

COLUMBUS REGIONAL HEARING

(Indiana and Ohio)

The Vern Riffe Center for the Arts and Government
Columbus, Ohio
May 30, 2014

GUEST COMMISSIONERS

Wade C. Henderson, President and CEO,
Leadership Conference on Civil and Human
Rights and the Leadership Conference
Education Fund

Hon. Nathaniel Jones, Attorney; ret. Judge, U.S.
Court of Appeals for the Sixth Circuit

Bob Kengle, Voting Rights Project Co-Director,
Lawyers' Committee for Civil Rights Under Law

Elizabeth MacNamara, President, League of
Women Voters; Chair, League of Women Voters
Education Fund

Sybil McNabb, President, Ohio NAACP

PANELISTS

Bill Anthony, Franklin County Board of Elections
Barbara Bolling, Indiana NAACP

Jason Boylan, Disability Rights Ohio

Phyllis Cleveland, Councilwoman, Cleveland Fifth
Ward

Gary Daniels, ACLU of Ohio

Carrie Davis, League of Women Voters of Ohio

Adele Eisner, CASE-OH

Ellis Jacobs, Advocates for Basic Legal Equality

Karen Kay Leonard, League of Women Voters of
Indiana

Karla Lortz, Disability Rights Advocate

Sandy McNair, Cuyahoga County Board of
Elections

Greg Moore, NAACP National Vote Fund

Deidre Reese, Ohio Voice

Norman Robbins, Northeast Ohio Voter
Advocates

Tom Roberts, NAACP Political Action Center

Peg Rosenfeld, League of Women Voters of Ohio

Petee Talley, Ohio Unity Coalition

Jocelyn Travis, Election Protection Cleveland

Julia Vaughn, Common Cause of Indiana

Camille Wimbish, Ohio Vote

PUBLIC TESTIMONY

Carlos Buford

Carole DePaola

Gregory Kilcup

Royal Mayo

Jaquetta Sanders

WRITTEN TESTIMONY

Kathleen Clyde, Representative, 75th House
District, Ohio

Bentley Davis

Rev. Dale B. Snyder, Sr.

Nina Turner, State Senator, 25th District, Ohio

SUPPORTING ORGANIZATIONS (NOT EXHAUSTIVE)

Advocates for Basic Legal Equality	Northeast Ohio Voter Advocates
Citizens Alliance for Secure Elections (CASE-OH)	Ohio AFL-CIO
Common Cause Ohio	Ohio State Conference of the NAACP
Indiana State Conference of the NAACP	Ohio Unity Coalition
League of Women Voters of Ohio	Ohio Voice
NAACP National Voter Fund	

COLUMBUS REGIONAL HEARING HIGHLIGHTS

On May 30, 2014, voters, activists, and voting rights advocates gathered at the Vern Riffe Center for the Arts and Government in Columbus, Ohio at a hearing convened by the Lawyers' Committee for Civil Rights Under Law. Witnesses testified about continued barriers to equal participation in the democratic process for voters in Ohio and Indiana, including opportunities for minority communities to register and vote, voter suppression efforts, and the disproportionate impact of changes in early voting laws on minority communities. Julia Vaughn, representing Common Cause Indiana, noted that "voter ID is the Indiana law that has gotten all the attention, but there have been further efforts to chip away at free and accessible voting, and that is very disturbing."



Adele Eisner, member of Case Ohio, voices her concerns about electronic voting machines due to mishaps in the 2000 election.

I. Registration Barriers in Ohio

Norman Robbins, representing the Northeast Ohio Voter Advocates, provided testimony on the impact of barriers to registering to vote. He calculates that 400,000 low-income Ohioans are not registered to vote. In addition, Robbins presented calculations indicating that, in Cuyahoga County, African Americans make up approximately 30 percent of the population but 61 percent of the invalid voter registrations. He pointed to several factors that he believes contributed to this disparity. First, he said that after the 2012 election, voter registrations

originating at the Ohio Department of Jobs and Family Services, the largest public assistance agency in the State, dropped and have remained about half of what they used to be.¹ Second, people living in “the lowest income, heavily minority areas” move more frequently than other demographic groups, meaning that they will have to update their voter registration or vote by provisional ballot.

II. Reduced Early Voting in Ohio

Several witnesses provided testimony on the impact that limits on early voting will have on minority communities. According to Gary Daniels, Associate Director of the American Civil Liberties Union (ACLU) of Ohio, during the 2004 election, long lines caused “an estimated 130,000 voters to leave their polling locations without casting a ballot.”² In response to this problem, Ohio expanded early voting opportunities. Robbins testified that, in the elections held with early voting, “an out-of-proportion number of African Americans us[ed] early in-person voting.” In 2014, Ohio enacted S.B. 238, which eliminated an overlap in the registration period and the early voting period known as “golden week,” as well as the final two days of early voting.³ Secretary of State John Husted also issued a directive banning early voting on evenings and Sundays. According to Daniels, “[t]he effect [of these measures] is to eliminate specific voting days that 157,000 Ohioans took advantage of in 2012.”⁴ Daniels testified that “African-American voters are much more likely than white voters to vote in person during the

¹ See also, Norman Robbins, *Decreased voter registration at public assistance agencies after the 2012 Presidential election -- findings, analysis and suggestions based on Ohio's experience*, available at <http://www.nova-ohio.org/DECREASED%20VOTER%20REGISTRATION%20AT%20PUBLIC%20ASSISTANCE%20AGENCIES%20report%209-3-13.pdf>.

² See, e.g., Ari Berman, *ACLU Lawsuit: Ohio Early Voting Cuts Violate Voting Rights Act*, *Nation* (May 1, 2014, 9:59 AM), www.thenation.com/blog/179626/aclu-lawsuit-ohio-early-voting-cuts-violate-voting-rights-act.

³ S.B. 238, 130th Gen. Assemb., 2013-2014 Sess.; see also Jackie Borchardt, *Ohio House passes bills to change absentee ballot rules, eliminate six days of early voting*, *Cleveland Plain Dealer* (Feb. 19, 2014, 7:24 PM), http://www.cleveland.com/open/index.ssf/2014/02/ohio_house_passes_bills_to_cha.html

⁴ See, e.g., Complaint at 1, *NAACP v. Husted*, No. 2:14CV-404 (S.D. Ohio May 1, 2014), available at https://www.aclu.org/sites/default/files/assets/ohio_complaint.pdf; see also Press Release, *ACLU, ACLU Files Federal Lawsuit Challenging Ohio's Latest Attempts to Slash Early Voting Opportunities* (May 1, 2014), available at <https://www.aclu.org/voting-rights/aclu-files-federal-lawsuit-challenging-ohios-latest-attempts-slash-early-voting>.

early-voting period.”⁵ In addition, Daniels testified that the elimination of Sunday early voting will hinder “Souls to the Polls,” a popular initiative that brought thousands of church-going African Americans to vote. According to Tom Roberts of the National Association for the Advancement of Colored People (NAACP), in a sample Ohio county “[i]n 2008, African-American voters were 56 percent of weekend voters.”⁶

III. Precinct Consolidations in Ohio

Ellis Jacobs, an attorney working with the Miami Valley Voter Protection Coalition in Dayton, Ohio, provided testimony on the consolidation of precincts and polling places. Reducing the number of precincts in urban areas disproportionately impacts “African-American neighborhoods, low-income neighborhoods... [because] the people that live there are much more likely not to own vehicles,” he said. He further testified that nationally, significant disparities exist in automobile ownership between white and African American households. According to one study, 19 percent of African Americans live in households that do not own a car, while only 4.6 percent of whites do.⁷ In addition, he testified that the degree of precinct consolidation in urban counties significantly outpaced other parts of the state. Jacobs testified that counties across the state have dramatically consolidated precincts. In Cuyahoga County (Cleveland), the number of precincts was reduced by 26 percent, in Hamilton County (Cincin-

5 *Analysis of Effects of Senate Bill 238 and Directive 2014-16 on Early In-Person (EIP) Absentee Voting by Blacks and Whites in Ohio* by Dr. Daniel A. Smith at 31-32, *NAACP v. Husted*, No. 2:14-CV-00404 (S.D. Ohio June 30, 2014), available at moritzlaw.osu.edu/electionlaw/litigation/documents/Ohio192.pdf; Norman Robbins, *Ne. Ohio Voter Advocates, Effects of legislation and Directives on early in-person (EIP) voting in Ohio in 2012, as of Aug. 17, 2012* 1 (2013), available at [nova-ohio.org/Effects%20of%20legislation%20and%20Directives%20on%20early%20in-person%20\(EIP\)%20voting%20in%20Ohio%20in%202012.pdf](http://nova-ohio.org/Effects%20of%20legislation%20and%20Directives%20on%20early%20in-person%20(EIP)%20voting%20in%20Ohio%20in%202012.pdf); Norman Robbins, *Ne. Ohio Voter Advocates, Update, 9-27-12: Does Ohio have “fair” and sensible rules for early in-person (EIP) voting?* 1 (2012), available at http://www.nova-ohio.org/36627343_Update%209-27-12%20Does%20Ohio%20have%20fair%20rules%20for%20early%20in-person%20voting.pdf. See also, e.g., Russell Weaver & Sonia Gill, *Lawyers’ Comm. for Civil Rights Under Law, Early Voting Patterns by Race in Cuyahoga County, Ohio: A Statistical Analysis of the 2008 General Election* 10 (2012), available at http://www.lawyerscommittee.org/admin/site/documents/files/EarlyVoting_Cuyahoga_Report.pdf (“[R]elative to whites, African American voters in Cuyahoga County, Ohio disproportionately voted early in person during the 2008 General election.”); Norman Robbins & Mark Salling, *Ne. Ohio Voter Advocates, Racial and ethnic proportions of early in-person voters in Cuyahoga County, General Election 2008, and implications for 2012* 3 (2012), available at <http://nova-ohio.org/Racial%20and%20ethnic%20proportions%20of%20early%20in-person%20voting.pdf> (Early in-person “voting was disproportionately used by African Americans and disproportionately less used by white voters, in both cases in comparison to the percentages of both groups that voted by mail or on election day”); Daniel Brill, *Franklin County Board of Elections, 2008 Early In-Person Voting* 2 (2012), available at <http://www.scribd.com/doc/102466324/2008-Early-In-Person-Voting-in-Franklin-County-Ohio> (In Franklin County, “a disproportionately higher amount of African Americans utilized EIP voting”).

6 Robbins & Stalling, *supra* note 5, at 1.

7 Alan Berube et al., *Socioeconomic Differences in Household Automobile Ownership Rates: Implications for Evacuation Policy* 7 (2006), available at socrates.berkeley.edu/~raphael/BerubeDeakenRaphael.pdf.

nati) the number of precincts was reduced by 23 percent, and in Lucas County (Toledo) the number of precincts was reduced by 28 percent.⁸

IV. Voter Suppression in Ohio

Phyllis Cleveland, who represents Ward 5 on the Cleveland City Council in Ohio, provided testimony on voter suppression efforts in her ward. She indicated that she represents “three of the poorest communities in Cuyahoga County[:]. . . Central and Kinsman [which] are about 95 percent African-American [and] [t]he North Broadway area, which . . . is now approaching 40 to 50 percent African-American.”⁹ Cleveland testified that her “community was targeted for voter suppression billboards [that said] ‘Voter fraud is a felony,’ and [they] listed the penalties, three and a half years, \$10,000 fine.” Sixty of these billboards appeared in low-income and minority communities in Columbus and Cleveland. Cleveland testified that she heard many concerns from voters, who would often decide they were not “going to take a chance and vote and to go to prison or have to pay a large fine that I can’t afford.”



Petee Talley, Secretary-Treasurer of the AFL-CIO and of the Ohio Unity Coalition, speaking on miscounted votes in the 2000 Presidential election.

V. Early Voting in Indiana

Barbara Bolling, President of the Indiana State Conference of the NAACP, provided testimony on early voting challenges to Lake County, Indiana in 2008. Under Indiana law, early voting can only take place in a county clerk’s office, unless the county board of elections approves early voting centers elsewhere in the county.¹⁰ A lawsuit challenged the Lake County Board of

⁸ Ellis Jacobs, *Early voting legislation a disservice to Ohio voters*, *Cleveland Plain Dealer* (Dec. 2, 2013, 1:00 PM), http://www.cleveland.com/metro/index.ssf/2013/12/early_voting_legislation_a_dis.html

⁹ *Kinsman, City of Cleveland* (last visited Aug. 1, 2014), planning.city.cleveland.oh.us/2010census/downloads/Kinsman.pdf; *Central, City of Cleveland* (last visited Aug. 1, 2014), planning.city.cleveland.oh.us/2010census/downloads/Central.pdf; *Broadway-Slavic Village, City of Cleveland* (last visited Aug. 1, 2014), planning.city.cleveland.oh.us/2010census/downloads/Broadway-SlavicVillage.pdf.

¹⁰ *Ind. Code Ann. § 3-11-10-26.*

Elections' practice of permitting early voting at circuit court clerk's offices in Gary, Hammond, and East Chicago.¹¹ According to 2010 census data, African Americans make up 84.8 percent of Gary's population, 22.5 percent of Hammond's population, and 42.9 percent of East Chicago's population.¹² Hammond and East Chicago also have significant Latino populations making up 34.1 percent and 50.9 percent of each city's population, respectively.¹³ After extensive litigation, the County was permitted to continue its practice of allowing early voting at the circuit court clerk's offices in these cities.

Karen Kay Leonard, former president of the League of Women Voters of Indiana, also provided testimony on changes in early voting laws in 2012. Leonard stated that "after 2012... it became impossible... to offer early voting at satellite locations, unless there was unanimous agreement among the county elections board."

¹¹ *Curley v. Lake Cnty. Bd. of Elections and Registration*, No. 45D02-0810-PL-00190 (Ind. Sup. Ct. Lake Cnty. 2008).

¹² *Community Facts: Race and Hispanic or Latino Origin: 2010: 2010 Census Summary File 1: Gary city, Indiana, U.S. Census Bureau*, http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_SF1_QTP3 (last visited Aug. 4, 2014); *Community Facts: Race and Hispanic or Latino Origin: 2010: 2010 Census Summary File 1: Hammond city, Indiana, U.S. Census Bureau*, http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_SF1_QTP3 (last visited Aug. 4, 2014) ("Hammond Table"); *Community Facts: Race and Hispanic or Latino Origin: 2010: 2010 Census Summary File 1: East Chicago city, Indiana, U.S. Census Bureau*, http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_SF1_QTP3 (last visited Aug. 4, 2014) ("East Chicago Table").

¹³ *Hammond Table*, *supra* note 13; *East Chicago Table*, *supra* note 13.