

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO (CLEVELAND)**

A. PHILIP RANDOLPH INSTITUTE	:	
OF OHIO, et. al.,	:	
	:	
Plaintiffs	:	Case No. 1:20-cv-1908
	:	
v.	:	Judge Dan Aaron Polster
	:	
FRANK LAROSE, in his official capacity as	:	
Ohio Secretary of State,	:	
	:	
Defendant.	:	

DEFENDANT SECRETARY OF STATE’S NOTICE

Defendant Secretary of State Frank LaRose provides this notice in accordance with this Court’s September 25, 2020 Order (ECF Doc. No. 77). Before the September 23, 2020 preliminary injunction hearing Secretary of State LaRose, through his undersigned counsel, was in discussions with the Cuyahoga County Prosecutor’s Office regarding non-party Cuyahoga County Board of Elections’ (“Board”) plan for the return of absentee ballots for the November 2020 election that the Board adopted at its meeting on September 14, 2020. This Court ordered the Secretary to file a report regarding those efforts by 4 p.m. on September 30, 2020.

On September 28, 2020, through counsel, Secretary of State LaRose contacted Counsel for the Board and informed him that the Secretary approved the portion of the Board’s Plan (“Plan”) that proposes to have Board staff collect absentee ballots in the parking lot adjacent to the Board, the street address of which is 3100 Chester Avenue (“Chester Avenue Lot”). This

is in addition to the permanent drop box(es) for the delivery of absentee ballots that will be available at the Board 24 hours per day, 7 days per week beginning on October 6th.¹ Pursuant to the Board's Plan, beginning on October 13, 2020 the Chester Avenue Lot outside the Board will be staffed for absentee ballot collection for the following hours that the Board is open for early, in-person absentee voting:

- Weekdays, October 13 – October 16, 8:00 a.m. – 5:00 p.m.
- Weekdays, October 19 – October 23, 8:00 a.m. – 6:00 p.m.
- Saturday, October 24, 8:00 a.m. – 4:00 p.m.
- Sunday, October 25, 1:00 p.m. – 5:00 p.m.
- Weekdays, October 26 – October 30, 8:00 a.m. – 7:00 p.m.
- Saturday, October 31, 8:00 a.m. – 4:00 p.m.
- Sunday, November 1, 1:00 p.m. – 5:00 p.m.

In addition, even though early, in-person absentee voting ends at 2:00 pm on Monday, November 2, the Secretary understands that the Board's Plan is that the Chester Avenue Lot will remain staffed for absentee ballot collection on Monday November 2, 2020 and on Election Day, Tuesday November 3, 2020 from 8:00 a.m. to 7:30 p.m. Counsel for the Board reached out to the undersigned the following day indicating and acknowledged the Secretary's position. The Board's next regular meeting is scheduled for October 19, 2020. In addition, an emergency meeting is now set for September 30, 2020 at 3:00 p.m.

¹ Pursuant to Directive 2020-16, the drop box has been available to voters since September 1, 2020, for voters to return completed absentee ballot *applications* and remains available for that purpose until the statutory deadline for voters to request an absentee ballot.

Respectfully submitted

DAVE YOST
Ohio Attorney General

/s/ Bridget C. Coontz

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Frank LaRose*

CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2020, the foregoing was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Bridget C. Coontz

Bridget C. Coontz (0072919)
Chief, Constitutional Offices Section