

PRESS RELEASE

OHIO VOTERS FILE HISTORIC LAWSUIT AGAINST STATE CHARGING UNCONSTITUTIONAL ADMINISTRATION OF ELECTIONS

Non-Partisan Lawsuit Seeks to Redress Decades-Old Constitutional Defects in the Way Ohio Conducts Federal Elections

July 28, 2005 – (Toledo, OH) – Seeking to redress decades-old Constitutional defects in the way Ohio conducts federal elections, the League of Women Voters of Ohio, the League of Women Voters of Toledo-Lucas County, and more than a dozen Ohio citizens today filed a historic, non-partisan lawsuit against the State of Ohio.

The lawsuit alleges that Ohio Secretary of State J. Kenneth Blackwell, Governor Bob Taft, and their predecessors have failed to protect the fundamental rights of eligible Ohio voters to cast a meaningful ballot, as required by the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the United States Constitution. In addition, the complaint contends that Ohio has not met its obligations under the Help America Vote Act. The lawsuit does not challenge the results of any past elections, but instead seeks to bring about changes necessary to protect the rights of Ohio voters in future elections.

Filed in federal court in Toledo, the complaint chronicles deficiencies over more than three decades, including widespread problems with the voter registration system, the absentee and provisional ballot processes, the training of poll workers, the organization of polling places and precincts, and the allocation of voting machines. The lawsuit seeks to compel the state to uphold its constitutional obligation to provide for the voting-related needs of its citizens in time for the November 2006 general election. The relief sought would require the state to repair the problems at all stages of the electoral process that have disenfranchised and overly burdened Ohio voters and made the ability to vote and be counted vary widely from county to county.

“This lawsuit is not about overturning election results, it’s about fixing a broken election system that is preventing people from having their vote counted,” said Peg Hull Smith, spokesperson for the League of Women Voters of Toledo-Lucas County.

Linda Lalley, Co-President of the League of Women Voters of Ohio said, “This is a very important day for the voters of Ohio. Through its nonpartisan, good-government activities, the League of Women Voters of Ohio has been working for 85 years to guarantee that the voices of all eligible Ohioans are heard when they go to the polls. This lawsuit will bring us much closer to that goal. We are excited to join with voters from all over Ohio to help bring an end to the inadequate system of elections provided by the state.”

“We are proud to represent this dedicated group of Ohio voters. This lawsuit will begin the process of restoring the infrastructure of democracy so we can honor the promise that the Constitution provides for every Ohioan,” said Jon Greenbaum, part of the plaintiffs’ legal team and Director of the Lawyers’ Committee’s Voting Rights Project. “Regardless of your political affiliation or county of residence, the right to vote is precious and we must have a system that guarantees and protects that right.”

“Long lines, inadequate facilities for voting, registrations that are not processed on time, and absentee ballots that never arrive have deprived far too many Ohioans of the right to vote for far too long. The system needs reform now,” said Brenda Wright, Managing Director of the **National Voting Rights Institute** and one of the attorneys for the plaintiffs.

“This lawsuit seeks to remedy what is not working in Ohio’s election system,” said Elliot Mincberg, Vice President and Legal Director of People for the American Way Foundation. “We know that voters’ rights are being violated, and we want to stop it. Every eligible voter must be able to cast a vote that is counted. Fixing Ohio’s election system can help restore trust in the democratic process.”

“There is nothing more fundamental to ensuring a fair process than making sure that every person who is eligible and wants to vote is able to do so,” said Caroline Press, attorney at Proskauer Rose LLP, which is representing the plaintiffs in the complaint. “Unfortunately, for the people we are representing here today and too many others like them across the state, the system has failed. That should not happen.”

Robert Rubin, Legal Director of the Lawyers’ Committee for Civil Rights of the San Francisco Bay Area, stated: “The disregard for voters’ rights shown by Ohio’s election

officials was as effective a method of suppressing the vote as the more blatant poll taxes of the past. These barriers impede, delay, and deny the right to vote; they must be removed.”

Voting deficiencies outlined in the complaint chronicling voting problems in Ohio from the 1970s to the present, include:

- Thousands of Ohioans unable to vote in November 2004 because lines in many precincts were more than two hours – and up to nine hours – long
- Thousands of voters casting provisional ballots in 2004, only to have them thrown out when poll workers failed to advise that the voter was standing in the wrong precinct line
- More than one third of precincts in Miami County running out of ballots in the November 2001 election
- 3,556 Cuyahoga County votes in the November 2000 election that were processed twice, causing a computer to throw them out
- Thousands of Cincinnati and Franklin County voters arriving at their regular polling places during the 2000 election, only to find they were no longer polling places or no longer their polling places
- Registered voters in Franklin County in 2000 who were not able to vote because their names had been purged from voting lists or because the Bureau of Motor Vehicles had failed to process their registration cards
- Dozens of precincts in Cuyahoga County running out of Republican ballots during the March 2000 primary, forcing them to turn registered voters away
- Franklin County’s registration rolls containing tens of thousands of erroneous entries in 1999
- In 1998 and 1996, the registration rolls in Cuyahoga County containing tens of thousands of duplicate and inaccurate entries
- Thousands of legitimate votes in Franklin County in 1998 that were counted for the wrong candidate due to wrongly programmed electronic voting machines
- The fundamental failure to adequately hire and train election workers since at least 1994, resulting in unfilled positions and untrained, first-time workers at polling places
- Identical breakdowns in elections in 1971 and 1972 in Hamilton and Cuyahoga counties that included disenfranchisement of thousands of voters because dozens of precincts never opened or opened late; failure to deliver an adequate number of voting machines to precincts; misprogramming of voting machines; distribution of incorrect ballots; lack of adequate staffing;

and failure to train poll workers

The plaintiffs are represented by the Lawyers' Committee for Civil Rights Under Law, the law firms of Proskauer Rose LLP, Arnold & Porter LLP, and Connelly, Jackson & Collier LLP, along with the People for the American Way Foundation, the National Voting Rights Institute, and the Lawyers' Committee for Civil Rights of the San Francisco Bay Area.

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