

IN THE SUPREME COURT OF OHIO

STATE EX REL. OHIO DEMOCRATIC PARTY

340 E. Fulton Street
Columbus, Ohio 43215

STATE EX REL. KIARA DIANE SANDERS

2100 Commons N Rd.
Reynoldsburg, Ohio 43068

Relators,

-v-

**FRANK LAROSE, in his official capacity as Ohio
Secretary of State.**

22 North Fourth Street, 16th Floor
Columbus, Ohio 43215

Respondent.

CASE NO.

**ORIGINAL ACTION IN
PROHIBITION**

**ALTERNATIVE AND
PEREMPTORY WRITS
REQUESTED**

**Expedited Election Matter
Under S.Ct.Prac.R. 12.08**

RELATORS' COMPLAINT IN ORIGINAL ACTION FOR WRIT OF PROHIBITION

Donald J. McTigue* (0022849)

**Counsel of Record*

J. Corey Colombo (0072398)

Derek S. Clinger (0092075)

Ben F.C. Wallace (0095911)

McTIGUE & COLOMBO, LLC

545 East Town Street

Columbus, Ohio 43215

Phone: (614) 263-7000

dmctigue@electionlawgroup.com

ccolombo@electionlawgroup.com

dclinger@electionlawgroup.com

bwallace@electionlawgroup.com

N. Zachary West (0087805)

O'Connor, Haseley, & Wilhelm

35 North Fourth Street, Suite 340

Columbus, Ohio 43215

Phone: (614) 208-4375

west@goconnorlaw.com

Counsel for Relators

Dave Yost

OHIO ATTORNEY GENERAL

30 E. Broad Street

Columbus, Ohio 43215

Phone: 614-466-2872

Fax: 614-728-7592

Counsel for Respondents.

This action is brought in the name of the State of Ohio on the relation of the Ohio Democratic Party and Kiara Diane Sanders (“Relators”) who are requesting a writ of prohibition be issued to prevent Respondent Ohio Secretary of State Frank LaRose from setting the date of Ohio’s 2020 presidential primary election. Relators aver as follows:

NATURE OF THE ACTION AND JURISDICTION

1. This is an original action commenced pursuant to this Court’s original jurisdiction under Article IV, Section 2(B)(1)(d) Section 2(B)(1)(f) of the Ohio Constitution.

2. Relators seek an Order, Judgment, and/or Writ from this Court to prevent the action taken by Respondent setting the date of Ohio’s 2020 presidential primary election.

3. Relators seek further relief to assure that registered voters who did not vote by absentee ballot in the March 17, 2020 presidential primary and were eligible to vote in person on March 17, 2020 will be afforded an adequate alternative means of voting given the suspension of voting at the polls ordered by the Director of the Ohio Department of Health, which formed the basis for Respondent’s action in setting a later primary date. A proposed order is attached as Exhibit A.

PARTIES

4. Relator Ohio Democratic Party is one of Ohio’s two legally recognized major political parties, which is nominating candidates for local, state, and federal offices at the 2020 primary election.

5. Relator Kiara Diane Sanders is a registered elector of Franklin County, Ohio who is eligible to vote in Ohio’s 2020 presidential primary election, which was scheduled by the Ohio General Assembly to occur on March 17, 2020. Relator Sanders has not yet voted in Ohio’s 2020 presidential primary election, but she wanted and had intended to vote in-person at her assigned

polling location, which is located next to her home, on Election Day. *See* Affidavit of Kiara Diane Sanders attached to Complaint.

6. Respondent Frank LaRose is the Ohio Secretary of State and Chief Election Officer of Ohio.

FACTUAL ALLEGATIONS IN SUPPORT OF CLAIM

7. On July 17, 2019, the Ohio General Assembly passed Am. Sub. H.B. 166 to, among other provisions, amend R.C. 3501.01(E) to provide that Ohio's presidential primary election "shall be held on the third Tuesday after the first Monday in March." For Ohio's 2020 presidential primary election, this meant that the election would occur on March 17, 2020. The Ohio Governor signed Am. Sub. H.B. 166 into law on July 18, 2019.

8. In a press conference on the afternoon of March 16, 2020, Ohio Governor Mike DeWine and Respondent Secretary stated that they lacked the legal authority to change the date of Ohio's 2020 presidential primary election.

9. On or about 10:11 p.m. on Monday, March 16, 2020, Ohio Governor Mike DeWine announced that the Director of the Ohio Department of Health was closing the polling locations in the State of Ohio on Tuesday, March 17, 2020 due to concerns of exposure to COVID-19. The Director's Order is attached as Exhibit B.

10. On the morning of Tuesday, March 17, 2020, Respondent Secretary issued Directive 2020-06 to Ohio's 88 county boards of election directing that, "in response to Ohio Governor Mike DeWine's and Director of the Ohio Department of Health Dr. Amy Acton's order closing polling places on March 17, 2020," he was "suspending" the March 17, 2020 presidential primary election and "moving the date of the election to June 2, 2020. Directive 2020-06 is attached as Exhibit C and a press release from Respondent Secretary is attached as Exhibit D.

11. Directive 2020-06 includes the following instructions to the county boards of elections:

- a. “The March 17, 2020 Presidential Primary Election is suspended until June 2, 2020.”
- b. “The boards of elections are prohibited from processing any new voter registrations for the June 2, 2020 presidential primary election. The February 18, 2020 voter registration deadline remains the voter registration deadline.”
- c. “Boards of elections must remain open on March 17, 2020 to receive any absentee ballots at the boards of elections through 7:30 p.m. Boards of elections are required to process any UOCAVA ballots. Boards of elections are required to process any-non UOCAVA absentee ballot post-marked by Monday, March 16, 2020 and received by the boards of elections through March 27, 2020. Boards of elections are prohibited from tabulating and reporting any results until the close of polls on Tuesday, June 2, 2020.”
- d. “The boards of elections are required to process absentee ballot applications received at the board of elections postmarked by Tuesday, May 26, 2020. Absentee ballots must be postmarked by June 1, 2020 and must be received by the boards of elections no later than Friday, June 12, 2020. UOCAVA absentee ballots must be submitted for mailing not later than 12:01 a.m. at the place where the voter completes the ballot, on Tuesday, June 2, 2020.”
- e. “On Tuesday, June 2, 2020, boards of elections must conduct in-person voting at polling locations in their county. The polls will open at 6:30 a.m. and close at 7:30 p.m. on Tuesday, June 2, 2020. Boards of elections should work with their county prosecutors to review any contracts with polling locations to ensure that in-person voting can take place at those polling locations on Tuesday, June 2, 2020.”

See Exhibit C.

CLAIM FOR RELIEF

Respondent Ohio Secretary of State lacks jurisdiction and legal authority to set the date of Ohio’s 2020 presidential primary election.

12. Each and every allegation contained above is incorporated as if fully rewritten herein.

13. Respondent Secretary is patently and unambiguously without jurisdiction and legal authority to suspend, move, or set the date of Ohio’s 2020 presidential primary election.

14. Nothing in Ohio law provides that Respondent Secretary has the power to set the date of Ohio's 2020 presidential primary election.

15. Instead, the legal authority to set the date of Ohio's 2020 presidential primary election rests with the Ohio General Assembly. Pursuant to R.C. 3501.01(E)(2), the Ohio General Assembly set the date for Ohio's presidential primary election to occur "on the third Tuesday after the first Monday in March," which, for 2020, was March 17, 2020.

16. Despite a patent and unambiguous lack of jurisdiction and legal authority to set the date of an election, Respondent Secretary asserted jurisdiction and legal authority in Directive 2020-06 to set the date of Ohio's 2020 presidential primary for June 2, 2020.

17. Respondent Secretary's reliance upon factual findings and declarations of the Ohio Governor and the Director of the Ohio Department of Health to assert jurisdiction to move the date of Ohio's 2020 presidential primary election from March 17, 2020 to June 2, 2020 was a quasi-judicial act unauthorized by law.

18. Relators have no adequate remedy at law apart from a writ of prohibition.

19. Relators affirmatively allege that they have acted with utmost diligence in bringing the instant action, that there has been no unreasonably delay or lapse of time in asserting their rights sought herein, and, further, there is no prejudice to Respondent.

PRAYER FOR RELIEF

WHEREFORE, Relators respectfully pray the Court to grant the following relief:

- A. Issue an Order, Judgment, Peremptory Writ of Prohibition, or Writ of Prohibition prohibiting Respondent Secretary from setting the date of Ohio's 2020 presidential primary election.
- B. Issue an Order, Judgment, Peremptory Writ of Prohibition, or Writ of Prohibition requiring the following:
 1. Ordering Respondent to rescind Directive 2020-06.

2. Ordering Respondent to direct Ohio's Boards of Elections to accept and process absentee ballot applications for voting by mail until 12:00 p.m. on April 25, 2020.
3. Ordering Respondent to direct Ohio's Boards of Elections to accept and count all valid absentee ballots postmarked on or before April 28, 2020, and received at the board on or before May 8, 2020.
4. Ordering Respondent to send, or to direct Ohio's Boards of Elections to accept and count all valid absentee ballots postmarked on or before April 28, 2020, and received at the board on or before May 8, 2020, or received by personal delivery by the voter or a family member on or before April 28, 2020.
5. Ordering Respondent to arrange for prepaid postage for the return of absentee ballot requests and absentee ballot envelopes by voters.
6. Ordering Respondent to direct Ohio's Boards of Elections to provide a secure receptacle outside the location of each Board of Elections' office or early voting center for voters to return their absentee ballots or absentee ballot requests. This receptacle shall be accessible 24 hours per day.
7. Ordering Respondent to direct Boards of Elections to provide assistance to voters with disabilities who are unable to complete an absentee ballot application or vote an absentee ballot and who request assistance.
8. Ordering Respondent to direct Boards of Elections to provide assistance to voters whose illiteracy prevents them from completing an absentee ballot application or from voting a paper ballot and who request assistance.
9. Ordering Respondent to direct the Ohio Boards of Elections to conduct the canvassing of the ballots in accordance with the timelines otherwise provided under Ohio law.

C. Issue an alternative writ setting an expedited briefing schedule.

D. Assess the costs of this action against Respondent;

E. Award Relators' their attorneys' fees and expenses; and

F. Award such other relief as may be appropriate.

Respectfully submitted,

/s/ Donald J. McTigue

Donald J. McTigue* (0022849)

**Counsel of Record*

J. Corey Colombo (0072398)

Derek Clinger (0092075)

Ben F.C. Wallace (0095911)

MCTIGUE & COLOMBO LLC

545 East Town Street

Columbus, Ohio 43215

Phone: (614) 263-7000

dmctigue@electionlawgroup.com

ccolombo@electionlawgroup.com

dclinger@electionlawgroup.com

bwallace@electionlawgroup.com

N. Zachary West (0087805)

O'Connor, Haseley, & Wilhelm

35 North Fourth Street, Suite 340

Columbus, Ohio 43215

Phone: (614) 208-4375

west@goconnorlaw.com

Counsel for Relators

IN THE SUPREME COURT OF OHIO

**STATE EX REL. OHIO DEMOCRATIC
PARTY, et al**

Relators,

-v-

FRANK LAROSE

Respondent.

CASE NO.

**ORIGINAL ACTION IN
PROHIBITION**

**ALTERNATIVE AND
PEREMPTORY WRITS
REQUESTED**

AFFIDAVIT OF KIARA DIANE SANDERS

Franklin County

/ss

State of Ohio

I, Kiara Diane Sanders, having been duly sworn and cautioned according law, hereby state that I am over the age of eighteen years and am competent to testify as to the facts set forth below based on my personal knowledge and having personally examined all records referenced herein, and further state as follows:

1. I am one of the Relators in the instant action.
2. I am a registered elector of Franklin County, Ohio.
3. I intended to vote in Ohio's 2020 Democratic Primary Election on March 17, 2020.
4. I intended to vote in-person on March 17, 2020 at my assigned polling location, which is next to my house, but I was not able to due to the closing of my polling location and the suspension of the March 17, 2020 election date.
5. I will now vote by mail if that option is available to me.

FURTHER AFFIANT SAYETH NAUGHT

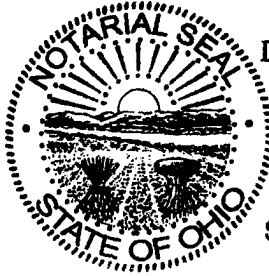
Kiara Sanders

Kiara Diane Sanders

Sworn to and subscribed before me this 17 day of March, 2020

Derek S. Clinger

Notary Public



DEREK S. CLINGER
Attorney At Law
NOTARY PUBLIC
STATE OF OHIO
My Commission Has
No Expiration Date
Section 147.03 O.R.C.

IN THE SUPREME COURT OF OHIO

**STATE EX REL. OHIO DEMOCRATIC
PARTY, et al**

Relators,

-v-

FRANK LAROSE

Respondent.

CASE NO.

**ORIGINAL ACTION IN
PROHIBITION**

**ALTERNATIVE AND
PEREMPTORY WRITS
REQUESTED**


AFFIDAVIT OF DONALD J. MCTIGUE

Franklin County
/ss
State of Ohio

I, Donald J. McTigue, having been duly sworn and cautioned according law, hereby state that I am over the age of eighteen years and am competent to testify as to the facts set forth below based on my personal knowledge and having personally examined all records referenced herein, and further state as follows:


1. I am an attorney at law, licensed in the State of Ohio, and counsel of record for Relators in the instant action.
2. I am the legal counsel that was responsible for the drafting of the proposed "Secure and Fair Elections Amendment" that is the subject matter of this action.
3. I have read the facts set forth in the foregoing Complaint, and the facts as stated therein are true.
4. I have personally read copies of all exhibits referenced in the Complaint, and state that they are true copies of what they purport to be.

FURTHER AFFIANT SAYETH NAUGHT

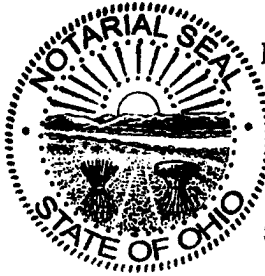


Donald J. McTigue

Sworn to and subscribed before me this 17th day of March, 2020



Notary Public



DEREK S. CLINGER
Attorney At Law
NOTARY PUBLIC
STATE OF OHIO
My Commission Has
No Expiration Date
Section 147.03 O.R.C.

EXHIBIT A

IN THE SUPREME COURT OF OHIO

**STATE EX REL. OHIO DEMOCRATIC
PARTY, et al**

Relators,

-v-

FRANK LAROSE

Respondent.

CASE NO.

**ORIGINAL ACTION IN
PROHIBITION**

**ALTERNATIVE AND
PEREMPTORY WRITS
REQUESTED**

**Expedited Election Matter
Under S.Ct.Prac.R. 12.08**

ORDER GRANTING WRIT OF PROHIBITION

This case originated in this Court on the filing of a writ of prohibition and was considered in a manner prescribed by law.

Upon consideration thereof, it is ordered by the Court that the writ of prohibition and other relief as necessary to a complete determination is granted as follows:

1. Respondent is PROHIBITED from setting the date of Ohio's 2020 presidential primary election.
2. Respondent is ORDERED to rescind Directive 2020-06.
3. Respondent is ORDERED to direct Ohio's Boards of Elections to accept and process absentee ballot applications for voting by mail until 12:00 p.m. on April 25, 2020.
4. Respondent is ORDERED to direct Ohio's Boards of Elections to accept and count all valid absentee ballots postmarked on or before April 28, 2020, and received at the board on or before May 8, 2020, or received by personal delivery by the voter or a family member on or before April 28, 2020.

5. Respondent is ORDERED to send, or to direct Ohio's Boards of Elections to send, absentee ballot applications to all registered voters who have not previously voted or requested an absentee ballot.
6. Respondent is ORDERED to arrange for prepaid postage for the return of absentee ballot requests and absentee ballot envelopes by voters.
7. Respondent is ORDERED to direct Ohio's Boards of Elections to provide a secure receptacle outside the location of each Board of Elections' office or early voting center for voters to return their absentee ballots or absentee ballot requests. This receptacle shall be accessible 24 hours per day.
8. Respondent is ORDERED to direct Boards of Elections to provide assistance to voters with disabilities who are unable to complete an absentee ballot application or vote an absentee ballot and who request assistance.
9. Respondent is ORDERED to direct Boards of Elections to provide assistance to voters whose illiteracy prevents them from completing an absentee ballot application or from voting a paper ballot and who request assistance.
10. Respondent is ORDERED to direct the Ohio Boards of Elections to conduct the canvassing of the ballots in accordance with the timelines otherwise provided under Ohio law.

IT IS SO ORDERED.

Maureen O'Connor, Chief Justice

EXHIBIT B



DIRECTOR'S ORDER

In Re: Closure of the Polling Locations in the State of Ohio on Tuesday March 17, 2020

I, Amy Acton, MD, MPH, Director of the Ohio Department of Health (ODH), pursuant to the authority granted to me in R.C. 3701.13 to “make special orders...for preventing the spread of contagious or infectious diseases” **Order** the polling locations in the State of Ohio **closed** on March 17, 2020. I make this Order to avoid the imminent threat with a high probability of widespread exposure to COVID-19 with a significant risk of substantial harm to a large number of the people in the general population, including the elderly and people with weakened immune systems and chronic medical conditions. Further, it is clear from history and experience that large number of people gather at polling locations which increases the risk of transmission of COVID-19.

To conduct an election at this time would force poll workers and voters to face an unacceptable risk of contracting COVID-19.

COVID-19 is a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person. The virus is spread between individuals who are in close contact with each other (within about six feet) through respiratory droplets produced when an infected person coughs or sneezes. It may be possible that individuals can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose or eyes. The World Health Organization has declared COVID-19 a pandemic.

On January 23, 2020, the Ohio Department of Health issued a Director's Journal Entry making COVID-19 a Class A reportable disease in Ohio.

On January 28, 2020, the Ohio Department of Health hosted the first statewide call with local health departments and healthcare providers regarding COVID-19.

On January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern.

On January 31, 2020, Health and Human Services Secretary, Alex M. Azar II, declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19.

On February 1, 2020, the Ohio Department of Health issued a statewide Health Alert Network to provide local health departments and healthcare providers with updated guidance for COVID-19 and revised Person Under Investigation (PUI) criteria.

On February 3, 2020, the Ohio Department of Health trained over 140 personnel to staff a call center for COVID-19, in the event it was needed.

On February 5, 2020, the Ohio Department of Health began updating and notifying the media of the number of PUIs in Ohio every Tuesday and Thursday.

On February 6, 2020, the Ohio Department of Health updated all agency assistant directors and chiefs of staff on COVID-19 preparedness and status during the Governor's cabinet meeting.

On February 7, 2020, the Ohio Department of Health and the Ohio Emergency Management Agency met to conduct advance planning for COVID-19.

On February 13, 2020, the Ohio Department of Health conducted a Pandemic Tabletop Exercise with State agencies to review responsive actions should there be a pandemic in Ohio.

On February 14, 2020, the Ohio Department of Health held a conference call with health professionals across the state. The purpose of the call was to inform and engage the healthcare community in Ohio. Presentations were provided by the Department of Health, Hamilton County Public Health, and the Ohio State University.

On February 27, 2020, the Ohio Department of Health and the Ohio Emergency Management Agency briefed the directors of State agencies during the Governor's cabinet meeting regarding preparedness and the potential activation of the Emergency Operations Center.

On February 28, 2020, the "Governor DeWine, Health Director Update COVID-19 Prevention and Preparedness Plan" was sent to a broad range of associations representing healthcare, dental, long-term care, K-12 schools, colleges and universities, business, public transit, faith-based organizations, non-profit organizations, and local governments.

On March 2, 2020, the Ohio Department of Health activated a Joint Information Center to coordinate COVID-19 communications.

On March 5, 2020, the Ohio Department of Health hosted the Governor's Summit on COVID-19 Preparedness, a meeting with the Governor, cabinet agency directors, local health department commissioners, and their staff.

On March 6, 2020, the Ohio Department of Health opened a call center to answer questions from the public regarding COVID-19.

On March 9, 2020, testing by the Department of Health confirmed that three (3) patients were positive for COVID-19 in the State of Ohio. This confirms the presence of a potentially dangerous condition which may affect the health, safety and welfare of citizens of Ohio.

On March 9, 2020, the Ohio Emergency Management Agency activated the Emergency Operations Center.

On March 9, 2020, the Governor Declared a State of Emergency in Executive Order 2020-01D.

On March 11, 2020, the head of the World Health Organization declared COVID-19 a pandemic.

On March 11, 2020, testing by the Ohio Department of Health confirmed that one (1) more patient was positive for COVID-19 in the State of Ohio.

On March 11, 2020, the Ohio Departments of Health and Veterans Services issued a Joint Directors' Order to limit access to Ohio nursing homes and similar facilities.

On March 15, 2020, the Ohio Department of Health issued a Director's Order to limit access to Ohio's jails and detention facilities.

On March 15, 2020, the Ohio Department of Health issued a Director's Order to limit the sale of food and beverages, liquor, beer and wine to carry-out and delivery only.

On March 15, 2020, the CDC issued Interim Guidance for mass gatherings or large community events, stating that such events that consist of 50 or more people should be cancelled or postponed.

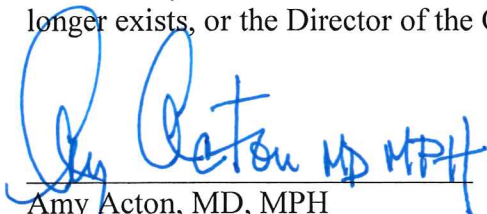
As of March 16, 2020, Ohio has confirmed fifty (50) cases of COVID-19 in thirteen (13) counties throughout the state.

Multiple areas of the United States are experiencing "community spread" of the virus that causes COVID-19. Community spread, defined as the transmission of an illness for which the source is unknown, means that isolation of known areas of infection is no longer enough to control spread.

The CDC reports that people are most contagious when they are most symptomatic (the sickest) however some spread might be possible before people show symptoms although that is not the main way the virus spreads.

Mass gatherings (50 or more persons) increase the risk of community transmission of the virus COVID-19.

Accordingly, to avoid an imminent threat with a high probability of widespread exposure to COVID-19 with a significant risk of substantial harm to a large number of people in the general population, including the elderly and people with weakened immune systems and chronic medical conditions, I hereby **ORDER** all polling locations in the State of Ohio **closed** on March 17, 2020. This Order shall take effect immediately and remain in full force and effect until the State of Emergency declared by the Governor no longer exists, or the Director of the Ohio Department of Health rescinds or modifies this Order.


Amy Acton, MD, MPH
Director of Health

March 16, 2020

EXHIBIT C



DIRECTIVE 2020-06

March 16, 2020

To: All County Boards of Elections
Directors, Deputy Directors, and Members

Re: Order from Director of Health Dr. Amy Acton Closing Polls for the March 17, 2020
Presidential Primary Election

SUMMARY

I issue this Directive in response to Ohio Governor Mike DeWine's and Ohio Director of Health Dr. Amy Acton's order closing polling places on March 17, 2020. Their difficult but necessary decision will protect the health and well-being of Ohioans.

This Directive is issued to bring clarity to voters, Ohio's boards of elections, and poll workers in response to Dr. Acton's order.

The March 17, 2020 Presidential Primary Election is suspended until June 2, 2020. This Directive sets forth additional details.

INSTRUCTIONS

PART I – NOTICE

The boards of elections must post notice on their websites, social media, at the board of elections, and at polling places that in-person voting for the March 17, 2020 Presidential Primary Election is suspended.

PART II – VOTER REGISTRATION AND ABSENTEE VOTING

The boards of elections are prohibited from processing any new voter registrations for the June 2, 2020 presidential primary election. The February 18, 2020 voter registration deadline remains the voter registration deadline.

Boards of elections must remain open on March 17, 2020 to receive any absentee ballots at the boards of elections through 7:30 p.m. Boards of elections are required to process any UOCAVA ballots. Boards of elections are required to process any non-UOCAVA absentee ballot post-marked by Monday, March 16, 2020 and received by the boards of elections through March 27, 2020. Boards of elections are prohibited from tabulating and reporting any results until the close of polls on Tuesday, June 2, 2020.

The boards of elections are required to process absentee ballot applications received at the board of elections postmarked by Tuesday, May 26, 2020. Absentee ballots must be postmarked by June 1, 2020 and must be received by the boards of elections no later than Friday, June 12, 2020. UOCAVA absentee ballots must be submitted for mailing not later than 12:01 a.m. at the place where the voter completes the ballot, on Tuesday, June 2, 2020.

Voters with an unforeseeable hospitalization may submit applications beginning after Tuesday, May 26, 2020 and ending at 3:00 p.m. on Tuesday, June 2, 2020. An absentee voter with an unforeseeable hospitalization within the county may receive and return the absentee ballot through a family member,¹ or through two board of elections employees. If the hospitalization is out of county, the absentee voter may receive and return the absentee ballot through a family member or by mail. The absentee ballot must be postmarked no later than Monday, June 1, 2020 and received at the board of elections office no later than Friday, June 12, 2020. If the absentee ballot does not have a postmark, it must be received at the board of elections no later than 7:30 p.m. on Tuesday, June 2, 2020.

PART III – IN-PERSON VOTING ON JUNE 2, 2020

On Tuesday, June 2, 2020, boards of elections must conduct in-person voting at polling locations in their county. The polls will open at 6:30 a.m. and close at 7:30 p.m. on Tuesday, June 2, 2020. Boards of elections should work with their county prosecutors to review any contracts with polling locations to ensure that in-person voting can take place at those polling locations on Tuesday, June 2, 2020.

Boards of elections must update their voter registration systems and signature pollbooks after Friday, March 27, 2020 and continue to regularly update to ensure that the board maintains a complete and accurate list of voter history.

PART IV – CURE AND CANVASS TIMELINE

A. POST-ELECTION CURE PERIOD

Each board of elections must be open to the public on each of the seven calendar days immediately following Tuesday, June 2, 2020, and during the hours specified below, in order to allow voters to cure a deficiency on an absentee or provisional ballot, as provided for in state law:²

- Wednesday, June 3rd 8:00 a.m. – 5:00 p.m.
- Thursday, June 4th 8:00 a.m. – 5:00 p.m.

¹ [R.C. 3509.05\(A\)](#) defines “family member” as “spouse of the elector, the father, mother, father-in-law, mother-in-law, grandfather, grandmother, brother, or sister of the whole or half blood, or the son, daughter, adopting parent, adopted child, stepparent, stepchild, uncle, aunt, nephew, or niece of the elector.”

² [R.C. 3505.181\(B\)\(7\)](#); [R.C. 3509.06\(D\)\(3\)](#). See also *Northeast Ohio Coalition for the Homeless v. Husted*, 837 F.3d 612 (6th Cir. 2016) (holding that the seven-day post-election cure period for absentee and provisional ballots established in state law is constitutional).

- Friday, June 5th 8:00 a.m. – 5:00 p.m.
- Saturday, June 6th 8:00 a.m. – 12:00 p.m.
- Sunday, June 7th 1:00 p.m. – 5:00 p.m.
- Monday, June 8th 8:00 a.m. – 5:00 p.m.
- Tuesday, June 9th 8:00 a.m. – 5:00 p.m.

B. TIMELINE FOR OFFICIAL CERTIFICATION

Consistent with current law, the boards of elections:

- (1) May begin the official canvass of the presidential primary election on Tuesday, June 23, 2020;
- (2) Must begin the official canvass of the presidential primary election on Saturday, June 27, 2020;
- (3) Must complete the official canvass of the presidential primary election by Friday, July 3, 2020.

Additional instructions regarding the administration of in-person voting, Election Night Reporting on June 2, 2020, and official canvass is forthcoming.

PART V – CAMPAIGN FINANCE DEADLINES

The upcoming campaign finance deadline other-wise known as the post-primary³ deadline is adjusted according to the Tuesday, June 2, 2020 presidential primary election. Therefore, the post-primary campaign finance deadline is Friday, July 10, 2020.

If the board has any questions regarding this Directive, please contact the Secretary of State’s elections counsel at (614) 728-8789.

Yours in service,



Frank LaRose
Ohio Secretary of State

³ R.C. 3517.10(A)(2).

EXHIBIT D

[Skip to Content](#) [Skip to Navigation](#)



(/)

- [Home \(/\)](#) [Secretary LaRose & the Office \(/secretary-office/\)](/secretary-office/) [Elections & Voting \(/elections/\)](/elections-voting/)
- [Campaign Finance \(/campaign-finance/\)](/campaign-finance/) [Legislation & Ballot Issues \(/legislation-and-ballot-issues/\)](/legislation-and-ballot-issues/)
- [Businesses \(/businesses/\)](/businesses/) [Notary \(/notary/\)](/notary/) [Records \(/records/\)](/records/) [Publications \(/publications/\)](/publications/)
- [Media \(/media-center/\)](/media-center/)

[Home \(/\)](#) / [Media Center \(/media-center/\)](/media-center/) / [Press Releases \(/media-center/press-releases/\)](/media-center/press-releases/)
 / [2020 \(/media-center/press-releases/2020/\)](/media-center/press-releases/2020/)

MEDIA CENTER



3/16/2020

[MEDIA CONTACT](#)

BASED ON NEW PUBLIC HEALTH GUIDANCE, LAROSE RECOMMENDS SUSPENSION OF IN-PERSON VOTING ON MARCH 17, MOVING ELECTION DAY TO JUNE 2

COLUMBUS – Thanks to the leadership of Governor Mike DeWine and Dr. Amy Acton of the Ohio Department of Health (ODH), Ohio has led the nation in responding to the coronavirus crisis. Following their lead, Secretary LaRose has utilized their

expert counsel and advice to execute every available option at his disposal to run a safe, secure, fair and healthy primary election. The county boards of elections and thousands of patriotic poll workers have worked tirelessly to prepare for election day and should be commended for their incredible dedication to civic duty.

Keeping Ohioans safe and voting accessible. Through March 15, guidance from the ODH indicated it would be safe to vote on election day. However, new information has led ODH to recommend Ohioans who are 65 and older to self-quarantine in their homes, making it challenging for these individuals to vote on March 17. In response, we expect a lawsuit that postpones the March 17 election and shifts it to a new day. Because the authority to shift election day does not reside with the Ohio Secretary of State, this change must be enacted by either a legal order or an act of the state legislature.

If ordered by the court, Secretary LaRose is prepared to implement an alternative to the March 17 election. The first presidential nominating convention is the Democratic National Convention beginning July 13. It's essential to have enough time for Ohio to hold an election, certify the results, and allocate our delegates prior to that convention. If a judge were to order the primary election should not be held on March 17, Secretary LaRose is prepared to recommend moving election day to June 2. More details will be forthcoming.

All votes already submitted will count. It's important that voters who have already submitted their vote by mail or in-person know that their vote will be counted.

OUTCOME: These are certainly unprecedented times, and Secretary LaRose has implemented the guidance of the Ohio Department of Health every step of the way. As this situation has evolved, we are once again following expert consultation in order to keep Ohioans safe. If ordered, by moving Ohio's election day we can ensure Ohio voters have every opportunity to have their voice heard and stay healthy in the process.

###

[Contact Our Office \(/secretary-office/contact-our-office/\)](/secretary-office/contact-our-office/)
[Office Publications \(/publications/\)](/publications/) [Privacy \(/privacy/\)](/privacy/)

[\(/\)](#) [State of Ohio \(http://ohio.gov\)](http://ohio.gov)

(614) 466-2655 | (877) SOS-Ohio (877-767-6446)
TTY: (614) 466-0562 | TTY Toll-free: (877) 644-6889



[\(http://get.adobe.com/reader/\)](http://get.adobe.com/reader/)

[Secretary LaRose & the Office \(/secretary-office/\)](/secretary-office/) [Elections & Voting \(/elections/\)](/elections/)

[Campaign Finance \(/campaign-finance/\)](/campaign-finance/)

[Legislation & Ballot Issues \(/legislation-and-ballot-issues/\)](/legislation-and-ballot-issues/) [Businesses \(/businesses/\)](/businesses/)

[Notary \(/notary/\)](/notary/) [Records \(/records/\)](/records/) [Media \(/media-center/\)](/media-center/) [Accessibility \(/accessibility/\)](/accessibility/)