

August 4, 2020

Sent Electronically

Dear Secretary of State Frank LaRose,

Given the recent COVID-19 spike in cases in Ohio, it is more likely than not that we will be voting this fall in the midst of a continued global pandemic. What we do not yet know is how adequately prepared Ohio will be to administer a safe and accessible election for all its voters.

Despite all of the robust dialogue and scenario planning of the last several months, the consensus of multiple bipartisan stakeholders, and your own zealous advocacy of legislative efforts, Ohio has not made any meaningful progress towards implementing the package of policy changes that are necessary to ensure that every Ohioan can cast a vote that they know will count this November. Despite your own estimation that as many as half of all Ohioans could seek to vote by mail, it will remain onerous and complicated for them to do so - particularly given that, as it stands, Ohio voters will be forced to pay to vote by mail. As a result, more of them will continue to opt for in-person voting, which due to potential consolidation and the resultant crowding, will be dangerous instead of merely inconvenient.

At this juncture, it is beginning to appear that any hope of reforms commensurate with the scale of our challenges lies with your executive authority to implement them. Moreover, the window of opportunity to enact them is rapidly-closing. We urge you to take the following actions - all of which fall within your authority as Ohio's chief elections officer:

- 1. Prepay for postage on absentee applications and ballots.** Ohio will mail request forms to voters this fall as it has for a decade, but many Ohioans who voted by mail for the first time this spring will either be surprised to learn or fail to realize they must also purchase stamps to return them. In a March 21 letter to the legislature, you said, “[a] plan that does not afford every Ohioan an opportunity to vote free of charge would be unconstitutional” and susceptible to litigation. We agree - forcing people to pay to vote by mail is an unconstitutional modern-day poll tax. CARES Act funds authorized by the Controlling Board can defray the cost and should be utilized to cover the cost of all election mail. No voter should be forced to pay to vote.
- 2. Create a statewide online absentee request form and phone number.** The Ohio Revised Code affirms that absentee ballot requests “need not be in any particular form,” only that they include all of the requisite information. Just this spring, your office announced a new way voters could apply for absentee ballots, by allowing voters to mail in their request on a blank sheet of paper. You have stated on numerous occasions how unnecessarily cumbersome Ohio's current absentee ballot application process is and that providing an online portal to do so would be tremendously helpful. We agree and believe that, just as you did in the spring, your office should create a new additional way for voters to apply for absentee ballots: this time, online. By providing an online portal for people to apply for absentee ballots, we would create a much more streamlined and efficient application process. Moreover, every ballot requested this way

saves money and time for the state, county Boards of Election, and for voters. We join the Ohio Voter Rights Coalition in making this request.

- 3. Encourage county boards of elections to offer multiple dropboxes.** In leading vote-by-mail states like Colorado, Washington, and Oregon, over half of all ballots are routinely returned via physical dropbox; states like Georgia and Wisconsin also employed this strategy in recent primaries. Dropboxes eliminate the need for postage and guard against postal delays both in rural areas with infrequent service and urban areas where apartment buildings lack secure outgoing mail service. Municipal facilities across counties offer a wealth of video-monitored, secure, and 24/7 accessible dropbox options.
  
- 4. Issue a directive to limit polling place consolidation.** Your order should allow only those consolidations absolutely necessary to protect at-risk populations, like avoiding locating polling places in nursing homes, and should make up that capacity with the creation of larger or more numerous polling places elsewhere. Research has repeatedly shown that even small differences in distance from the polls and polling location changes can have a significant impact on voter turnout, especially among BIPOC (Black, Indigenous, People of Color) communities. A recent study of Wisconsin's primary, for example, directly attributed consolidated locations to a 9-point drop in voter turnout rates in Milwaukee. Combined with expected high turnout this fall, consolidation will lead to very long lines and discourage voting - two things that disproportionately harm BIPOC voters. We recognize the creativity and proactivity that will be required to recruit sufficient poll workers. But while a virus rages that spreads via close personal contact and crowding, it is dangerous to knowingly create such crowded and dense conditions by allowing for unnecessary polling place consolidation.

Ohio's primary this spring provided a number of valuable lessons for election administrators and voting rights advocates to learn how to improve when and how we will vote this fall. Unfortunately, very little has been done by way of translating those lessons into concrete plans of action to safeguard November's election. The actions you take in the next month dictate what millions of Ohioans who vote this fall will understand about the effectiveness and adaptability of its state government, and whether or not it will have risen to the circumstances of the moment or succumbed to being, at best, a cautionary tale for mismanagement. Moreover, given what we know about the current and anticipated viral spread, your decisions can truly save lives. We urge you to be proactive in the actions you take as Secretary of State and to use the full thrust of your authority to protect Ohio's voters. Implementing the four aforementioned reforms are an important first step in doing so.

Best,

ACLU of Ohio  
All On The Line Ohio  
Crooked River Action  
For Our Future Ohio  
Innovation Ohio  
LEAD Ohio  
NARAL Pro-Choice Ohio  
Ohio Citizen Action  
Ohio Consumers Power Alliance

Ohio Council of Churches  
Ohio Environmental Council  
Ohio Organizing Collaborative  
Ohio Students Association  
Planned Parenthood Advocates of Ohio  
The Amos Project  
The Freedom BLOC  
The Ohio Unity Coalition  
Unitarian Universalist Justice Ohio  
URGE: Unite for Reproductive and Gender Equity