



OHIO

State excerpt from

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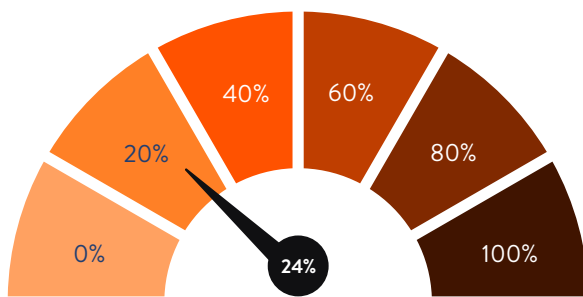
Protecting Voter Registration

An Assessment of Voter
Purge Policies in Ten States

Removal Practices

FIGURE 33

Ohio Removal Practices



Ohio scored 24% for removal practices, the lowest score of any state we analyzed. Ohio provides notice of removal for cancellations based on death or citizenship status—before removal for alleged noncitizens,²⁰⁸ after removal for purported deceased voters²⁰⁹ and a clear process exists for contesting erroneous removals. Ohio law also sets out a clear statement of the information a county clerk must provide to election officials for identifying recent disqualifying convictions,²¹⁰ deaths,²¹¹ and adjudication of mental incapacity,²¹² although it does not require those criteria to match. Ohio also does not give election officials catch-all removal authority; instead, it prohibits the cancellation of a voter’s registration for any reason other than those listed in the code.²¹³

In other respects, however, Ohio’s processes are opaque and unfavorable to voters. Ohio has a “use it or lose it” policy that triggers a removal process for voters who fail to vote or engage in other electoral activity for a mere two years. Such voters are required to confirm their current address by returning a postcard mailing, and their registrations will be canceled if they fail to

²⁰⁸ Ohio Rev. Code § 3503.15(H).

²⁰⁹ Ohio Rev. Code § 3503.21(F).

²¹⁰ Ohio Rev. Code § 3503.18(C),(D).

²¹¹ Ohio Rev. Code § 3503.18(A),(D).

²¹² Ohio Rev. Code § 3503.18(B)(D).

²¹³ Ohio Rev. Code § 3503.21(A), (C).

respond to the confirmation notice and do not vote for another two general election cycles.²¹⁴ In 2019 alone, the state came close to purging thousands of voters in error based on faulty data regarding their inactivity.²¹⁵

In addition, Ohio law does not specify which matching criteria must be provided or matched when reviewing information regarding alleged non-citizens.²¹⁶ Ohio law does not specifically provide for notice before removal for a finding of mental incapacity or felony convictions,²¹⁷ nor when voting rights are restored for these forms of disqualification;²¹⁸ nor does it provide a clear way to contest a wrongful removal on these grounds.²¹⁹ Finally, Ohio allows mass voter challenges by private parties, which can lead to discriminatory practices like voter caging that wrongfully remove eligible voters from the registration rolls.²²⁰

Table 33: Removal Practices

Reason for Removal	Felony Conviction	Death	Citizenship Status	Adjudication of Mental Incapacity	Other Reasons for Removal
Matching Criteria	2	2	0	2	Inactivity 0
Notice of Removal	0	2	4	0	Catch-all Removal Authority 4
Procedures to Contest	0	4	4	0	Caging / Mass Challenges 0
Notice of Restoration to Voter	0	n/a	n/a	0	Total 24/100 = 24%
Notice of Restoration to Elec. Official	0	n/a	n/a	0	

²¹⁴ Ohio Sec. of State Dir. 2022-08, Ch. 4, at 124, available at <https://www.ohiosos.gov/globalassets/elections/directives/2022/eom/dir2022-08-ch04.pdf> (last visited April 15, 2023); see also *Husted v. A. Philip Randolph Institute*, 138 S.Ct. 1833, 1840 (2018). Advocates challenged Ohio’s “use it or lose it” law as a violation of the National Voter Registration Act, but a closely divided Supreme Court upheld the practice in a 5-4 ruling in *Husted*.

²¹⁵ Nicholas Casey, “Ohio was set to purge 235,000 voter. It was wrong about 20%,” *The New York Times*, Oct. 14, 2019, <https://www.nytimes.com/2019/10/14/us/politics/ohio-voter-purge.html>.

²¹⁶ Ohio Rev. Code § 3503(H).

²¹⁷ Ohio Rev. Code §§ 3503.18, 3503.21(A)(4),(5).

²¹⁸ Ohio Rev. Code , § 2961.01(A)(2).

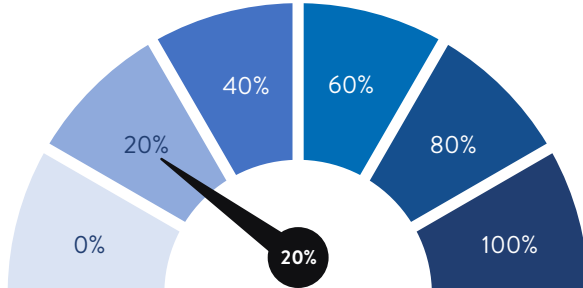
²¹⁹ Ohio Rev. Code §§ 3503.24 allows voters, broadly, to contest registration removals up until thirty days before an election, but since registrants are not notified of removals based on a finding of mental incapacity or felony conviction, it seems unlikely they would be aware of this provision.

²²⁰ Neither state law nor the Secretary of State’s challenge form require the challenger to attest to personal knowledge of a voter’s ineligibility, but the challenger must sign the form under penalty of election falsification. Ohio Rev. Code 3503.24(A); Ohio Secretary of State, Dir. 2022-08, Ch. 4, at 129, available at <https://www.ohiosos.gov/globalassets/elections/directives/2022/eom/dir2022-08-ch04.pdf> (last visited April 15, 2023).

Safeguards Against Erroneous Removal

FIGURE 34

Ohio Safeguards from Removal



Ohio scored 20% for the safeguards it has put in place to protect voters who only learn that their registrations have been canceled or marked inactive once they attempt to vote. Ohio administrative guidance provides that a voter with an “inactive” or “active-confirmation” voter status code is a “fully qualified elector,” which appears to allow such voters to cast regular ballots.²²¹ Critically, though, the state does not offer same-day registration²²² during early voting or on Election Day, which would allow an eligible voter whose registration was canceled in error to re-register and vote on-site.

Table 34: Safeguards Against Erroneous Removal

Safeguard	
Scope of Same-Day Registration (SDR)	0
SDR Identification Requirements	0
Regular or Provisional Ballot for SDR Voter	0
Regular or Provisional Ballot for Correcting Inactive Status	20
Total	20/100 = 20%

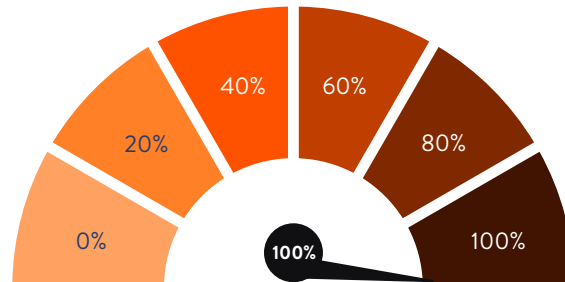
²²¹ Ohio Secretary of State Directive 2022-08, at 72, available at <https://www.ohiosos.gov/globalassets/elections/directives/2022/eom/dir2022-08-ch04.pdf> (last visited April 16, 2023).

²²² Ohio Rev. Code §§ 3503.19(A)(specifying a 30-day registration deadline)

Data Accessibility

FIGURE 35

Ohio Data Accessibility



Ohio scored 100% for data accessibility. The complete file is fully available to the public, updated weekly, and can be immediately downloaded in an electronic format for free.²²³ In addition to the voter file, Ohio also provides a website for voters to check if their voter status is in “awaiting-confirmation” status.²²⁴ It is not clear how often this site is updated.²²⁵

Table 35: Data Accessibility

Indicator of Accessibility	
Complete File Publicly Available	20
Who Can Request File	20
Cost	20
Timeline	20
Format	20
Total	100/100 = 100%

²²³ Ohio Secretary of State, “Voter Files Download Page,” available at <https://www6.ohiosos.gov/ords/f?p=VOTERFTP:STWD::#stwdVtrFiles>

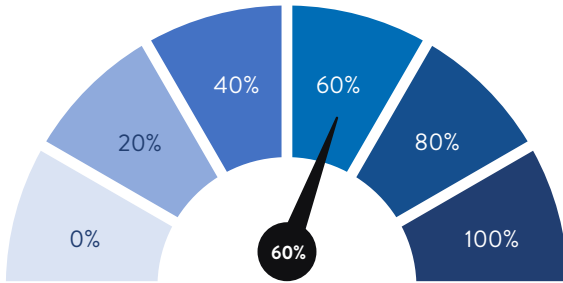
²²⁴ Ohio Secretary of State, “Registration Readiness Page,” available at <https://registrationreadiness.ohiosos.gov/#>

²²⁵ Secretary Frank LaRose, DIRECTIVE 2023-05, Feb. 28, 2023 <https://www.ohiosos.gov/globalassets/elections/directives/2023/dir2023-05.pdf>

Data Transparency

FIGURE 36

Ohio Data Transparency



Ohio scored 60% for data transparency. The file includes the voter ID number, confirmation notice under the voter status column, and voting history, but it does not include voter status reason code or race, as Ohio does not require registrants to provide their race or ethnicity.²²⁶

Table 36: Data Transparency

Indicator of Transparency	
Race	0
Voter ID Number	20
Voter Status	20
Status Reason Code	0
Date Last Voted	20
Total	60/100 = 60%

²²⁶ Ohio Secretary of State, "Voter File Layout," available at https://www6.ohiosos.gov/ords/f?p=VOTE_RFTP:STWD:::stwdVtrFiles

Current Political Context

Access to voting has remained contentious in Ohio in recent years. In 2021 and 2022, the Ohio legislature considered a bill (House Bill 294²²⁷) that would have slightly eased the process by which a voter can avoid cancellation of registration after receiving an address confirmation notice. It would have allowed a voter to remain on the rolls if they responded to the confirmation notice or updated a registration without necessarily then voting within a four-year period as well. The bill did not pass.

At the end of 2022, however, the legislature hurriedly enacted a bill (HB 458) which, while not directly affecting voter purge practices, makes it significantly more difficult to vote in Ohio—imposing one of the strictest voter ID laws in the nation, limiting early and mail-in voting, and making it more difficult for persons with disabilities to use curbside voting.²²⁸ Ohio organizations representing military veterans, retired Ohioans, and homeless persons, among others, filed suit against these restrictions in January 2023, arguing that they violate their fundamental right to vote.²²⁹

²²⁷ OH H.B. 294, available at https://search-prod.lis.state.oh.us/solarapi/v1/general_assembly_134/bills/hb294/IN/00/hb294_00_IN?format=pdf

²²⁸ Sam Levine, *Ohio Republicans quietly enact 'alarming' new voting restrictions*, The Guardian, January 18, 2023, available at <https://www.theguardian.com/us-news/2023/jan/18/activists-sue-ohio-republican-voting-access-restrictions>.

²²⁹ Northeast Coalition for the Homeless, et al., v. Frank LaRose, et al., Case No. 1:23-cv-26-DCN (N.D. Ohio), amended complaint filed January 27, 2023, available at <https://www.democracymocket.com/wp-content/uploads/2023/01/OH-Voter-Suppression-Amended-Complaint.pdf> (last visited April 16, 2023).

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