



**Ohio Secretary of State's Office  
Comment Regarding Proposed Permanent Directive:  
Election Day Voting**

**September 23, 2015**

Project Vote is a national nonpartisan, nonprofit organization that works to ensure that America's electorate represents the diversity of its citizenry. Project Vote takes a leadership role in nationwide voting rights and election administration issues, working through research, litigation, and advocacy to ensure constituencies can register, vote, and cast ballots that count.

The Fair Elections Legal Network (FELN) is a national, nonpartisan voting rights and legal support organization whose mission is to remove barriers to registration and voting for traditionally underrepresented constituencies. FELN works to improve overall election administration through administrative, legal, and legislative reform as well as provide legal and technical assistance to voter mobilization organizations.

Both of our organizations work closely with Ohio organizations and coalitions. We appreciate this opportunity to comment on Secretary of State Husted's Proposed Permanent Directives on elections and voting. Specifically, we have two recommendations for the Election Day Voting Directive.

**1. Disability Assistance**

We recommend rewording the section on disability assistance. Directive Section 1.06, Assisting Voters, includes the following statement:

Any voter with a disability may receive assistance from a person of the voter's choice, other than the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union, if any, or any candidate whose name appears on the ballot, or two precinct election officials- each from a different political party.

Given the sentence construction, the directive may read as *barring* assistance from two precinct election officials. In fact, Section 3505.24 of the Revised Code explicitly provides for assistance by election officials. This should be expressed in two sentences, or the sentence should be rearranged so that "election officials" cannot be read as prohibited from providing assistance (e.g., "Any voter with a disability may receive

assistance from two precinct election officials, each from a different political party, or from a person of the voter's choice, other than...). We urge you to make this simple change that will prevent needless confusion and help to ensure voters with disabilities have a full and fair opportunity to participate in Ohio elections.

## **2. 17-year-old Primary Voting**

The section on 17-year-old primary election participation is more restrictive than the relevant statutory language. Directive Section 1.03(b)(i) provides a list of positions and items for which 17-year-olds are not entitled to vote, including *presidential primary delegates*. However, Section 3503.11 of the Revised Code states:

At a primary election every qualified elector who is or will be on the day of the next general election eighteen or more years of age, and who is a member of or is affiliated with the political party whose primary election ballot he desires to vote, shall be entitled to vote such ballot at the primary election.

On its face, the statute does not limit 17-year-old primary voters from voting on anything that appears on the primary ballot. As such, the proposed directive language may be considered overly narrow and should be reviewed further to ensure compliance with both the letter and the spirit of the election code.

We thank you for the opportunity to provide comments on these issues. Please do not hesitate to contact Marissa Liebling, Legislative Director at Project Vote (202-556-5651 or [mliebling@projectvote.org](mailto:mliebling@projectvote.org)) or Archita Taylor, Counsel at Fair Elections Legal Network (202-3310-0114 or [ataylor@fairelectionsnetwork.com](mailto:ataylor@fairelectionsnetwork.com)), with any questions or for further information about our recommendations.