



August 24, 2023

Re: Immediate Remedies Requested in Light of August 8 Special Election

Dear Secretary LaRose,

This letter is to inform you of the various issues that we saw arise on Election Day, which came to our attention through the nonpartisan Election Protection (EP) Hotline during the August special election. The Lawyers Committee is in charge of the EP hotline, and each election, the Ohio Voter Rights Coalition (OVRC) fields calls and concerns made to the hotline. This August was no exception.

Of those calls, the issues below are of great concern and require immediate rectification to prevent voters from being severely impacted during the next election in November 2023.

First, Stark County had numerous calls about various polling locations running out of ballots. And while some voters were asked to return at a later time, others were told by poll workers that there was no way for them to vote, and that they were not sure if there was going to be a way for them to vote before the close of polls. It goes without saying that this is completely unacceptable. Turning people away while they are in their proper voting location and eligible to cast their ballot is against the very foundation of our democracy and being under-resourced is not a viable excuse.

It is also our understanding that boards prepare for an election based on the turnout of a previous election of similar caliber. Thus, some boards prepared for this past election based on last year's August special election. This proved to be a gross underestimation of this special election, and we do not want boards and voters to be in the same predicament in future elections. It was fairly clear from the general interest of State Issue 1 that voter turnout would be far greater than last year's August special election. It is important that in the future, special cases (such as this election on State Issue 1) are recognized and Boards of Elections accurately prepare so that a situation such as what occurred in Stark county is avoided. **Therefore, we ask that you require all Boards of Elections to plan for a voter participation rate akin to that of previous statewide general elections, and to have contingency plans in place for an even higher than expected turnout.**

Secondly, there was a proliferation of calls about mishandling that occurred when it came to curbside voting. Election Protection Poll Monitors in every corner of the state reported that they did not see a single polling location which displayed the required signage to direct voters with disabilities on where to park for curbside voting or how to access that service. We also have reports of people trying to utilize curbside voting but being instructed to park, get out of the vehicle, stand in line, notify the Precinct

Election Official (PEO), and then return to the vehicle to await a PEO team to come and administer the ballot. This ultimately defeated the purpose of curbside voting for voters with disabilities, as it did not make casting their ballot any more accessible than if they had to stand in line to vote.

As the Election Official Manual states: “Boards should clearly display information regarding parking for curbside voting and explain eligibility requirements for curbside voters.” **We ask that you remind Boards of this rule and clarify with urgency that every polling location must require a large and clear sign about curbside voting that includes a phone number to call a PEO to come to their vehicle to administer a ballot.**

Next, we had a number of complaints about churches, which commonly serve as polling locations during our elections. We were informed of church leaders in Bowling Green, Powell, and New Albany pulling down one set of election signs while allowing others to remain. Church personnel also told nonpartisan election protection volunteers that they couldn’t be on the premises. We dispatched PeaceKeepers in central Ohio multiple times to help poll monitors exercise their right to help voters at these locations. **During the times when churches are operating as polling locations, they need to be classified as quasi-governmental buildings. In fact, all buildings operating as polling locations should be deemed as such and, in any case, the SOS should issue guidance to reaffirm that all polling places must allow all legally permissible election signage.**

Finally, there were callers who informed us that they registered just before the voter deadline but were not on the rolls when they showed up to vote. **Our recommendation, if not already practice, is that when registrations are sent from your office to the BOE they are time stamped so that there is no confusion about which voters should or should not be allowed to vote a regular ballot.** In addition, if time-stamped registrations submitted before the deadline are not being processed in time to make it into the poll book, the Secretary of State’s office must investigate to see what the issue is and instigate measures to mitigate the problem. It is unacceptable for voters who have registered before the deadline to be told they need to vote a provisional ballot, either at early vote or on election day, because of no fault of their own.

Please inform us of your plan of action by Tuesday August 29, 2023.

Respectfully Submitted,

The Ohio Voter Rights Coalition

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