

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

LEAGUE OF WOMEN VOTERS OF)
OHIO, *et al.*,)
)
)
) *Plaintiffs*,) Case No. 1:23-CV-2414
v.)
)
) Judge Bridget M. Brennan
FRANK LaROSE, *et al.*,)
)
)
) *Defendants*,)
)
)
and)
)
)
REPUBLICAN NATIONAL)
COMMITTEE and OHIO)
REPUBLICAN PARTY,)
)
)
) *Intervenor-Defendants*)

**MOTION OF THE DISTRICT OF COLUMBIA, DELAWARE, ILLINOIS,
MARYLAND, NEVADA, NEW JERSEY, AND NEW YORK FOR LEAVE
TO FILE MEMORANDUM OF LAW AS *AMICI CURIAE* IN SUPPORT OF
PLAINTIFFS’ MOTION FOR SUMMARY JUDGMENT**

The District of Columbia, Delaware, Illinois, Maryland, Nevada, New Jersey, and New York (collectively, “*Amici States*”) respectfully move this Court for leave to file a memorandum of law as *amici curiae* in support of plaintiffs. A proposed memorandum of law has been submitted with this motion. All parties have consented to the filing of this memorandum of law.

I. Interests Of *Amici Curiae*.

Amici States have an interest in promoting full civic participation. To that end, they have sought to create election systems that protect the right to vote for *all* residents, including by guaranteeing that their residents with disabilities are not denied access to the franchise because of their disabilities. With the growing emergence of absentee and mail-in voting, states have enacted laws—called third-party ballot-collection laws—that govern who can return another’s absentee vote. While *Amici* States have each reached different conclusions on how best to regulate third-party ballot collection, they believe that Ohio’s scheme harms voters with disabilities without furthering important state interests, like election security.

II. *Amici* States’ Memorandum of Law Is Helpful For The Disposition Of This Case.

Third-party ballot collection practices vary from state to state. Some states have chosen not to regulate the practice, others have provided some guiderails, and a small minority have substantially limited or banned the practice. *Amici* States are uniquely positioned to contribute to this Court’s consideration of Ohio’s third-party ballot-collection scheme by describing the universe of state laws.

Amici States’ memorandum of law observes that Ohio’s scheme is out of step with the vast majority of states. The District of Columbia and 9 states do not explicitly limit who may return another’s ballot, 37 states allow but regulate in various ways third-party ballot returns, and only 4 states require voters to return their

own ballots. And most states that do regulate the practice include specific protections for absentee voters with disabilities. Contrary to the near consensus, however, Ohio's third-party ballot-collection law fails to adequately support voters with disabilities.

That near consensus reflects *Amici* States' understanding that many voters, especially those with disabilities, require robust return options to have their votes counted. Studies have suggested that there is a turnout gap between voters with and without disabilities. Additionally, voters with disabilities often rely on individuals not permitted under Ohio law to return their ballots. And as *Amici* States explain, third-party ballot-collection laws like Ohio's do little to promote the compelling state interest of election security. Election fraud is rare in all forms of voting, including absentee voting, and there is no evidence that limiting ballot collection has done or will do anything to prevent the infinitesimal fraud that exists.

CONCLUSION

Based on the foregoing, the Court should grant this motion for leave to file a memorandum of law as *amici curiae* and accept for filing the memorandum of law of *amici curiae* submitted contemporaneously with this motion.

May 24, 2024

Respectfully submitted,

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