limitations on the use of drop boxes and curbside voting – will have an especially negative affect on voters with disabilities.

Egregiously, H.B. 458 makes it a felony for anyone other than a mail carrier, election worker, or statutorily enumerated family member to “possess” or “return” the absentee ballot of a voter with a disability. Nursing home aides, domestic partners, adult grandchildren, cousins, neighbors, roommates, and friends are all now barred from assisting disabled Ohioans in returning their absentee ballots.

Many disabled voters do not even have living family members who meet the criteria on the list, others live far from or otherwise are unable to receive voting assistance from these family members. Meanwhile, the very people who already live with and/or provide care for these voters are precluded from helping. This creates an extreme burden on some voters, and makes voting an outright impossibility for others.

LEGAL THEORY:

The burdens placed on voters with disabilities by H.B. 458 violates Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Section 208 of the Voting Rights Act of 1965, the Supremacy Clause of the U.S. Constitution, the Due Process Clauses of the Fifth and Fourteenth Amendments, and 42 U.S.C. §1983.

STATUS:

We filed the complaint in U.S. District Court for the Northern District of Ohio on December 19, 2023 against Secretary of State Frank LaRose, Attorney General Dave Yost, and Cuyahoga County Prosecutor Michael O'Malley. The presiding judge is Judge Bridget Meehan Brennan. The state defendants filed their Answer on January 19, 2024. Prosecutor O'Malley filed his Answer on January 25. Also on January 19, the Ohio Republican Party and Republican National Committee filed a Motion to Intervene as defendants. No party opposed the motion and permissive intervention was granted on February 6, 2024. A case management conference was held on February 29.

The Court entered an expedited case schedule on March 1 and protective order on March 7. Defendants moved to file an amended answer on March 15. Their motion was granted on April 3, and they filed their amended answer on April 5. The Parties exchanged motions for summary judgment on May 24. Several states and the District of Columbia filed an amicus brief in support of Plaintiffs. Parties filed responses on the Motions for Summary Judgment on June 14. On June 17, the United States of America filed a Statement of Interest supporting

Plaintiffs' interpretations of the Voting Rights Act and the Americans with Disabilities Act as they relate to our claims.

Summary judgment briefing concluded on June 21. On July 22, the Court issued a ruling in our favor, finding that the challenged statutes are preempted by the Voting Rights Act, and permanently enjoined the State from enforcement. The time for the Defendants and Intervenors to appeal has now passed, with no appeal having been filed.

Case Number:

1:23-cv-2414

Judge:

Bridget Meehan Brennan

Attorney(s):

Freda Levenson; Megan Keenan from VRP

Pro Bono Firm:

Covington and Burling

Husted v. A. Philip Randolph Institute

 oyez.org/cases/2017/16-980

Facts of the case

Ohio currently employs a process that clears the state's voter rolls of individuals who have died or relocated. Under this process, voters who have not voted for two years are sent notices to confirm their registration. If the state receives no response and these individuals do not vote over the next four years, they are ultimately removed from the rolls.

Plaintiffs are various civil rights groups that are challenging the process, claiming that it is not only inappropriate to remove individuals from the voter rolls as a consequence of failing to vote but also violates part of the National Voter Registration Act of 1993. The Act prohibits a program for voter-list maintenance for federal elections that involves "the removal of the name of any personal from the official list of voters . . . by reason of the person's failure to vote." Plaintiffs believe that the Supreme Court should involve itself and determine whether this process violates the Act. The U.S. Court of Appeals for the 6th Circuit previously struck down these rules, deeming them a violation of federal voting law because Ohio's process involves using an individual's failure to vote as a "trigger" for sending out a confirmation notice to that person. Plaintiffs consequently argue that there is no reason to disturb the appellate court decision. Defendants argue that Ohio is adhering to federal voter law, as set forth in the National Voter Registration Act of 1993 (NVRA) and the Help America Vote Act of 2002 (HAVA).

Question

Is Ohio's list-maintenance process permissible under 52 U.S.C. § 20507, given that it relies on the inactivity of a registered voter as a "trigger" to send a confirmation notice to that voter under the NVRA and HAVA?

Conclusion

Ohio's list-maintenance process does not violate any provision of the National Voter Registration Act of 1993 (NVRA) or the Help America Vote Act of 2002 (HAVA). In a 5-4 decision authored by Justice Samuel Alito, the Court found that Ohio's procedure of requiring (1) a failure to vote for two years, (2) a failure to return a notice card, and (3) a failure to vote for four additional years was sufficiently rigorous under NVRA and its amended versions. The Court reasoned that by the plain language of the statute, NVRA forbids removal of a voter if

failure to vote is the sole reason for removal. While Ohio list-maintenance process does use failure to vote as a trigger for removal, because it is not the sole basis for removal, it does not violate the statute. Justice Clarence Thomas concurred in full but wrote separately to offer constitutional reasons for rejecting the proposed interpretation of the National Voter Registration Act (NVRA).

Justice Stephen Breyer wrote a dissenting opinion in which Justices Sonia Sotomayor, Elena Kagan, and Ruth Bader Ginsburg joined. The dissent argued that the Ohio process does in fact rely on failure to vote to purge voter lists and that the additional requirement of responding to a mailed notice does not mitigate this violation of the statute.

Justice Sotomayor wrote a separate dissenting opinion arguing that the majority's decision ignores the driving purpose behind the NVRA—to address voter suppression laws—and pointing to statistics from amicus briefs showing that the law has a disproportionate effect of unregistering substantially more African American voters as compared to suburban white voters.

"Husted v. A. Philip Randolph Institute." Oyez, www.oyez.org/cases/2017/16-980. Accessed 14 Jul. 2026.