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Blackwell's changes to voter registration upheld

Tuesday, June 27, 2006

Mark Niquette
THE COLUMBUS DISPATCH

Efforts to register new voters in Ohio will be undermined by rules written by Secretary of State J. Kenneth Blackwell and upheld yesterday by a state panel, critics said after a contentious hearing.

The Joint Committee on Agency Rule Review voted along party lines not to invalidate the rules submitted by Blackwell, the Republican nominee for governor. Outvoted Democrats accused Blackwell of using the narrowest interpretation possible to suppress voter registration — especially among minority and poor residents.

"It's just another example in a long laundry list of what Secretary Blackwell will do to trample voting rights," said Senate Democratic Leader C.J. Prentiss, of Cleveland.

But Republican Sen. Jeff Jacobson, of Vandalia, said that's not the case, and he accused Democrats during the hearing of a "deliberate attempt to smear the secretary of state."

Democrats on the panel immediately shouted that Jacobson was out of order, and Prentiss banged her hand on the table at one point.

Debate even spilled into the hallway outside the hearing room, with Jacobson and Prentiss arguing in front of reporters, and Jennifer Brunner, the Democratic candidate for secretary of state this fall, chiming in on the rules.

The earliest the rules could take effect is July 27, but Democrats suggested a legal challenge is possible before then on constitutional grounds.

At issue are rules Blackwell's office drafted to implement part of a sweeping update to state election laws that took effect May 2. The rules put voter-registration canvassers at risk of becoming felons if they fail to follow procedures.

A key provision of the rules defines "person" as an individual human being, not an entity or organization seeking to register voters.

Because the changes in election law require voter-registration forms to be delivered to election officials within 10 days by the person who collected them, critics say Blackwell's rule will prevent groups from collecting and submitting registration forms en masse.

The penalty for anyone who violates the statute by personally failing to deliver forms to election officials is a fifth-degree felony punishable by up to six months in jail, so the controversy already is having a "chilling" effect on voter-registration drives, critics say.

Allan Sowash, a staff attorney in Blackwell's office, told the committee that the rules apply very

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narrowly to a requirement in the law that those who are paid to register voters first must complete an online training program.

He said the rules must match the intent of the legislature, and that lawmakers would not have meant for the definition of persons to apply to groups if they didn't require birth dates as part of the training program.

Jacobson also argued that the intent of the bill was to require accountability of individuals collecting registration forms to ensure they are actually turned in by registration deadlines.

But Donald McTigue, an attorney representing a coalition of four labor groups, argued that Blackwell's interpretation is wrong and now will be applied to groups that conduct voter-registration drives even on a volunteer basis.

The committee voted 6-4 against two Democratic motions to invalidate Blackwell's rules.

mniquette@dispatch.com

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