



March 21, 2020

All Members of the Ohio General Assembly

Sent Electronically

Dear Colleagues,

I am writing to you today to update you on the status of Ohio's election following the much publicized events of the last few days in light of the Coronavirus/COVID-19 outbreak, and to ask for your support of the forthcoming Ohio Voters First Act, a path forward to complete this election as quickly as possible that will simultaneously protect public safety and ensure every eligible Ohio voter has the opportunity to have their voice heard.

In the weeks leading up to Ohio's March 17 primary election, I was in daily contact with Ohio Department of Health Director Dr. Amy Acton and members of Governor DeWine's senior team regarding Ohio's preparedness to hold safe and accessible in-person voting on Election Day. As late as the evening of Sunday, March 15, Dr. Acton's guidance was that it was safe to hold elections on Tuesday by practicing hand hygiene, disinfecting voting equipment, and utilizing social distancing in polling places. Despite the coronavirus crisis, Ohio was ready to hold elections. We had implemented additional measures recommended by the CDC and Ohio Department of Health (ODH), relocated over 150 polling locations from senior residential facilities, and nearly 3,000 Ohioans had stepped up and been trained in just a few days to mitigate concerns about a poll worker shortage.

That changed dramatically on Monday morning when I received a call from Lt. Governor Husted to inform me that, as a result of new CDC guidance and a staggering spike in the death toll from this virus in Europe, Governor DeWine would be advising seniors over the age of 65 to remain in their homes and prohibiting gatherings of groups of 50 or more. As has become our new reality in this crisis, the Governor and his public health advisors had received new information overnight. In this case, it was information that made it clear that it was too dangerous for voters and poll workers alike to hold in-person voting on March 17. The Governor asked the Lt. Governor and me to work through possible solutions and bring him a recommendation. When Jon and I started working on this our mission was clear; conclude this election as quickly as possible without disenfranchising any voters or jeopardizing the health of our fellow Ohioans. After examining all options, we drafted a plan which became Directive 2020-06 - the instructions I issued to county boards of elections on Monday evening.

Thanks to the decisive leadership of Governor Mike DeWine and ODH Director Dr. Amy Acton, we saved lives by closing the polls on March 17.

It is my responsibility as Ohio's chief elections officer to ensure that the March 17 primary election is completed in an honest way, ensuring that every eligible voter has a free, accessible,

and safe opportunity to make their voices heard. It is, of course, self-evident that it was impossible to hold an election on Tuesday when nearly 20 percent of our state's population had been told on Monday that they should not leave their homes unless absolutely necessary. We simply could not ask our seniors to make the choice between going to vote or following the Governor's advice to stay healthy. Had an in-person election occurred under such conditions it would have been illegitimate and unsafe.

On Monday night, minutes after Dr. Acton's order to close the polls, I issued Directive 2020-06 to Ohio's county boards of elections laying out a path forward to finish the primary election as quickly as possible and in a manner that is accessible to every eligible voter.

Despite speculation to the contrary, June 2 is the earliest date by which that can be done due to the logistical realities of conducting a vote-by-mail election, the ever-evolving health realities of protecting against the spread of Coronavirus and the sacred responsibility we have as public officials to preserve the integrity of our election. Not only is this date the earliest we can conduct a vote-by-mail election, it is also a date that allows us to assign delegates for the Democratic party. In fact, the schedule I have outlined calls for the official canvas to be completed and results certified 10 days before the Democratic National Convention is scheduled to begin in Milwaukee. We know that eight other states have a primary scheduled for June 2 and each of those states will have time to get their delegates seated for the convention. Further, Louisiana (June 20) and Kentucky (June 23) have set primary election dates in the weeks after June 2. Though it may require a change in party rules, I am confident that the Ohio Democratic Party can work with their counterparts in these other states to ensure that their delegates are seated.

Make no mistake - I am fully aware of, and completely respect - the separation of powers that exists between the legislative and executive branches of government. I sat with many of you in the Ohio Senate for the previous eight years and fought alongside you against the efforts of the previous administration when it encroached on the legislature's authority. However, our system of government elects executive officers and empowers them to make decisions in a crisis, and that is exactly what occurred on Monday. It was not feasible for the governor to call the legislature into session for the purpose of setting a new election date - a power that only you have - in the time necessary to protect people's health and safety while simultaneously protecting our democracy. I respect that only the legislature has the authority to change the date of an election. That is why I did not change the date of the election - which would have exceeded the powers granted to my office. March 17 was primary election day, but a public health emergency necessitated that the polls not open on Tuesday, effectively extending the March 17 election through June 2.

Therefore, I am coming to you now and seeking your approval of the Ohio Voters First Act to conclude the March 17 primary election as quickly as possible. By authorizing me to produce and mail a postage paid absentee ballot request form to every eligible Ohio voter who did not cast a ballot during Ohio's early voting period from February 18 through March 16 and to pay the postage for the voter to return their ballot, and by giving me the discretion to hold in-person voting on June 2, 2020 if the Order by Dr. Amy Action is no longer in place by April 24 we can all be confident that Governor DeWine will sign the plan into law, and that the plan we place into the Ohio Revised Code can withstand legal challenges.

No date before June 2nd is logistically possible. We simply cannot put a postage-paid absentee ballot request in the hands of each eligible voter and afford them reasonable time to cast a ballot any earlier. A plan that does not afford every Ohioan an opportunity to vote free of charge would be unconstitutional.

However, if the legislature moves with undue haste and enacts a plan that is not feasible, you may be creating what may be the worst possible scenario. A plan that sets unattainable timelines for mailing absentee requests to voters, or calls for inadequate procedures for ensuring every voter has an opportunity to cast a ballot at no charge, would likely fail a legal challenge. Such a decision would both create greater confusion for voters and almost certainly ensure that your authority as legislators is usurped by a federal court who will order a new plan that could extend our election well beyond June 2nd.

This plan does not come without its challenges. Historically, when the General Assembly authorizes the Secretary to do so, it has taken as long as five months from the time the Secretary of State's office begins to mail the absentee ballot request form to all 7.7 million registered voters in Ohio until election day. However, I recognize the necessity of moving much more quickly in these extraordinary times. I have directed my team to achieve an incredibly aggressive timeline that would bring the entire absentee ballot process to a close within two and a half months. This includes gathering data from all 88 county boards of elections, verifying that data, designing, printing, pre-sorting and mailing more than 7 million ballot request forms, instructions and return envelopes. This plan also allows for a tight but reasonable amount of time for voters to submit their requests, receive their ballots, and return their voted ballots to their respective board of elections.

With all of this in mind, I need your support. The Ohio Voters First Act will be introduced next week and has the backing of Governor DeWine. It provides the certainty Ohio voters need that their democracy is sound in these difficult times. It's my hope you will give it every possible consideration as we move forward, together, for Ohio.

Yours in service,



Frank LaRose

cc: Governor Mike DeWine

Lieutenant Governor Jon Husted

Attorney General Dave Yost