

Secretary Frank LaRose  
Secretary of State for the State of Ohio  
22 N 4<sup>th</sup> Street  
Columbus, Ohio 43215

CC:  
Attorney General Dave Yost  
Ohio Attorney General  
30 E. Broad St., 14<sup>th</sup> Floor  
Columbus, Ohio 43215

Re: Ohio's general election & voter intimidation  
*Sent via e-mail to [mmadrid@OhioSOS.Gov](mailto:mmadrid@OhioSOS.Gov) and  
[bridget.coontz@ohioattorneygeneral.gov](mailto:bridget.coontz@ohioattorneygeneral.gov)*



## Ohio

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Hasan Kwame Jeffries  
*President*

J. Bennett Guess  
*Executive Director*

Dear Secretary LaRose:

The ACLU of Ohio is committed to making voting more accessible, secure and fair for all Ohioans. We are now just over one week away from the 2020 General Election and have already seen administrative errors, vendor issues such as incorrect ballots or return envelopes, printing delays, long lines, and other critical barriers to the polls. We write to you to ensure that voter intimidation and harassment is not added to the list of realized impediments for Ohio voters.

During the first presidential debate, President Donald Trump was asked to urge his supporters “not to engage in [election-related] civil unrest.” He refused. Instead, he “urg[ed]... supporters to go into the polls and watch very carefully because that’s what has to happen.”

We fear this rhetoric has been seen as a dangerous call for voter intimidation. In fact, we’ve recently received complaints about voter intimidation and harassment tactics emerging across the state. No voter should have to choose between their safety and making their voice heard at the ballot box.

More than a century ago, the U.S. Supreme Court stated that the right to vote is a “fundamental political right, because [it is] preservative of all rights” and people must be allowed to exercise this right free from intimidation or harassment.<sup>1</sup> As you know, voter intimidation is a crime, and the Ohio Revised Code prescribes who may – and may not – participate in the poll-watching process. Voting is the cornerstone of our democracy, and as such, we must do all we can to protect Ohioan’s fundamental right to vote.

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<sup>1</sup> *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886).

We appreciate your recent statements<sup>2</sup> that you will not tolerate any kind of intimidation or suppression. While we are confident you are already aware, we wanted to call your attention to several voting rights, federal and state laws, which prohibit intimidation or other acts that prevent voters from exercising their rights.

- **18 U.S.C. § 594** makes it a crime for any person to intimidate voters in connection with a presidential or congressional election.
- The **Civil Rights Act of 1968 (18 U.S.C. § 245(b)(1)(A))** prohibits using or threatening to use physical force to intimidate people from “voting or qualifying to vote” or “qualifying or acting as a poll watcher.”
- **Section 11 of the Voting Rights Act of 1965 (VRA) (52 U.S.C. § 10307)** and **Section 131(b) of the Civil Rights Act of 1957 (52 U.S.C. § 10101)** prohibit engaging in acts of intimidation, threats, or coercion directed toward voters (and under the VRA, towards those aiding voters).
- The **Ku Klux Klan Act of 1871 (42 U.S.C. § 1985(3))** prohibits, among other things, conspiracies by two or more people to “prevent by force, intimidation, or threat” any voter from supporting or advocating for any candidate in a presidential or congressional election.
- The **National Voter Registration Act (52 U.S.C. § 20511(1))** makes it a federal crime to knowingly and willfully intimidate or coerce prospective voters in registering to vote, or for voting, in any election for federal office. This provision also makes it a crime for anyone to knowingly and willfully deprive or defraud people of a fair and impartially conducted election process.
- **Ohio Rev. Code Ann. § 3599.24** prohibits interference with conduct of election including loitering in or about a registration or polling place during registration or the casting and counting of ballots so as to hinder, delay, or interfere with the conduct of the registration or election.
- **Ohio Rev. Code Ann. § 3505.20** prohibits anyone other than precinct election officials from challenging a voter’s eligibility.
- **Ohio Rev. Code Ann. § 3505.21** prescribes who may serve as an observer during casting of and counting of ballots.
- **Ohio Rev. Code Ann. § 3501.35** prohibits solicitation or attempt to influence any elector.

As Ohio’s secretary of state, it is your responsibility to warn those who seek to disrupt the electoral process and reassure voters who fear they may encounter intimidation – among them Black Ohioans, who have long suffered intimidation, harassment, and worse at the polls.

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<sup>2</sup> See <https://www.gctelegram.com/news/20201019/election-officials-prepare-for-voter-intimidation-threat>.

We respectfully request that you continue to make clear your commitment to a free, safe, and fair election, and communicate to the public that Ohio will never tolerate voter intimidation via the secretary of state's website, traditional print and broadcast outlets, and social media. We also encourage you to create easily accessible guidance for poll workers on how to handle the various types of voter intimidation that may arise as Election Day draws near.

Thank you for your attention to this critical election integrity matter. We urge you and your staff to contact us with any questions.

Sincerely,



Jocelyn Rosnick, Esq.  
Policy Director



Freda Levenson, Esq.  
Legal Director

