INNOVATION OHIO

A Roadmap to a Safe & Successful General Election

In the face of a second wave of the COVID-19 pandemic, Ohio must work aggressively to provide multiple ways for Ohioans to vote in the November election that are safe and convenient. The problems that surfaced in the delayed March primary -- a complicated process of requesting and returning a ballot, difficulty securing postage and lack of awareness of vote-by-mail procedures - all remain unaddressed. With the legislature at a standstill thanks to a federal corruption probe, it is up to Secretary of State LaRose, working with local Boards of Elections, to ensure that all modes of voting are easily accessible to all registered voters.

Ohio's March 17 primary was a disaster; likely unavoidably so. In the middle of a rapidly widening pandemic, polling places were moved and ultimately, after days of uncertainty, in-person voting was cancelled late the night before it was set to begin. Weeks of confusion followed - about whether the election could be postponed, when and where ballots must be submitted, and for many Ohioans, how to vote by mail. Millions of voters expecting to vote in person on election day were forced instead to get up to speed on a largely unadvertised vote-by-mail process, something that for many proved painful and unnecessarily confusing. Thousands were likely disenfranchised and turnout suffered as a result.

Among the challenges seen in the delayed March primary was that the process to request and return a mail-in ballot was needlessly confusing and, as a result, hundreds of thousands of people did not ultimately return the ballots that they requested. The process requires printing a form and obtaining postage simply to request a ballot, a significant challenge to many, particularly college students, who could no longer use printers at their library, workplace or school. For a generation used to conducting banking and bill-paying online, it also meant the prospect of visiting a post office to purchase stamps while health officials were saying to avoid crowds and stay home.

November may not look that different. COVID-19 has not gone away. Ohio has seen its case counts rise in recent days, and hospitalizations and deaths, both lagging indicators, could also rise and necessitate a reversal of the reopening process. No one knows what November 3 will look like, but experts continue to recommend against crowded indoor spaces and those with risk factors continue to remain at home. It is clear that Ohio needs to provide multiple options for Ohioans to vote that are safe and convenient. The problems experienced in the delayed primary – a complicated process of requesting and returning a ballot, difficulty securing postage and lack of awareness of vote-by-mail procedures – all remain unaddressed.

Recent failures in Wisconsin, Georgia and Kentucky only serve as a dire warning of what could happen without urgent changes to make voting easier in all its forms.

The Ohio House is currently leaderless thanks to a corruption probe into Speaker Householder and is not set to meet again until September. Clearly, a legislative solution will not come in time. . With voting set to start in less than 3 months, it is urgent, then, for our elections officials to make improvements to the voting process and ensure Ohioans can exercise an informed and safe choice of how and when to vote.

It is urgent, therefore, for the Secretary of State to exercise his authority and use funding already available to:

- Include and pay for return postage on all absentee ballot applications and ballots
- Allow voters to submit an absentee ballot request online
- Establish multiple secure drop boxes for absentee ballot return
- Commit to resist efforts to close polling locations, which only results in longer lines and more crowded indoor spaces.

Below is an overview of the legal authority and source of funding for each of the above enhancements to improve voting in November. Time is short and strong advocacy will be essential. Anyone concerned with voting reforms should be mobilizing now to call on the Secretary to implement these reforms in time to hold a fair and secure election.

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Actions Secretary LaRose should take to improve November elections using his existing authority.

PREPAID RETURN POSTAGE ON BALLOT REQUESTS AND BALLOTS

Authority: Ohio Revised Code 3501.05(EE) permits the Secretary of State to send unsolicited ballot applications to all voters as long as the General Assembly has appropriated funding for him to do so. That was provided in the current two-year state operating budget, House BIll 166, section 395.20. Additionally, the Secretary of State is not prohibited by state law from prepaying return postage on both ballot application forms and ballots themselves. In fact, LaRose was recently quoted[1] saying that "A plan that does not afford every Ohioan an opportunity to vote free of charge would be unconstitutional," so all efforts should be made to avoid requiring Ohioans to pay for the option of voting by mail.

Funding: Federal CARES Act funding for states and local governments (allowable expenditures are those undertaken to reduce the spread of COVID-19 or respond to its impacts that were not previously anticipated and can be completed by December 31, 2020). Providing prepaid return postage on ballots and ballot applications offers voters an alternative to voting early in person or at polling places on election day, reducing the potential for community spread of COVID-19.

[1]"Ohio Secretary of State Frank LaRose proposes pre-paid, statewide mail vote for delayed primary," cleveland.com, March 22, 2020.

ONLINE BALLOT REQUEST

Authority: Ohio Revised Code 3509.03 states that an absentee ballot request application "need not be in any particular form," but must include all of the requisite information, which includes voter's name, address, date of birth, driver's license or the last 4 digits of their social security numbers. Voters must also affirm they are eligible to vote and select the date of the election and where they would like a ballot to be mailed. Ohio Revised Code 3501.011 requires a voter's legal mark in the voter's own hand, but does not preclude a signature written by a voter on a computer screen.

Based on this existing statutory authority provided by Ohio law, Secretary LaRose has already in 2020 emphasized that voters can create their own absentee ballot request forms by writing required information on a blank sheet of paper, so it follows that he could similarly be well within the language of the statute by offering a version of the absentee ballot request, which lawmakers indicated "need not be in any particular form," as an online submittable form.

Funding: The Secretary has indicated that his office could achieve this objective without new funding, but if needed, Federal CARES Act funding for states and local governments (allowable expenditures are those undertaken to reduce the spread of COVID-19 or respond to its impacts that were not previously budgeted for and can be completed by December 31, 2020) could be used. Allowing voters to request a ballot online will increase the number of Ohioans voting by mail, reduce crowds at in-person polling places and it is worth noting that by allowing voters to request absentee ballots online, the state will save money on the overall cost of staff processing time, printing, mailing and providing return postage.

MULTIPLE SECURE DROP BOXES PER COUNTY

Authority: Not specifically prohibited in Ohio Revised Code, County Boards of Elections should be encouraged to provide secure ballot drop box locations at the Board location as well as other off-site locations, giving voters easier access to return their mail in ballots and avoiding long lines on election day at a single location per county that could result in disenfranchising voters who arrive close to poll closing times.

Funding: In addition to existing state and county funds, federal CARES Act funding for states and local governments (allowable expenditures are those undertaken to reduce the spread of COVID-19 or respond to its impacts that were not previously budgeted for and can be completed by December 31, 2020) could be used. Installing additional dropboxes will give voters additional options to return ballots and, in turn, reduce crowding at in-person early voting centers and at polling places on election day, reducing the potential for community spread of COVID-19.

COMMIT TO PREVENT CLOSING POLLING PLACES

Authority: The Secretary has wide discretion to issue directives and elect not to cast a deciding vote in the event of a 2-2 partisan split over closing polling places by County Boards of Elections. The Secretary should make clear, publicly, that closing polling places will only lead to longer lines on election day and that doing so for partisan advantage will not be tolerated.

Funding: LaRose can make this commitment at no cost to taxpayers.