



Disability Rights Ohio
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September, 10 2020

W. Fletch Zimpher , Controlling Board President
30 E. Broad St., 34th Floor
Columbus, OH 43215

Sent via email to Fletch.Zimpher@obm.ohio.gov

Re: Funding for prepaid return postage absentee ballots for the November General Election

Dear President Zimpher:

Disability Rights Ohio (DRO) appreciates the opportunity to describe the importance of prepaid return postage for absentee ballots for the November 2020 General Election for many voters with disabilities.

DRO is the state's designated protection and advocacy system with the mission to advocate for the human, civil, and legal rights of people with disabilities in Ohio. As such, voting rights and access to the electoral process for people with disabilities is an important aspect of DRO's work.

As you know, the Ohio Secretary of State is requesting \$3M in state funding for prepaid return postage for absentee ballots. This additional funding would ensure increased access to the electoral process for people with disabilities. DRO will be addressing in this letter:

1. Common barriers experienced by voters with disabilities (particularly during the COVID-19 pandemic);
2. The importance of prepaid return postage for absentee ballots and expanded voting opportunities for people with disabilities; and
3. The right to equal access to the electoral process under the Americans with Disabilities Act for voters with disabilities.

Many voters with disabilities will be disproportionately disenfranchised in the November 2020 General Election if they are not able to submit absentee ballots by mail. For many voters with disabilities, voting in person is simply not a safe option during the COVID-19 pandemic. According to the Centers for Disease Control and Prevention ("CDC"), persons with disabilities, particularly those with certain underlying medical conditions, are not only at higher risk for serious complications from the virus, but also at higher risk for contracting the virus. Interaction with the public and visiting polling locations on Election Day or voting in-person during the early voting period (including using any type of public or shared transportation service, which is an added safety risk during the COVID-19 pandemic) would be very risky for this population. People with disabilities should not have to choose between their health and safety and their constitutional right to vote.

Understandably, many people with disabilities may be inclined to choose voting by absentee ballot to maintain their health and safety. Upon doing so, voters currently would be required to incur an expense for postage, but many people with disabilities have limited incomes or fixed incomes and may be unable

to afford the postage required to request and vote by absentee ballot. And people may not have anticipated this additional expense as the current public health crisis is ever-changing.

Also, voters with disabilities may not have postage readily available. In this case, obtaining postage from a public establishment may be dangerous to a person with a disability, especially those most at-risk during the COVID-19 pandemic, as described above. These barriers for voters with disabilities are inconsistent with the legal principles of equal access and opportunity under the Americans with Disabilities Act (ADA). Providing prepaid, return postage for absentee ballots would remove obstacles for many voters with disabilities and afford them greater opportunity to cast a ballot for the November 2020 General Election.

The ADA requires states to ensure that people with disabilities have equal access to the electoral process; states are obligated to reasonably modify their policies, practices, and procedures to ensure voters with disabilities have a full and equal opportunity to cast a ballot. When a condition of voting is violative of the rights of individuals with disabilities, the state must make changes that not only prevent individual disenfranchisement, but also to uphold the integrity of the democratic process at large.

Thank you for the opportunity to describe the importance of prepaid return postage for absentee ballots for the November 2020 General Election that would increase access to the electoral process for people with disabilities in Ohio. If you have any questions or wish to discuss this further, please feel free to reach out to Jordan Ballinger, Policy Director, at jballinger@disabilityrightsohio.org or (614) 466-7264.

Sincerely,



Kerstin Sjoberg
Executive Director

CC: Meghan Wadsworth, Secretary
Senator Matt Dolan
Senator Bob Peterson
Senator Vernon Sykes
Representative Scott Oelslager
Representative Shane Wilkin
Representative Jack Cera