



We have the legal right of way.

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April 6, 2020

Frank LaRose  
Ohio Secretary of State  
22 North Fourth Street, 16th Floor  
Columbus, Ohio 43215


Mr. LaRose,

Disability Rights Ohio (DRO) is a not-for-profit organization designated by the Ohio Governor as the protection and advocacy system under federal law for people with disabilities in Ohio. The mission of DRO is to advocate for the human, civil, and legal rights of people with disabilities in Ohio.

We appreciate the leadership your office has shown during the COVID-19 pandemic and your efforts to ensure people have expanded voting opportunities following the cancellation of in-person voting on March 17, 2020 for the primary elections. However, we are concerned that recent legislation (HB 197) passed by the General Assembly and signed into law by Governor DeWine will result in substantial obstacles for voters with disabilities who have not yet voted in the primary elections and may disenfranchise large numbers of them.

Many voters with disabilities in Ohio, both those living in their own homes or in facilities, institutions, or hospitals, are currently quarantined or isolated or have other obstacles and may not have the ability to request an absentee ballot under the strict time constraints of HB 197. HB 197 requires an application for an absentee ballot, which is submitted by mail at the voter's expense. Many Ohioans, including those with disabilities, have limited access to the application process because they lack access to a computer, internet, printer, envelopes, or stamps. And many people, especially those with compromised immune systems and other medical conditions, may understandably be hesitant to leave their homes during this pandemic to obtain envelopes or stamps, print an absentee ballot application, or vote in person on April 28, 2020 (and those who do want to vote in person may have other obstacles, like transportation, since in-person voting is not available at local polling locations).

Additionally, absentee ballots must be executed properly, or there will be additional steps required to cure the deficiencies by mail within a short seven-day period.



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**Ohio Disability Rights Law  
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We believe reasonable accommodations will need to be made for many voters with disabilities throughout Ohio. As you know, the Americans with Disabilities Act (“ADA”) requires states and county boards of elections to ensure people with disabilities have equal access to the electoral process. Where necessary, accommodations must be made to ensure full and equal access to voting opportunities for people with disabilities; without accommodations, there is a risk is that these individuals will be “denied an option available to similarly-situated non-disabled voters,” and thus, excluded from participation in elections. *See Mooneyhan v. Husted*, No. 3:12-CV-379, 2012 WL 5834232, at \*5 (S.D. Ohio Nov. 16, 2012) (requiring the Ohio Secretary of State and a county board of elections to modify its policies, practices, and procedures under the ADA where an accommodation was necessary to avoid discrimination on the basis of a voter’s disability); *see also Nat’l Fed’n of the Blind v. Lamone*, 813 F.3d 494, 508 (4th Cir. 2016) (“...requiring public entities to make changes to rules, policies, practices, or services is exactly what the ADA does.”)

If certain accommodations are not immediately implemented, countless voters will be excluded from the election process on the basis of their disability. Therefore, to mitigate this harm, the following accommodations should be allowed:

- Simplify the application process by creating effective, efficient, and free opportunities to apply for an absentee ballot online, by phone, or by fax and publicize these opportunities widely;
- Provide curbside voting at county boards of elections for voters who wish to utilize the service on April 28, 2020;
- Extend the period of time for voters to cure imperfect ballots by mail, phone, or email up through the day before the official canvass is to begin; and
- Issue a directive to all eighty-eight county boards of elections regarding these accommodations for voters with disabilities.

Ohio already provides by law some options that will assist voters with disabilities, such as Ohio Rev. Code § 3509.08 for people with disabilities who are home-bound or in institutions, facilities or hospitals. To ensure the safety of all during personal delivery of absentee ballots by county board of elections staff, the state should take adequate health and safety precautions to prevent further spread of the COVID-19 virus. The state also created a few years ago a reasonable accommodations process for voters with disabilities unexpectedly hospitalized outside their county of residence, which we have observed has been absent from recent directives and public announcements.

To ensure all these options are appropriately utilized, the Ohio Secretary of State’s office should widely publicize all opportunities and accommodations for Ohioans with disabilities to vote safely and accessibly, using all available methods such as the Secretary of State website, social media, and targeted outreach to organizations serving people with disabilities. We would be happy to assist in identifying disability organizations that you could focus on to help spread the word.

We look forward to hearing from your office about the steps taken to ensure that Ohioans with disabilities have an equal opportunity to cast a ballot this month and are available to assist in any way possible.

Sincerely,

Kerstin Sjoberg  
Executive Director