



To: Office of Ohio Secretary of State Frank LaRose

January 21, 2025

Dear Secretary LaRose and staff,

Our organizations thank you for the opportunity to provide comments on the draft permanent directives posted to your website for the Election Officials Manual (EOM). The Ohio Voter Rights Coalition is led by Ohio's foremost statewide voter advocates, and it also facilitates the operation of the nonpartisan Election Protection coalition, which provides Ohioans comprehensive nonpartisan information and assistance in multiple languages at all stages of voting – from registration, to voting absentee, early, and on Election Day.

The Ohio Voter Rights Coalition bases our comments below on years of working directly with voters, poll workers, poll monitors, Boards of Elections (BOEs), and diverse stakeholders across Ohio. Our organizations are committed to ensuring that every eligible Ohio voter is able to cast their ballot. We look forward to working with you in the future to ensure reliable, secure, accessible, and well-run elections. This letter outlines substantive comments regarding drop boxes, curbside voting, citizenship verification, and voter registration processes. Additionally, the letter notes places in the proposed EOM changes that lack clarity or contradict other sections, laws, or legal settlements.

Chapter 5

Under Section 5.02 proposed changes call for font size on voter instructions to be decreased from a minimum of ten to a minimum of six point font. This would be extremely difficult to read and fall far short of best practices for accessibility.

Chapter 7

Proposed changes to Section 7.04.03 "Secure Receptacles (Drop Boxes)" should be rejected, because the provisions do not improve election security but do create unnecessary work for boards of elections and create new barriers for voters. Ohio and Federal law have long authorized certain individuals to return an absent voter's ballot to a county board of elections office on their behalf, and many people drop off absentee ballots outside of normal business hours, either to avoid traffic and/or long lines or due to the dictates of their work schedules or other personal obligations. Even for those individuals who do arrive when the building is open, these changes can turn an otherwise quick trip into a lengthy outing. They will have to find parking, oftentimes in only a small, congested parking lot, enter the building, possibly face long lines or other delays, and obtain and fill out an attestation form. The combination of each attestation's confusing and legalistic language with the threat of criminal prosecution could well intimidate those legally authorized to return the ballots of others. Ohio's drop boxes are a secure, commonsense solution that should not be limited.

The EOM needs to strengthen curbside voting at county early vote (Section 7.04) and Election Day polling locations (Section 9.04). The Secretary of State should require highly visible signage that can be seen from a voter's vehicle when entering the parking lot and beside the curbside parking spaces that include instructions for accessing curbside voting. Voters need to have the option to request assistance without needing to enter the facility, given that many voters who may need this service could be traveling alone. BOEs should be required to prominently display curbside voting information on the homepage of their websites, so that voters can utilize this information when making their voting plans. Additionally, the EOM should expressly prohibit BOEs from asking about a voter's disability or refusing curbside assistance to voters who may not appear to be impaired, given that many disabilities or health conditions may not be visible to the plain eye.

Finally, Section 7.03 under "Non-citizen Identification" should include the same bold font disclaimer found in Section 9.07 of Chapter 9: "Please note that only persons who present a form of photo identification with a "noncitizen" designation or otherwise unauthorized form of photo identification may be required to present additional proof of citizenship" (page 18 of proposed changes). The holding in *Boustani v LaRose et. al.* does not differentiate between early in-person and election day voting for under what circumstances an election official may utilize the 10-U Form when determining the eligibility of a voter.

Chapter 8

The proposed elimination of Section 8.06 "APRI Exception" should be reversed and the exception maintained through permanent directive and included in the EOM. Though the APRI settlement agreement was only effective through December 31, 2022, there is still a need to keep this procedure operational as a failsafe for eligible voters improperly removed from the Statewide Voter Registration Database as a result of the supplemental list maintenance process. We encourage the EOM to reflect the Settlement Agreement entered into in August 2019. We have attached the Settlement Agreement to this letter as Addendum 2.

Chapter 9

Section 9.12 "Prohibitions" requires clarification on rules around food distribution. As proposed, the second paragraph of section 9.12 adds "this includes distributing food." This should include a citation as to not confuse people on the distinction between food distribution outside of the electioneering zone and inside.

Chapter 13

Section 13.03 "Qualifications of Circulators" is problematic. The citation used to state that circulators must be Ohio residents (*Citizens in Charge, Inc. v. Husted, S.D.Ohio No. 2:13-cv-935, 2015 U.S. Dist. LEXIS 184669*) is the same citation used previously to state that circulators are NOT required to be Ohio residents. There is no reason to change this section of the Elections Officials Manual, therefore, the proposed addition should be removed.

3503.06(C)(1)(a) which contains the residency and age provision was permanently enjoined by a federal district court in 2015 and is thus unenforceable. Former Secretary of State Jon Husted appealed part of that case but not the permanent injunction, which was left undisturbed by the 6th Circuit in 2016. As such the injunction against enforcing that statute appears to remain in place.

Chapter 16

Under the section titled “Processing Voter Registrations,” proposed changes regarding when new and updated voter registrations (gathered as part of a petition campaign) must be turned in is confusing, potentially leading to voters being registered but unable to vote in upcoming elections. It sets up voter registrations collected within 24-hours of the voter registration deadline as a separate category, with an extra 10 days available to turn in forms after the voter registration deadline has already passed. However, the new language does not clearly state whether or not those registrations collected close to the deadline and returned after the deadline would be processed in time for the upcoming election.

If these late-collected and late-returned registration WILL be processed in time for the voters to cast a ballot in the upcoming election, this needs to be stated clearly. In this case, the EOM should also clarify how those late-returned registrations will be marked for immediate, post-deadline processing and inclusion in the poll book.

If these late-collected and late-returned registrations will NOT be processed in time for the voters to cast a ballot in the upcoming election, this also needs to be stated clearly. In this case, these registrations would be no different from any others returned after the deadline: they will be processed, but not in time for those voters to cast a ballot in the upcoming election. In which case, we believe it doesn’t make sense to include language setting them up as a special category.

In the section headed “Marking Signatures,” the text references invalidating an entire part-petition because of an under-count (“If the number of signatures on a part-petition is more than the number indicated by the circulator, the entire part-petition is invalid”). However, it does not include the “Exception” listed on page 4, as follows. “EXCEPTION: The over-reporting error is the result of “minor or negligent miscounts” by the circulator “so long as there is no indication of fraud or material misrepresentation” or does not promote fraud. In this circumstance, the board must review the validity of each signature as usual.” This exception should be included here, or the lines referring to the under-count should be removed from this section.

We are grateful for the opportunity to provide comment on behalf of our organizational members and all Ohio voters. Please note that some of our highest priorities are not listed in our comments, including the establishment of an online absentee request portal, automatic voter registration, multiple early vote locations per county, increased funding for Boards of Elections, protections for elections workers, and much more. In many of those areas, you have statutory authority to move forward with these critical policy improvements, but we also are eager to discuss strategies for securing legislative improvements where needed.

Please feel free to contact us should you have any questions or need more information.

Jen Miller
Executive Director
League of Women Voters of Ohio
(614)469-1505; (614)563.9543
director@lwvohio.org

Kayla Griffin
Ohio State Director
All Voting is Local
(330)402.2427
kayla@allvotingislocal.org

Collin Marozzi
Deputy Policy Director
ACLU of Ohio
(614)254.6301
cmarozzi@acluohio.org

Catherine Turcer
Executive Director
Common Cause Ohio
(614)579.5509
cturcer@commoncause.org