



Frank LaRose

Ohio Secretary of State

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Dear Colleagues:

I would like nothing more than to move beyond these letters about the impact of redistricting litigation on Ohio's elections, but here we are again. This time, I'm obligated, as you deliberate on next steps, to correct some misinformation conveyed by the Ohio Supreme Court's majority opinion last week in *League of Women Voters of Ohio v. Ohio Redistricting Comm.* That opinion states:

"It is unclear as to why August 2, 2022, is the last available date for a primary election in Ohio. We note that several states will have primary elections on August 16, 2022, or later, including four states that will have their primary elections in September. Thus, on the record before us, **the so-called April 20 'deadline' for implementing a General Assembly–district plan appears to be an artificial deadline** that is based on a speculative, potential primary-election date for state legislative races."

Let me be clear: there's nothing artificial about the timelines provided by my office to the court. As you will see, our guidance is based on the law and simple math, not, as one dissenting justice put it, "the latest manifestation of the majority's shifting whims." In fact, I echo the statement made yesterday by the bipartisan Ohio Association of Elections Officials: "Ohio has unique and important deadlines that will be negatively impacted if the election date is set any earlier or any later than August 2nd."

Here's why: By law, Ohio carefully administers each election on a 90-day calendar, including approximately 60 days to prepare for the election and 30 days to conclude it. The preparation process covers everything from overseas military voting to the complex work of programming final voter registration data and ballots, proofing ballots, testing voting systems, managing the early voting process, and testing the tabulation and reporting of election results for security and accuracy. The post-election timeline includes the canvass and certification requirements clearly spelled out in the law, which is

followed by a thorough audit to reconcile the electronic tabulation with the hand-counted hard copy paper ballots. Post-election audits are conducted by sworn election officials from both parties and transparently observable by the general public. These steps are crucial to maintaining election integrity and voter confidence. For many years they've been carefully executed by bipartisan elections officials, as well as Republican and Democratic Secretaries of State, including by a current associate justice, who as a former Secretary of State should know better. As I've said many times in recent months, you can't just flip on the lights in a high school gymnasium and hold an election. It takes months of diligent preparation, and the fact that many people don't understand that is a testament to the incredible work of our bipartisan elections officials who make this stuff look easy – it's not.

With all of that said, let's do the math. If you apply the 90-day calendar established in state law to the available dates between May 3 (the statutorily scheduled statewide primary election) and November 8 (the general election), it takes us to – you guessed it – August 2. In fact, that's why that date is already set in state law as an option for the 88 county boards of elections to conduct special elections. Many boards have polling locations and poll workers on standby for that date, so it's a natural option. Nothing artificial about it.

So why can't we have a primary election later than August 2? The simplest answer is that any date beyond that point overlaps the 90-day statutory timeline for the November 8 general election. You can't begin to prepare the general election ballot when the outcome of the primary election has not yet been certified. For example, the court asks, why can't we be like Alaska and vote on August 16? Yes, Alaska! Well, for one, Alaska doesn't use the same election calendar as Ohio. In fact, they don't even use the same voting process. Alaska conducts its primary elections by rank-choice voting, meaning candidates from both major political parties appear on the same ballot together, with the top four vote-getters advancing to the general election. Ok, fine, then maybe we could be like Massachusetts and vote on September 6 (the day after Memorial Day). By this date and later, the simple math is obvious. Ohio's overseas military ballots for the November 8 general election must be mailed by September 23, yet the official canvass for a September 6 primary election wouldn't be done until September 27. So general election ballots would need to go out five days before primary candidates are even certified.

Again, our election dates aren't "artificial." They're carefully planned and meticulously executed. Yet, despite having the first-hand knowledge of a former chief elections officer on its bench, the court's majority flagrantly ignores the key requirements of election administration literally spelled out in the very state law they're sworn to interpret and uphold. Sadly, it's not the first time – nor perhaps the last – they'll make "suggestions" that conflict with the plain text of the law.

As always, please consider me and my office a resource as we work together to give Ohioans confidence in secure, accurate, and accessible elections.

Yours in service,



Frank LaRose
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