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Interested Party Testimony on House Bill 294
House Government Oversight Committee
December 1, 2022

Chair Wilkin, Ranking Member Brown, and members of the House Government Oversight Committee, thank you for the opportunity to provide written-only interested party testimony in consideration of House Bill 294 (HB 294), legislation that is poised to make significant changes to Ohio's voting laws. If enacted, sections of this bill could have a disproportionate impact on disabled voters in the state.

As you know, Disability Rights Ohio (DRO) is the state designated protection and advocacy system with the mission to advocate for an equitable Ohio for people with disabilities. DRO operates a voter hotline every Election Day for disabled voters to help ensure individuals have access to polling locations and can vote, educates voters on their rights and how to register, and works systemically to ensure an accessible voting system. This work gives us a unique perspective on this legislation and the implications it could have on disabled voters.

Specifically, DRO will focus on four (4) provisions in the substitute version of HB 294:

1. Requiring applications for absentee ballots to be postmarked 7 days prior to the election;
2. Eliminating the codification of curbside voting;
3. Prohibiting the Secretary of State (SOS) from mailing absentee ballots and prepaying for postage;
4. Retaining the provision boards of elections may only provide up to three (3) ballot drop boxes; and
5. Potential restrictions on absentee ballots for unexpectedly hospitalized voters.

Absentee Ballots

Although substitute HB 294 brought the deadline to submit an application for an absentee ballot closer to the three (3) days under current law, seven (7) days before Election Day still puts up additional barriers that would have a disproportionate impact on disabled voters, who would have less time and flexibility. Currently, many disabled voters rely on public transportation, non-medical transportation, family, and caregivers to get to the polls or their early voting location. This can be a barrier on Election Day or during the early voting period; because of this, voters with disabilities often rely on absentee ballots to vote. Additionally, circumstances may arise where individuals have a scheduled ride but an issue (for example, medical complications, or a mental health crisis) may prevent them from getting to the polling location or early voting location. By moving the day to request an absentee ballot from three (3) to seven (7) days, HB

294 would be placing an additional barrier on disabled voters who already have issues accessing polling locations or early voting locations. Retaining current law would ensure individuals who face issues closer to the Election Day would still have an opportunity to submit their request for an absentee ballot, vote, and send the ballot back to the board of elections in time for Election Day.

Curbside Voting

Currently, curbside voting does not have uniform statewide guidance to help ensure access or to support boards of elections in how to notify voters of this option or educate on poll workers on how the process works. HB 294 codified an existing SOS directive for curbside voting. However, the substitute version of the legislation has eliminated that language. It is critical this language be included in HB 294. Curbside voting is an additional tool for disabled voters to use to access their polling locations when there are physical accessibility barriers. If the Secretary of State were to change the directive for curbside voting or eliminate it entirely, this would place a significant barrier on disabled voters. Codifying curbside voting ensures every election is closer to being fully accessible for Ohioans with disabilities.

Additionally, the substitute version of HB 294 eliminates a provision that would have required boards of elections to meet the same accessibility standards as polling locations. Although the Americans with Disabilities Act (ADA) provides requirements for public places, state law should reflect this and provide additional guidance to boards of elections. Boards of elections are places where disabled voters go to cast votes and standards for these locations mirror those of polling locations.

Prepaid Postage

Substitute HB 294 eliminates the ability for the SOS to send unsolicited absentee ballot application requests and further prevents any public office from prepaying for postage for return absentee ballots. Although the substitute bill establishes an online absentee ballot request portal, it is necessary this site be fully accessible, particularly for people who are Blind or have vision impairments and use screen reader technology. However, this does not solve this issue of eliminating the ability for the SOS to send unsolicited absentee ballots. Not all disabled voters have access to the internet or a computer. Sending requests unsolicited ensures all individuals can access their right to vote without any additional barriers.

Additionally, preventing public offices to pay for return absentee ballots places another barrier on low-income disabled voters. As the bill is written, it assumes voters are able to make it to a post office, purchase stamps, and pay for the return of their absentee ballot, but this is not always the case. Voting should be more accessible and this provision places an additional barrier on low-income disabled voters.

Ballot Drop Boxes

Substitute HB 294 does allow for up to three (3) ballot drop boxes at the location of the board of elections. And although this is an improvement from current law, this does not go far enough. Boards of elections should be allowed to place as many drop boxes as needed for voters in their counties. If boards of election were permitted to place additional boxes throughout the county, voters with disabilities would have greater access to voting. Individuals who live in a southern part of the county who have difficulty accessing the board of elections in the northern part of the county would have easier access if a drop box was placed closer to their home.

Unexpectedly hospitalized voters

In our experience, many disabled voters who are unexpectedly hospitalized prior to Election Day utilize the process set forth in Ohio Rev. Code § 3509.08(B), which allows these voters to request an absentee ballot up to 3 pm on Election Day. This process particularly benefits voters who are experiencing a mental health or psychiatric crisis and are in a public or private psychiatric hospital on or before Election Day. A family member can assist in submitting the application and obtaining and then delivering the absentee ballot for the individual; otherwise, boards of elections officials must assist upon request. This process works well for those who are hospitalized in their county of residence.

For those unexpectedly hospitalized outside of their county of residence, the Ohio Secretary of State has developed a process where, to accommodate one's disability as necessary and as required under the Americans with Disabilities Act when the voter has no family member to assist, and there is not enough time to use the postal service, the application and the absentee ballot can be transmitted by fax or by email (including between the board of elections for the voter's home county of residence and board of elections where the hospital is located) upon the voter's request. This should not be disturbed under any new legislation.

Thank you for the opportunity to provide written-only interested party testimony on the impact substitute HB 294 would have on disabled voters. Access to voting is vital to disabled voters and HB 294 should increase access to voting not set up additional barriers that would have a disproportionate impact on Ohioans with disabilities. Please feel free to reach out to me or Jordan Ballinger, Policy Director (jballinger@disabilityrightsohio.org or 614-466-7264 x135) if you have any questions or would like to discuss these issues further.