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Interested Party Testimony on House Bill 458
Senate Local Government and Elections Committee
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Chair Gavarone, Ranking Member Maharath, and members of the Senate Local Government and Elections Committee, thank you for the opportunity to provide written-only interested party testimony in consideration of House Bill 458 (HB 458), legislation that is poised to make significant changes to Ohio's voting laws. If enacted, sections of this bill could have a harmful and disproportionate impact on disabled voters in the state. It is imperative the legislature take time to consider how these new changes in the substitute bill will affect the voting system in Ohio and not push this through quickly in the final days of the General Assembly.

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 three (3) provisions in the substitute version of HB 458:

1. Requiring photo ID to vote in-person;
2. Establishing curbside voting procedures only for physical disabilities; and
3. Changes to absentee ballot requirements and the prohibition of prepaid postage.

Voter Identification

The substitute version of HB 458 establishes strict voter ID requirements. Under HB 458, voters would be required to provide a state-issued photo ID, and it would eliminate the ability for individuals to prove identification through utility bills, bank statements, or other forms currently in the Ohio Revised Code. If voters do not have a photo ID when they go to vote, individuals must vote provisionally and produce compliant ID within seven (7) days. This requirement would be a significant barrier to disabled voters. According to the Pew Charitable Trust, 7.5% of people with disabilities do not have a state-issued photo ID.¹ This is exacerbated at the intersection of income, race, and disability. In several states that have instituted similar requirements, an overwhelming majority of rejected ballots are those without a state-issued photo ID.

¹ https://www.pewtrusts.org/-/media/assets/2014/04/07/epi_brief.pdf

Although the substitute bill provides state-issued IDs at no charge to the individual, this still assumes people can access their local BMV. However, disabled Ohioans face transportation barriers everyday. Many disabled Ohioans rely on public transportation, family, or providers to access their communities, often needing to schedule out rides weeks in advance. Requiring individuals to travel to a BMV to obtain a state-issued photo ID is a major barrier to accessing an individual's right to vote. And it would be similarly difficult to provide necessary identification after Election Day if a disabled voter is forced to vote provisionally because they do not have a photo ID.

Absentee Ballots and Prepaid Postage

Substitute HB 458 shortens the deadline to submit an application for an absentee ballot to seven (7) days before Election Day, and requires that the absentee ballot be received by boards of elections by the close of polls. This 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.

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 by the current deadline.

Additionally, substitute HB 458 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. 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.

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 poll workers on how the process works. Curbside voting is an additional tool for disabled voters to use to access their polling locations when there are accessibility barriers. However, HB 458 codifies that only individuals with physical disabilities can use curbside voting. This definition is too narrow and should be expanded to broadly include disability, chronic illness, or health condition. This expanded definition will help ensure those who feel unsafe, or unable entering the physical polling location will still have the opportunity to vote on Election Day at their polling location.

Indeed, Title II of the Americans with Disabilities Act broadly defines disability (a physical or mental impairment that substantially limits one or more major life activities...) and places obligations on states to accommodate disabled voters and their unique, individual needs. State law should not be written more narrowly than federal law. This would not only violate federal law but cause confusion for boards of elections as they try to implement state and federal law simultaneously.

Thank you for the opportunity to provide written-only interested party testimony on the impact substitute HB 458 would have on disabled voters. Access to voting is vital to disabled voters and HB 458 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.