



May 22, 2020

The Honorable Governor Mike DeWine
Governor for the State of Ohio
Riffe Center, 77 S High Street, 30th Floor
Columbus, Ohio 43215

Secretary Frank LaRose
Secretary of State for the State of Ohio
22 N 4th Street
Columbus, OH 43215

Speaker Larry Householder
Speaker of the Ohio House of Representatives
77 S High Street, # 12
Columbus, OH 43215

Representative Emilia Sykes
Minority Leader of the Ohio House of Representatives
Riffe Center, 77 S High Street, 14th Floor
Columbus, Ohio 43215

President Larry Obhof
President of the Ohio Senate
1 Capitol Square
Columbus, OH 43215

Senator Kenny Yuko
Minority Leader of the Ohio Senate
1 Capitol Square, 3rd Floor
Columbus, OH 43215

SENT VIA E-MAIL

Re: Ohio's general election & COVID-19

Dear Governor DeWine, Secretary LaRose, Speaker Householder, Minority Leader Sykes, Senate President Obhof, and Minority Leader Yuko:

The ACLU of Ohio is committed to making voting more accessible, secure, and fair for all Ohioans. No one should have to choose between their health and their vote. In light of the on-going COVID-19 pandemic, **we urge you to act quickly and decisively to ensure that all eligible voters can make their voice heard in our November general election.**

It is clear that the coronavirus, and the compressed voting schedule and resulting confusion, negatively impacted Ohio's primary election. Just 22.65%¹ of Ohio's 7.77 million registered voters cast a ballot – the lowest-ever spring turnout for a presidential primary election.² This is in stark contrast to Ohio's 43.66% voter turnout in the 2016 presidential primary. Additionally, according to data collected by All Voting is Local Ohio, over 1.9 million people requested absentee ballots,³ yet only 1.45 million people actually voted by mail.⁴ We heard from many Ohio voters who requested an absentee ballot but did not receive one in time—or at all. To ensure Ohioans can safely exercise their fundamental right to vote this November, we suggest the following reflections and reforms for immediate review and implementation.

In person voting must remain in place

In person voting is fundamental to our democracy and is necessary for large segments of the population to be able to vote at all – such as individuals with disabilities, those experiencing homelessness, or those who encounter mail delays. Poll workers must have adequate personal protective equipment, for both themselves and for voters. To the extent public health and safety allow, increased in-person voting opportunities should be provided to minimize crowding and long wait times at polling locations.

Expand access to vote by mail

Expanded access to vote by mail will reduce the burden on polling locations and provide a safe way for individuals to vote in the comfort of their own home. We urge you to consider **sending an absentee ballot, return postage prepaid to all voters**. Currently, Ohio's process requires at least two waves of mailings in order to vote absentee. First, voters must request an absentee ballot. Then the election office must send the ballot. Doing away with the request process and simply sending all voters absentee ballots could save postage and lessen the administrative burden.

If ballot applications continue to be required, we recommend the following.

Senate Bill 191 is a common sense piece of legislation that will allow Ohio voters to request their absentee ballot online. Passing this bill will realize cost savings and will be an ideal vehicle for additional much-needed reforms for the November Election. **We suggest amending Senate Bill 191 to include at minimum:**

- **Providing prepaid postage and a self-sealing return envelope for all absentee ballot requests and ballots.** While an online portal for absentee ballot requests is vitally important, not everyone in Ohio will be able to utilize this system. Ohio must ensure no-cost mail-in options for voters as no one should have to pay for postage to exercise their

¹ <https://liveresults.ohiosos.gov/>

² <https://www.ohiosos.gov/elections/election-results-and-data/historical-election-comparisons/voter-turnout-in-primary-elections-even/>

³ <https://allvotingislocal.github.io/OH/OH-Absentee-Ballots>

⁴ <https://www.sos.state.oh.us/media-center/press-releases/2020/2020-04-27/>

right to vote. We urge you to take advantage of the federal funding earmarked for elections in the CARES Act.

- **Accepting all absentee ballots that are postmarked by Election Day.** Untimely postmarking of absentee ballots should not result in, otherwise legitimate, ballots being thrown out. Information from the United States Postal Service shows nearly 200 Ohio zip codes send their mail to out-of-state distribution centers before it re-enters the state and is delivered to the intended destination.⁵ By extending the postmark deadline for absentee ballots to Election Day, the General Assembly will give much needed relief to voters whose ballot eligibility is subject to out-of-state travel.
- **Do not discard absentee ballots based on errors or technicalities.** Voters must first receive notice of any defects and be provided an opportunity to cure them – ideally through methods other than visiting a government office.
- **Permitting more than one early vote center and secure drop box per county.** Allowing multiple secure drop boxes per county will enable Boards of Elections to offer additional cost effective options for voters to securely cast their absentee ballot. Increasing the amount of early voter centers and secure drop boxes will also lessen the crowd at any one location and ease the burden on both urban and rural voters who have to travel long distances to access these voting opportunities.

The above-listed common sense solutions have broad support and will protect both voters' safety and the health of our democracy. We share Secretary LaRose's sense of urgency that legislative action should be taken promptly so that there is sufficient time for implementation.⁶ We can work together to protect and ensure access to the November Election for all eligible Ohio voters.

Thank you for your attention to this urgent request. We engage you to convene an interested party meeting for both stakeholders and advocates as soon as possible. We encourage you and your staff to contact us with any questions.

Sincerely,



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⁵<https://fast.usps.com/fast/fastApp/resources/labelListFileDetails.action?listCode=L002&effectiveDateStr=06/01/2020>

⁶ <https://www.beaconjournal.com/news/20200514/ohio-e-action-needed-now-to-prep-for-november-election-with-possible-coronavirus-resurgence-sec-of-stat>