Protecting Voter Registration

An Assessment of Voter Purge Policies in Ten States
Dēmos is a movement-oriented think tank committed to racial justice. Through research, advocacy, strategic communications, litigation, and deep partnerships with grassroots organizations across the country, we build power with and for Black and brown communities.

**Media Contact**
media@demos.org

demos.org
80 Broad St., 4th Fl. 740 6th St. NW, 2nd Fl.
New York, NY 10004 Washington, DC 20001

**Acknowledgements**
Dēmos would like to acknowledge and thank the following individuals, for their principal responsibility on this report: Shruti Banerjee, Ashley Tjhung, Laura Williamson, Brenda Wright. Additionally, we would like to acknowledge and thank the following individuals and organizations for their contributions: ACLU Louisiana, A Little Piece of Light, All Voting is Local, Alex Gulotta, Angela Hanks, Alexa Kasdan, Ashley Harris, Chris Kaiser, Hilary Harris Klein, Donna Hylton, Michelle Kanter Cohen, Estee Konor, Kayla Griffin, Lata Nott, Nicholas Martinez, Quinn Raymond, Karyn Rotker, Lori Shellenberger, and Rahul Garabadu. Finally, we would especially like to thank the Voting Rights Lab, whose original research into state list maintenance laws and practices contributed greatly to this report.
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, after removal for purported deceased voters 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, deaths, and adjudication of mental incapacity, 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.

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.\footnote{214} In 2019 alone, the state came close to purging thousands of voters in error based on faulty data regarding their inactivity.\footnote{215}

In addition, Ohio law does not specify which matching criteria must be provided or matched when reviewing information regarding alleged non-citizens.\footnote{216} Ohio law does not specifically provide for notice before removal for a finding of mental incapacity or felony convictions,\footnote{217} nor when voting rights are restored for these forms of disqualification,\footnote{218} nor does it provide a clear way to contest a wrongful removal on these grounds.\footnote{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.\footnote{220}

\begin{table}[h]
\centering
\caption{Removal Practices}
\begin{tabular}{|l|c|c|c|c|c|}
\hline
\textbf{Reason for Removal} & \textbf{Felony Conviction} & \textbf{Death} & \textbf{Citizenship Status} & \textbf{Adjudication of Mental Incapacity} & \textbf{Other Reasons for Removal} \\
\hline
Matching Criteria & 2 & 2 & 0 & 2 & Inactivity | 0 \\
\hline
Notice of Removal & 0 & 2 & 4 & 0 & Catch-all Removal Authority | 4 \\
\hline
Procedures to Contest & 0 & 4 & 4 & 0 & Caging / Mass Challenges | 0 \\
\hline
Notice of Restoration to Voter & 0 & n/a & n/a & 0 & Total \\
\hline
Notice of Restoration to Elec. Official & 0 & n/a & n/a & 0 & 24/100 = 24% \\
\hline
\end{tabular}
\end{table}

\footnotetext[214]{Ohio Sec. of State Dir. 2022-08, Ch. 4, at 124, available at \url{https://www.ohiosos.gov/globalassets/elections/directives/2022/com/dir2022-08-ch04.pdf} (last visited April 15, 2023); see also \textit{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 \textit{Husted}.}

\footnotetext[215]{Nicholas Casey, "Ohio was set to purge 235,000 voter. It was wrong about 20%," The New York Times, Oct. 14, 2019, \url{https://www.nytimes.com/2019/10/14/us/politics/ohio-voter-purge.html}.}

\footnotetext[216]{Ohio Rev. Code § 3503(H).}

\footnotetext[217]{Ohio Rev. Code §§ 3503.18, 3503.21(A)(4),(5).}

\footnotetext[218]{Ohio Rev. Code , § 2961.01(A)(2).}

\footnotetext[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.}

\footnotetext[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 \url{https://www.ohiosos.gov/globalassets/elections/directives/2022/com/dir2022-08-ch04.pdf} (last visited April 15, 2023).}
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. Critically, though, the state does not offer same-day registration 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

<table>
<thead>
<tr>
<th>Safeguard</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scope of Same-Day Registration (SDR)</td>
<td>0</td>
</tr>
<tr>
<td>SDR Identification Requirements</td>
<td>0</td>
</tr>
<tr>
<td>Regular or Provisional Ballot for SDR Voter</td>
<td>0</td>
</tr>
<tr>
<td>Regular or Provisional Ballot for Correcting Inactive Status</td>
<td>20</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>20/100 = 20%</strong></td>
</tr>
</tbody>
</table>

---

223 Ohio Rev. Code §§ 3503.19(A)(specifying a 30-day registration deadline)
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.\textsuperscript{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.\textsuperscript{224} It is not clear how often this site is updated.\textsuperscript{225}

Table 35: Data Accessibilty

<table>
<thead>
<tr>
<th>Indicator of Accessibility</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete File Publicly Available</td>
<td>20</td>
</tr>
<tr>
<td>Who Can Request File</td>
<td>20</td>
</tr>
<tr>
<td>Cost</td>
<td>20</td>
</tr>
<tr>
<td>Timeline</td>
<td>20</td>
</tr>
<tr>
<td>Format</td>
<td>20</td>
</tr>
<tr>
<td>Total</td>
<td>100/100 = 100%</td>
</tr>
</tbody>
</table>

\textsuperscript{223} Ohio Secretary of State, “Voter Files Download Page,” available at https://www6.ohiosos.gov/ords/f?p=VOTERFTP:STWD:#:stwdVtrFiles
\textsuperscript{224} Ohio Secretary of State, “Registration Readiness Page,” available at https://registrationreadiness.ohiosos.gov/
\textsuperscript{225} Secretary Frank LaRose, DIRECTIVE 2023-05, Feb. 28, 2023 https://www.ohiosos.gov/globalassets/elections/directives/2023/dir2023-05.pdf
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.\textsuperscript{226}

**Table 36: Data Transparency**

<table>
<thead>
<tr>
<th>Indicator of Transparency</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Race</td>
<td>0</td>
</tr>
<tr>
<td>Voter ID Number</td>
<td>20</td>
</tr>
<tr>
<td>Voter Status</td>
<td>20</td>
</tr>
<tr>
<td>Status Reason Code</td>
<td>0</td>
</tr>
<tr>
<td>Date Last Voted</td>
<td>20</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>60/100 = 60%</td>
</tr>
</tbody>
</table>

\textsuperscript{226} Ohio Secretary of State, “Voter File Layout,” available at https://www6.ohiosos.gov/ords/?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 294[227]) 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]

---

READ THE FULL TEN-STATE ASSESSMENT AND REPORT AT

DEMOS.ORG/VOTER-PURGES