



May 27, 2016

Governor John Kasich
Riffe Center, 30th Floor
77 South High Street
Columbus, OH 43215-6108

Re: Senate Bill 296

Dear Governor Kasich,

We write to urge you to veto Senate Bill 296, which would make it harder for Ohioans to access the court system if they faced potential disenfranchisement through no fault of their own. Circumstances when polling places are kept open by judicial order are rare, oftentimes occurring as the result of massive technical problems or emergency situations that result in voters unable to cast ballots for long periods of time. In these extraordinary instances, courts are needed to intervene to provide additional time for voters in these communities to get to their polling place and cast their ballot.

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SB 296 places several obstacles in the way of these voters, including:

- Unreasonably raises the evidentiary standard of plaintiffs to “prove by clear and convincing evidence that no prospect of a fair election exists in the absence of the order,” making it nearly impossible for many voters to meet this burden.
- Requires a cash bond from those voters who file to keep polls open, at a cost of potentially thousands of dollars, which many Ohioans simply cannot afford.
- Creates a vague, undefined court panel for the appeal of trial court decisions. However, that panel is only available to the government, not voters. Voters may still appeal to appellate court but it has yet to be explained why the government parties in a case get to appeal to this mysterious panel but voters do not.

These technical or emergency problems may happen at any time during Election Day, meaning voters may need to leave to go to work, attend to childcare responsibilities or other family commitments. They may not be able to wait at their polling place for long periods of time to cast their ballot, and may need additional time to return and vote. Since these voters were deprived of their ability to vote for a period of time, requiring polling places to stay open is often the only way to ensure these voters have an equal and fair access to the ballot.

SB 296 makes the system more difficult for voters and ties the hands of courts to intervene. We ask that you veto this legislation, and protect the voting rights of Ohioans who risk disenfranchisement through no fault or negligence of their own. If you have any questions or need additional information, please contact us by phone at [REDACTED] or by email at [REDACTED] or [REDACTED].

Sincerely,

Christine Link
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ACLU of Ohio

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