Representative Alicia Reece (D-Cincinnati) has introduced House Bill HB 76 to regulate the way Ohio votes. This legislation will establish a uniform process for the way we count provisional ballots in the state of Ohio. Currently this process differs from county to county, which has created numerous lawsuits and a lack of confidence among Ohio voters.

By JAMES W. WADE III
Staff Reporter

Representative Alicia Reece (D-Cincinnati) has introduced House Bill HB 76 to regulate the way Ohio votes. This legislation will establish a uniform process for the way we count provisional ballots in the state of Ohio. Currently this process differs from county to county, which has created numerous lawsuits and a lack of confidence among Ohio voters.

This legislation will also allow registered voters who vote in the wrong polling location or wrong precinct to have their votes counted for the appropriate offices and issues, which they are qualified to vote, by establishing a process to clearly determine if there is poll worker error through the establishment of a checklist. This common-sense poll-worker checklist will replace the current outdated “Election Official Statement” that is printed on the provisional ballot envelopes in most of Ohio’s counties.

On several occasions, voters have filled out a ballot from the wrong precinct. In some Ohio counties, these votes are counted. In others, they are tossed aside. In Hamilton County, for example, provisional ballots in a close race have created chaos resulting in a battle involving the Ohio Supreme Court and federal court, because Ohio has no clear, uniform process for counting provisional ballots. This legislation will clarify Ohio law and create a uniform standard.

The board decided not to count about 150 other ballots cast by voters who went to the correct polling location but apparently were mistakenly directed by poll workers to the wrong table for their precinct and also cast the wrong ballot.

Now there's a legal battle unfolding about whether to count certain ballots in Hamilton County that elections experts say could have ramifications for the entire state and even the nation.

Rep. Reece in a phone interview with the Call & Post talked about the issues of uncounted ballots. “In Hamilton County 849 Ballots goes uncounted, 2,500 additional goes uncounted or throw out because the envelope was not sealed right,” said Rep. Reece.

The dispute already has produced conflicting rulings from the Ohio Supreme Court and a federal court, and it could require the U.S. Supreme Court to weigh in.

The case involves whether to count certain provisional ballots cast in the Nov. 2 race for Hamilton County Juvenile Court judge, which Republican John Williams won by 23 votes over Democrat Tracie Hunter.

Provisional ballots are cast by voters who move and don't update their registration or whose names don't appear in the poll book when they try to vote. The ballots are held for 10 days while voters' eligibility is determined.

State law says that for ballots to count, they must come from a voter's correct precinct. The Hamilton County Board of Elections decided to count 27 provisional ballots from the wrong precinct because they were cast at the county elections office and workers mistakenly gave voters the incorrect ballot for their precinct.

Rep. Reece is a long-time public servant who has held many roles on behalf of the citizens of Ohio. Before her appointment to the Ohio House, she served as Vice Mayor of Cincinnati from 2002-2006 and was a City Councilwoman for the eight years prior. During this time, she advocated for women's health legislation, racial profiling litigation, public safety, small business tax reform, and an improved tourism industry in the Greater Cincinnati Area.

The *Columbus Dispatch* reported, on Wednesday, Jan. 19, 2011, in an article entitled " Ohio case may set U.S. voting precedent
" that Secretary of State Jon Husted called for the state legislature to clarify the rules for casting and counting provisional ballots to help avoid such controversies.

"In my district this has caused a lack of confidence in the voting process, in my research I found Ohio rejects 2.8 percent of provisional ballots, said Rep. Reece.