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LAWYERS' COMMITTEE PLEASED WITH OHIO COURTS' DECISIONS TO UPHOLD NEWLY REGISTERED VOTERS' RIGHTS

*State and federal decisions affirm Ohio voters' access to
simultaneous voter registration and absentee voting*

WASHINGTON, September 30, 2008 — The Lawyers' Committee for Civil Rights Under Law commended both the U.S. District Court and the Ohio Supreme Court yesterday for two critical decisions that uphold the rights of all Ohio voters to have equal access to absentee ballots, including those who just registered.

Yesterday, in the lawsuit *Project Vote v. Madison County Board of Elections*, Judge James S. Gwin of the United States District Court for the Northern District of Ohio issued a temporary restraining order directing Madison County to comply with directives issued by Secretary of State Jennifer Brunner. Secretary Brunner's directives instructed Ohio counties to make simultaneous voter registration and absentee voting available during an upcoming five-day window between the opening of absentee voting on September 30 and the close of voter registration on October 6. Shortly after Judge Gwin's ruling, the Ohio Supreme Court issued a preliminary order in the separate case of *State ex rel Colvin v. Brunner*, holding that Secretary Brunner had correctly instructed Ohio's boards of elections to allow qualified citizens, who are registered to vote for 30 days before Election Day, to apply for and vote an absentee ballot. Both courts, therefore, rejected arguments that Ohio citizens need to be registered for 30 days before applying for, receiving or completing an absentee ballot for the election.

"This is a big step towards securing every Ohioan equal access at the polls," said Jon Greenbaum, director of Voting Rights Project for the Lawyers' Committee for Civil Rights Under Law, which is litigating both cases with the ACLU, Demos, Proskauer Rose LLP, Project Vote and professors Dan Tokaji (assistant professor of Law at the Ohio State University), Paul Moke, Ph.D. (professor of Criminal Justice and Political Studies, Wilmington College) and Richard Sapphire (Professor of Law

University of Dayton). The same coalition also filed a “friend of the court” brief before the Ohio Supreme Court in the *Colvin* case. “The ability to register and vote during this window of time is a great opportunity to encourage new eligible voters to participate in our electoral process, which is what our focus should be,” continued Greenbaum.

Project Vote v. Madison County Board of Elections, No. 1:08-cv-02266 (N.D. Ohio) was filed on September 24 on behalf of the Northeast Ohio Coalition for the Homeless (NEOCH), 1Matters, Project Vote and two individual voters. The lawsuit was necessary because the Madison County Board of Elections announced on September 5 that it would disregard Secretary Brunner’s directives and not issue an absentee ballot to anyone who has not already been registered for 30 days. Yesterday, Judge Gwin also found that by disregarding Secretary Brunner’s directives, Madison County would violate Section 202 of the Voting Rights Act, which without an injunction there would be irreparable injury to registered voters who will be unable to receive absentee ballots, and that the public interest favors the injunction.

Following the day’s decisions in the *Project Vote* and *Colvin* cases, Judge George Smith of the Southern District of Ohio issued an injunction in yet another related federal lawsuit, *Ohio Republican Party v. Brunner*, No.: 2:08-cv-00913 (S.D. Ohio), in which the coalition also filed a “friend of the court” brief. Although the plaintiffs in the *Ohio Republican Party* case challenged all of Secretary Brunner’s directives and advisories regarding the five-day absentee window, Judge Smith deferred to the decision of the Ohio Supreme Court in the *Colvin* case, and limited his decision only to an advisory by Secretary Brunner that observers were not authorized to be present during the five-day window. Finding that Ohio state law requires observers to be allowed, Judge Smith issued an injunction to permit such observers to be present.

There are over 700,000 newly registered voters in Ohio, according to the *Cleveland Plain Dealer*. To deny this group access to all voting resources fundamentally threatens the integrity of the electoral process. The Lawyers’ Committee for Civil Rights Under Law is committed to defending that process and the right of all eligible voters to have their ballot cast and counted this election season.

The Lawyers’ Committee for Civil Rights Under Law (LCCRUL), a nonpartisan, nonprofit organization, was formed in 1963 at the request of President John F. Kennedy to involve the private bar in providing legal services to address racial discrimination. The principal mission of the Lawyers’ Committee is to secure, through the rule of law, equal justice under law, particularly in the areas of housing, community development, employment, voting, education and environmental justice. For more information about the LCCRUL, visit www.lawyerscommittee.org.

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