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## **Voting Rights Groups File Federal Lawsuit Challenging Ohio HB 458 for Violating Americans with Disabilities Act**

COLUMBUS, Ohio — The League of Women Voters of Ohio and voter Jennifer Kucera filed a federal lawsuit today challenging a provision in House Bill 458 that impacts how voters who have disabilities can cast absentee ballots. The plaintiffs are represented by the ACLU of Ohio, American Civil Liberties Union, and law firm of Covington & Burling.

HB 458, which became effective on April 7, 2023, makes it a felony for anyone who is not an election official or mail carrier to possess or return the absentee ballot of a voter with a disability, unless the person assisting that voter falls within a list of statutorily enumerated relatives.

But many voters with disabilities who are unable to travel to their polling place are also unable to access their mailbox or a drop box, and many of these voters lack one of the “approved” relatives to mail or drop off their ballot for them.

These restrictions on voter assistance violate the Voting Rights Act and Title II of the Americans with Disabilities Act by creating an unlawful burden on the right to vote for many Ohioans with disabilities. The law also criminalizes the critical work of community members and voter assistance organizations like the League of Women Voters of Ohio that assist voters who rely on the assistance of others to cast a ballot.

“Ohioans with disabilities often rely on support from their communities to ensure their voices are heard in elections,” said **Jen Miller, executive director for the League of Women Voters of Ohio**. “To make it a crime to help your grandparent or neighbor exercise their right to vote is antithetical to democracy. The League is proud to assist voters who need assistance voting, and we will fight to ensure that voter assistance remains legal in Ohio.”

“As a person with a severe disability living by myself, I rely on my caregivers to do everything for me on a daily basis, including opening and helping me process my mail. As transportation is difficult, I rely on voting by mail,” added **Jennifer Kucera, plaintiff in the case**. “The only way I can vote under existing laws is by having my 75-year-old mom, who has mobility issues of her own, drive all the way to my apartment and assist me. Under the current laws, I am not allowed to complete my civic duty of voting if for any reason my mom is unable to help me vote, even though my caretakers would be available to help me. This must change!”

“This provision disenfranchises many Ohioans with disabilities, denying them their precious right to vote. To exclude caregivers and other trusted individuals from assisting a voter to effectively cast a ballot is a cruel and abhorrent provision that the court must strike down,” added **Freda Levenson, legal director at the ACLU of Ohio**.

“HB 458 is part of the nationwide trend to make voting harder — even impossible — for historically disenfranchised communities,” said **Megan Keenan, a staff attorney with the ACLU’s Voting Rights Project**. “At best, all this law does is frighten and discourage Ohioans with disabilities from casting a ballot. At worst, it will imprison people with nothing but good intentions. We won’t allow it.”

“Ohio’s HB 458 is yet another attempt by anti-voter legislatures to criminalize voter assistance and suppress the votes of voters with disabilities,” said **Celina Stewart, chief counsel and senior director of advocacy and litigation at the League of Women Voters of the US**. “The League is fighting similar laws around the country and will continue to fight these heinous laws because voter assistance is not a crime and voters with disabilities will not be silenced at the ballot box.”

The groups are asking the court to strike down the restrictions prohibiting non-family assistance and to order Secretary LaRose and other defendants to ensure that people beyond the family members enumerated in HB 458 can assist voters with disabilities in receiving and returning their absentee ballots, without threat of prosecution.

Additionally, the plaintiffs request that adequate public notice be provided about these changes, including notifying local media and posting notices at polling locations and Board of Elections websites.

**[Read a copy of the complaint.](#)**