

OHIO VOTER

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November 2008 Ohio Election Analysis

Peg Rosenfield, League of Women Voters of Ohio

The election officials' prayer was answered in most of Ohio in November 2008 the one that goes: "I don't care who wins, but let it be a landslide." Although it was not a landslide, the Presidential results were decisive enough to prevent the kinds of controversy and accusations that followed the 2004 election.

"Provisional ballots are really the Achilles' heel of our electoral process, because in a close race that is the pressure point lawyers use to try to undo the results," said OSU law professor Edward B. Foley, in a New York Times interview this past fall. "...Ohio has for a couple of elections used more of these ballots than most any other state." The Times described Foley as one of the nation's foremost experts on voting litigation.

This November, President Obama defeated John McCain in Ohio by approximately 740,000 votes out of 5.7 million cast.

See ELECTION ANALYSIS on page 7



Election Reform To Be Key Focus in 2009

By Deidra Reese, Executive Director

We are gratified that the 2008 Election was not the embarrassment that Ohio experienced in 2000 and 2004, however, there are still areas where significant improvement is needed to accomplish the goal of a fully effective and fair election process. Throughout 2008, there were more than 100 directives issued by the Ohio Secretary of State to County Boards of Elections to try to clarify and correct problems. Though improved, the election exposed many of the issues that the League of Women Voters of Ohio (LWVO) has long recommended for improvement.

In 2009, the LWVO will again focus energy and attention on election reform. The League has invited several election reform groups, individuals and elections experts to develop a plan to bring about needed changes to Ohio's election system. In mid-January 2009, the League hosted a meeting with election reform advocates to prepare a coordinated advocacy strategy to improve Ohio's election system. Our expected outcomes will be policy and legislative recommendations that address what the League is titling The Four "Rs" of Election Reform.

The Four Rs of Election Reform

1. **Review** and Revise the Statutes and Rulings Governing Election Systems
2. **Reassign** Election Administration to an Independent Non-Partisan Authority
3. **Remove** Barriers to Voting
4. **Resolve** Statewide Voter Registration Database Problems by 2010

These fundamental reform ideas are critical not only to correct problems that have long been identified as obstacles to good elections, but also to allow a comprehensive review of the **whole election system**, identifying issues that may be obscure but important to improve the overall process.

A major goal of our collective of election advocates is to provide a system that allows qualified voters to cast their ballots and have them counted. Voting is a right that should not be infringed upon by a confusing and broken election system.

The League will continue to work through this coordinated effort and other methods to assure fair and accessible elections in Ohio. Our effort on this issue is an example of our continued commitment to Making Democracy Work.



Legislative Update

Ann Henkener, League of Women Voters of Ohio



The Ohio legislature has a practice of having active lame duck sessions and this year was no exception. Bills that had passed one house and then languished were quickly heard in the other house. One example is SB 57, which LWVO opposed. The bill authorized vouchers for services for special education students but failed to assure that the providers of the services would be properly accountable to the public for the taxpayer funds. Thanks to the grassroots lobbying efforts of the Ohio League and other public interest organizations, SB 57 failed to pass in the House of Representatives.

In the wake of state employees improperly accessing information about Joe the Plumber, both the house and senate

passed HB648. This bill requires state agencies to adopt rules governing access to confidential personal information and creates a civil action for harm resulting from intentional violation of these rules. The League supported this bill and the Governor signed the bill on January 6, 2009. In response to the "golden week" in which Ohio citizens can both register and vote on the same day, the Senate drafted SB380. The bill would have eliminated this overlap and limited early voting to a period of 20 days prior to the election. It also would have provided for observers during early voting and made changes concerning the statewide voter registration database. The League, along with other good government groups, recommended that these issues be considered by the Ohio House and Senate in the next General Assembly, where more debate and time can be spent on them. Although the legislature passed SB 380, the governor vetoed the bill on January 6, 2009.

The first several months of 2009 will be spent developing and passing a state budget for the two year period beginning July 1, 2009. The difference between current spending levels and projected revenues seems to grow daily and balancing the budget will require making substantial changes in services provided to Ohioans. The Lobby Corps will be monitoring the budget and trying to maintain funding for programs and services important to our membership.

The IMPACT of Marion's Ballot Issue

Jo Ann Radwin-Zimmerman, Co-President, League of Women Voters of Marion

IMPACT in action! Marion, Ohio is definitely not the same after the past two years of IMPACT Town Hall Meetings (THM)! Our well-attended community discussions later spun off into an advocacy partnership between our League (LWVM) and the local Chamber of Commerce (C/C). Our two organizations' abiding interest in "good government" practices evolved into a successful ballot issue initiative that emerged last summer.

It all started about two years ago when the C/C President gave an impressive presentation on the Chamber's Efficiency in Local Government initiatives at one of our general membership meetings. Almost at the same time, our League learned about LWVO's new IMPACT project that offered assistance with local THM's. We immediately planned our very first THM, with Political Accountability as our theme. The discussion format featured two topics: governmental transparency and Sunshine Law practices, along with a local topic furnished by the Chamber: Could Marion County be more efficient? more effective? more taxpayer friendly?

Our 150 THM participants' animated roundtable discussions offered ideas about improvements that would result from consolidating many of our local city, county and township government entities. This topic has been long-standing in our community, with many residents chronically frustrated because 'nothing ever gets done about it.'

In 1980 a committee of community leaders conducted a study of our city and our county health departments, which indicated that consolidation of the two departments would result in tax

dollar savings and improved 'one-stop-shopping' access for residents. The study committee's recommendations to local government decision-makers went unheeded. In the ensuing 27 years, the issue was revisited several times, but no one would step forward to provide leadership for this project.

The C/C recently engaged a professional consultant to conduct a feasibility study for combining the health departments (HD). In its January 2008 report, the consultant's findings confirmed the 1980 study results and outlined suggested strategies for merging the two HD's. Of special interest in the report was a statement that in the face of public official inaction, Ohio law provides that voters can mandate a merger by approving a ballot issue.

The League offered a second THM April 2008 that featured a report on the health department study along with a panel of seven government and health department officials who expressed their reactions to the study. Participants also took part in a Q & A session. Though the panelists cited many obstacles involved in combining the health departments, each acknowledged that a merger was appropriate.

Two months later last June, disappointingly, there was no merger action in sight nor even any discussion about it. At this point, the Chamber and the LWVM boards decided that the political climate was ripe for putting the Health Department Merger on the ballot for the November 4, 2008 election. A 55 member grassroots committee of League, Chamber, and interested citizens carried out a successful three week petition

See IMPACT on page 7



From the President's Desk...



Sixth Circuit Court rules in favor of LWVO

Linda D. Lalley, President, League of Women Voters of Ohio

When we decided in 2005 that a lawsuit against the offices of secretary of state and governor was the best way to bring reform to an inequitable system of election administration, we had to make a giant leap of faith and predict the future. On the day before Thanksgiving, a three-judge panel of the US Court of Appeals for the Sixth Circuit affirmed that faith by ruling our election reform lawsuit had merit and should proceed.

In agreeing with the previous lower court ruling, the panel cited *Bush V Gore* as precedent for requiring equal access to voting and election resources for Ohio citizens. Legal scholars and opinion makers have called the LWVO ruling the most significant appellate court reliance on *Bush V Gore*. OSU Moritz School of Law professor Edward Foley discusses the significance in his blog of November 26, as does the New York Times in its December 23 article.

A chronology of significant lawsuit events follows:

- July 2005:** LWV-Ohio and LWV-Toledo/Lucas County file federal lawsuit against offices of governor and secretary of state
- August 2005:** Defendants file motion to dismiss case
- December 2005:** Federal Judge James Carr rules for LWVO, saying our case has merit and should proceed
- December 2005:** Defendants appeal Judge Carr's ruling and ask for stay in discovery process (i.e. suspending process for gathering information on lawsuit claims)
- March 2006:** Judge Carr rules against defendants' motion to stay; discovery resumes
- May 2006:** Judge Carr schedules hearings for June 2006
- May 2006:** Defendants ask appellate court to overrule Judge Carr and delay proceedings. Discovery halts and hearing is indefinitely postponed while appeal is considered.
- January 2007:** Newly elected Secretary of State (SOS) Jennifer Brunner agrees to LWV request to discuss settling lawsuit
- Spring 2007:** LWVO forms working groups of League, legal and SOS representatives to examine election system reforms; LWVO pursues settlement discussions through 2007 and 2008, but SOS Brunner ultimately rejects mediation
- November 2008:** Sixth Circuit appellate court finally rules, finding in favor of LWVO on two out of three issues, citing *Bush V Gore*, & ordering case to proceed.

Stay tuned for more.

LWVO Staff Changes

Expect to see new faces and hear new voices when you contact LWVO state office staff. Joining our team is Mary Helen Hart as the new Impact Program Coordinator. Mary Helen has been an active member of the Columbus Metro League and brings a wealth of experience to her new role. She has great experience in the areas of program management, administration and public relations. Mary Helen will assume many of the duties of our former ImPact Program Manager Anne Nelson. We are excited to announce that Anne Nelson will continue to work with LWVO to coordinate Town Hall Meetings with Local

Leagues. Mary Helen and Anne will be a great team to enhance our ImPact program.

Mr. Akili (pronounced Ah- Keel- ee) Yates joined the LWVO state office as the Office Manager in January 2009. In addition to his administrative, customer service and organizational skills, Akili has a BS in Computer Information Systems from Heidelberg College. Akili's technology skill set will be a critical asset as we continue to evolve our use of technology to meet our members' and organizational needs.

Please take a moment to welcome Mary Helen and Akili to the League.

Contact Us At:

1-877-LVW-OHIO • 1-877-598-6446 • 614-469-1505
email: lwvoinfo@lwvoohio.org

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Deidra Reese, Executive Director



Take advantage of one of the main perks of being in League: direct access to legislators. So...

JOIN US FOR STATEHOUSE DAY 2009

MARCH 17, 2009 9 A.M. 3:15 P.M. AT THE VERN RIFFE CENTER, COLUMBUS

THE BUDGET SHORTFALL: WE'RE ALL GOING TO FEEL THE PINCH!

HARNESSING THE POWER OF LEAGUE: WHAT CAN WE DO IN OHIO'S FINANCIAL CRISIS?

How will the projected \$7 billion deficit affect education, social services and other issues close to League members' hearts? Where did it come from? What can we do?

MORNING SESSIONS:

- Economist Howard Fleeter, Ph.D., of Driscoll & Fleeter, has been invited to join us for "An Anatomy of a Budget Crisis."
- Armond Budish, Speaker of the Ohio House of Representatives, has been invited to join us for "What's Next: Legislative Priorities and Economic Realities."

LUNCH: An opportunity to network & exchange ideas with other participants and LWVO lobbyists.

AFTERNOON CONCURRENT WORKSHOPS/CONVERSATIONS: Meet with legislators, issue experts and League lobbyists to learn about and advocate your issue.

- Health Care Reform & Funding • Election Reform
• Education Funding Reform • Sunshine Laws and Government Transparency

CALL TO ACTION & WRAP UP

Legislative Visits: We encourage participants to connect with their own legislators and make their own appointments to see them at the conclusion of Statehouse Day. Legislators' contact information can be found at www.legislature.state.oh.us. LWVO packets will be available to take to legislators' offices.

Table with 2 columns: Time and Activity. Rows include: 9-9:45 Registration and Continental Breakfast, 10:00-12:15 Sequential Morning Sessions, 12:15-1:20 Lunch, 1:30-3:00 Workshops/Conversations, 3:00-3:15 Call to Action & Wrap Up

JOIN US FOR AN EXCEPTIONAL DAY FILLED WITH INFORMATION, ADVOCACY AND ENERGIZING NETWORKING.

A complete agenda and map to the Riffe Center will be emailed to registrants and are posted in the Statehouse Day section on LWVO's website (www.lwvohio.org). Questions? Call LWVO toll free at 1-877-LWV-OHIO.

REGISTRATION DEADLINE: March 1, 2009 (One form per person)

Name _____ Local League _____
Phone _____ Email _____
Fee (meal & materials): \$35 adult _____ \$20 student _____ Special dietary needs _____
Make checks payable to LWVO and remit this form with payment to:
LWV Ohio 17 South High Street, Suite 650 Columbus, Ohio 43215



Networking by the Greater Dayton Area LWV *Sally Mier, LWV of Greater Dayton*

The success of the LWV- GDA has been the result of working with other organizations with which we have common interests. They have joined us in co-sponsoring programs. This has led to a larger image for the League in the community, greater attendance at programs, and some increase in membership. A recent example is the September 2008 program in which the University of Dayton Political Science Department, participated in the development of the program on environmental issues. Invitations to attend were provided to other organizations and to the county commissioners. Students at the University of Dayton were involved in planning and producing the program and this resulted in an increased attendance. The October program also involved students in planning and, in addition, participation of the Dayton Junior League. The "candidates' night" program focused on health issues and resulted in a record attendance of 70-80 people. The program was moderated by the Montgomery County task force on health care.

The LWV- GDA advertises their programs on the local Yellow Springs radio station which has an extensive number of listeners in the greater Miami Valley. LWV-GDA has involved the community-at-large at all levels of programs and program

planning. Their planning has included members of the LWV, Kids Voting, the African American radio station (99.9), retirement centers, cable network, university student volunteers and the local Dayton Daily Newspaper (Cox News). The newspaper has generously provided notices of meetings in their local editions as well as publishing the "Voters Guide", compiled by the LWV, prior to every election.

League members go to women's groups to net work and to let them know about the activities of the League. In general, the LWV-GDA seeks opportunities to promote the League and actively seeks to coordinate with other organizations for the benefit of the community. For additional information, please contact the LWV-GDA office at 937-228-4041 or 937-372-4148

The story of the Marietta LWV *Caroline Putnam, LWV of Marietta*

Fifty years ago a group of ladies joined together to form the Marietta League of Women Voters. Perhaps you remember the segment of Peanuts where Charley Brown's mother was riding her bike to the LWV Meeting with Rerun in a child's seat behind her. That's my vision of the women who formed the first LWV in a rather isolated college town on the banks of the Ohio River. Although Bermuda shorts and babies were accepted at the Unit Meetings, the proper uniform for representing LWV at meetings or fund drive visits was tailored suits, stockings and heels. They accomplished a lot -wrote our first "Know Your Community" and published the first Voters Guide in the local paper. Most of these ladies were stay -at-home mothers. They set a high standard for those of us who came after.

Fast forward 50 years- the present members of the Marietta-Washington LWV are women who are working outside the home or retired from social work, teaching, and art related activities. Many represent LWV on college, community, political, library and PBS Boards. Sadly no babies attend the meetings, though occasionally a grandchild might come. They work closely with the Mayor and Council of Marietta, the Washington County Commissioners, and, for Candidates Debates and Forums, with Marietta College, local radio and news media. We even made it on C-Span. In the past the president of Marietta College, the owner of the local radio station, and the Superintendent of Schools, all males, have been members.

What has been accomplished over the years? The LWV co-founded the Area Volunteer Recycling Center and Outdoor Education Center (both still active after more than 30 years), co-chaired several Town Meetings, jump-started a School Crossing Guards program as part of the Pedestrian Safety Study, laid the groundwork for Annual Household Hazardous Waste Collection, held informational meetings on revised National Forest Plan as well as on other environmental issues

and worked closely with Child Welfare Governmental Groups such as Children's Services, Welfare, Schools, the police and county sheriff. With the American Association of University Women, LWV sponsored a placemat competition in the area school. The placemats were used in area restaurants to encourage voting. New this year is an investigation of the possibility of Marietta becoming a carbon neutral city.

But it's not all work and no play. Some of us rode the fire trucks to a suspected hazardous waste warehouse to demonstrate the need for more protective clothing for the firemen. And the entire group, wearing LWV T-Shirts, carried an enormous flag in a parade to raise voter awareness.



The Photo for Representative **Cliff Hite** was inadvertently left out of the last Voter. We appreciate Representative Hite for the article on election reform included in the Fall 2008 Voter.



Come to the **LWVO 58th Convention '09** where we will be...

COMING TOGETHER FOR THE POWER OF ALL!

A message from the Convention host, the LWVO Board:

We look forward to seeing you at the 58th LWVO Convention. The event will be at the **Crowne Plaza in Dublin** (a northern suburb of Columbus), on **May 1-3**. This Convention will be informative, stimulating, energizing and (dare we say) fun.

What makes any League convention great are the participants, from delegates to the board members, from visitors to staff and presenters. At the Convention plenary sessions, **delegates will set our course for 2009-2011** as they elect LWVO officers and directors, adopt the program and approve the 2009-2010 fiscal year budget.

Networking is one of the key aspects of any League convention. We want to emphasize the importance of **idea exchange** and **developing connections** at this Convention. To begin this process, our Friday dinner will have **you** as the most important person in the room!

We will be holding many dynamic workshops with topics such as:

- imPACT topics and what is the next step
- 2009-2010 Budget Q & A
- Membership issues
- Parliamentary procedure
- How to get the most out of the Convention

The Convention body will be composed of Voting Delegates, Visitors and Guests.

Voting Delegates include:

1. The members of the LWVO Board of Directors
2. The president (or designated alternate) from each local League.
3. One delegate from each local League for each 50 voting members, or a fraction thereof, based on the records in the state office on February 1, 2009.

All other League members may attend the Convention as visitors.

Further information will be available to you concerning Convention registration, agenda, proposed budget, bylaws, State Program and hotel reservations on the LWVO Website www.lwvohio.org in late February.

We look forward to seeing you at this exciting LWVO Convention!!!

Jean Koznarek, League of Women Voters of Ohio





Election Analysis continued from page 1

Provisional ballots accounted for 206,000 of the votes cast. In contrast, in 2004 President Bush defeated John Kerry by about 118,000 votes, with 158,000 cast on provisional ballots.

There is general agreement that the long lines of 2004 were less of an issue in 2008 because more than a fourth of Ohio voters chose to vote by absentee ballot, either in person or by mail. And, despite almost 320,000 additional registered voters in 2008 over 2004, only 51,000 more turned out to vote in 2008. The Secretary of State website lists the 2008 election turnout as the 6th largest in presidential election years since 1980. Early morning lines at most election places tended to dissipate by mid-morning and, for the most part, did not reappear. There were, however, reports of very long lines at pre-election day voting centers in some counties.

Many advocacy organizations urged their members to become poll workers instead of observers. They are learning what many League members have long known you are in a better position when you are part of the process to help assure that proper procedures are followed. These volunteers also helped alleviate the chronic shortage of qualified poll workers.

Interestingly, only 13,141 persons registered and then voted in person absentee during the controversial "Golden Week". Journalists coined Golden Week to describe the five day period during which people could legally register to vote and then vote in person absentee on the same day. Although this opportunity has existed in law since 1981, few people were eligible to take advantage of it because of restrictions on voting absentee prior to 2005.

On December 23, 2008, the official results of the November 8 election were posted on the Secretary of State's website at <http://www.sos.state.oh.us/SOS/elections/electResultsMain/2008ElectionResults.aspx>.

imPACT continued from page 2

signature drive. LWVM, now in an advocacy position, served as the flagship organization for the promotional campaign. The Chamber provided financial support for the campaign materials.

Voters passed the ballot issue by a very comfortable margin, thus ending a very 'imPACT-ful' drama for our community...and even for the state of Ohio. Of the 59 counties that have combined health districts, Marion's is the first to be accomplished at the ballot box!



JoAnn Zimmerman, left, handing over signed petitions to Clerk for Marion County Commissioners.
Photo provided by Marion Star/Bill Sinden



Ann Henkener & Deidra Reese at Board Meeting

Philanthropy & Planning Ahead

Kathy Jones, League of Women Voters of Ohio

All of us at the LWVO would like to extend a hearty *Thank You* to all who have given so generously of your time and money throughout this past year. I think you will agree that we all did some very nice work as was exemplified by a much smoother election process.

Our Legacy

The League of Women Voters has made undeniable progress for all Americans, men and women, for the past 89 years. It is the belief of the League of Women Voters of Ohio that there is no problem in our democracy that cannot be solved by an informed and active citizenry.

Your support helps keep our membership rates lower and keeps member and voter services in place. Please consider supporting **Power Pledge** generously this year. **Power Pledge** has been structured to provide ease of use and versatility.

- ▶ Monthly-automated payment plans from a bank account or credit card.
- ▶ Donations either split between LWVO and LWVO Ed Fund or given to one.
- ▶ Or, a single one-time donation.

Our success depends on adequate financing, teamwork and energy. Please visit our website, www.lwvo.org to donate now or respond to the Power Pledge letter as soon as it arrives.

Planning Ahead

Whether you are taking those first important steps toward estate planning or in the process of updating an estate plan, a gift to the League of Women Voters of Ohio will continue to defend the principles of good government for decades to come.

Depending on your individual circumstances, giving could also provide you immediate and future tax benefits and reduce estate and gift taxes. Professionals such as a lawyer or financial planner can provide you with a giving plan best suited for your situation.

Giving to The League of Women Voters of Ohio will ensure that the League will always be there to reform the system, protect our freedoms and engage the public in the challenging decades ahead.



Two exciting events
coming this Spring!

- Statehouse Day - March 17
- Convention '09 - May 1-3



MEMBERSHIP FORM



Yes, Sign me up as a member of The League of Women Voters of Ohio!

\$60 Individual \$75 Household

Name(s) _____
 Address _____
 City _____ State _____ Zip _____
 State _____
 Phone _____
 E-mail _____

Mail this form with Check to
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 Columbus, Ohio 43215

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The League of Women Voters, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

For membership information, call (614) 469-1505, toll free 877-LWV-OHIO, email membership@lwvohio.org, or visit us on the Web at www.lwvohio.org.

The Newsletter of THE LEAGUE OF WOMEN VOTERS OF OHIO

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