

# Ohio lawmakers sets all-mail primary election through April 28; legal challenge still possible

Updated Mar 25, 5:36 PM; Posted Mar 25, 1:31 PM

Ohio lawmakers approved a Wednesday plan setting up an all-mail primary election that would wrap up on April 28. (Marvin Fong, Plain Dealer file photo)Marvin Fong, Plain Dealer file

0  
shares

By [Andrew J. Tobias, cleveland.com](#)

COLUMBUS, Ohio -- Ohio lawmakers on Wednesday approved a plan for an all-mail primary election running through April 28, the state legislature's fix to wrap things up after the original March 17 Election Day was canceled due to the coronavirus pandemic.

The bipartisan plan, approved unanimously by the House and Senate, would send postcards to every Ohioan with instructions on how to apply for an absentee ballot. Anyone who hasn't cast an early ballot already would have to print off a paper application, or call their county elections and request one be mailed to them, and mail it in. Elections officials then would mail an empty ballot with a postage-paid envelope. Voters would have until April 27 to mail it back or drop it off at a curbside county ballot box, and votes would be counted on April 28.

The plan now heads to Gov. Mike DeWine, who is expected to sign it.

The legislature's plan likely would make moot a lawsuit filed by the Ohio Democratic Party in the Ohio Supreme Court. But it might not be the last legal word on the issue.

A coalition of voter-rights groups said the legislature's plan is unacceptable, saying it would disenfranchise wide swaths of voters. As the Senate was voting Wednesday, they suggested they might sue if the plan isn't changed.

"There are very important rights ... and principles that have been violated and we will explore and pursue options to address them," said Freda Levenson, legal director for the ACLU of Ohio.

Legislators largely rejected [a plan backed by Secretary of State Frank LaRose and DeWine](#) that called for a June 2 election date, sending postage-paid absentee ballot applications to Ohioans who hadn't already voted early, and then sending postage-paid ballots to all eligible voters who requests one.

LaRose's plan would have allowed for an in-person, June 2 vote, giving him until late April to possibly call it off if public-health conditions don't improve.

In a statement LaRose said he was "disappointed" in the legislature's decision to cut the election calendar.

Unlike the legislature's plan, LaRose said his and the governor's proposal "would have concluded the election by putting a ballot request directly in the hands of every voter along with a postage-paid return envelope. Though I advocated for a different plan, the legislature has spoken, and I will uphold my oath of office by doing everything in my power over the next 34 days to ensure that every Ohio voter has the opportunity to safely make their voice heard."

In a letter to legislative leaders on Wednesday, leaders of the Ohio Association of Elections Officials, which represents county boards of election, said an April 28 date doesn't give them enough time to turn around an all-mail election. They said a mid-May date may be more realistic.

"Local election officials share no desire to drag out the election one day further than necessary," the letter said. "But in reviewing the requirements of the bill, especially noting its (well-conceived) reliance on mail, there are simply too many steps in the process to allow ample time for voters to receive and vote their ballots in the timeframes allotted."

But state lawmakers said they did the best they could under the extraordinary circumstances. An April 28 date allows for votes to be counted in time under delegate-seating rules for the Republican and Democratic presidential primaries, they said.

"We know there was some confusion, and we really want people to understand that we want to protect voter rights," said state Rep. Stephanie Howse, a Cleveland Democrat. "We want you to participate in this process, and we hope by putting these measures in place, we really are protecting our families."

"Give the circumstances, I think this is the fairest, most equitable solution" said state Rep. Dave Greenspan, a Westlake Republican.

During a news conference held by the voter-rights groups, Jen Miller, executive director of the League of Women Voters of Ohio, blasted state lawmakers' plan, saying she preferred the one advanced by LaRose.

"He's trying to figure out how to balance the challenges of this pandemic and make sure people are participating and it's unfortunate the legislature isn't supporting him in making the election actually work for voters," she said.

Among the voter-rights groups' concerns:

- Instead of providing absentee ballot applications, it would require voters to print them off and pay for postage. This means only those with access to printers and stamps will be able to vote, they said. It's possible to request a ballot to be mailed to you, but that still would require a voter to come up with an envelope and return postage.

- The April 28 date is too soon for the state to effectively turn around an all-mail election. They said at least a mid-May date is the minimum amount of time needed to organize an election, and educate voters on how it will work.

- It doesn't allow Ohioans to register to vote or update their registrations 30 days before the proposed election date, a requirement under federal law they said still applies under the current conditions.

"The exact wrong answer is to do a chintzy, half-baked, rushed vote-by-mail process, because it means people are not going to be able to participate. And that's just wrong," Miller said.

State officials have been trying to figure out how to finish the election after the DeWine administration [effectively postponed it through the public-health order issued](#) hours before polls were to have opened. They say it was necessary for safety reasons, and to make sure voters weren't forced to choose between their health and their right to vote. LaRose administratively set the election's conclusion for June 2, setting off a flurry of lawsuits that contended he didn't have legal authority to change the election date. The elections plan [was passed as part of an omnibus coronavirus response bill](#) that also waived state standardized-testing requirements for this year's K-12 students, prohibits water-shut offs, expands unemployment insurance eligibility, extends the state's April 15 tax deadline and authorizes DeWine to dip into the state's rainy-day fund as he sees fit.



Please help the Ohio Voter Rights Coalition share information about the conclusion of Ohio's primary election. We want to make sure Ohio voters who have not yet cast a ballot are able to do so!

A bill passed yesterday will extend vote-by-mail until April 28th. Here are a few of the election-related details of [Amended Substitute House Bill 197](#).

- **Absentee voting will be extended to April 28.**
- Voters can request vote-by-mail ballots until **4/25** (but we suggest you request TODAY!)
- Absentee ballots must be postmarked no later than **4/27**, or they can be dropped off at vote centers by **4/28**.
- The Secretary of State's office will mail voters a **postcard** with information about how to request a vote-by-mail application. However, they will not be mailing out postage-paid vote-by-mail applications.
- There will be limited in-person voting, but only for those with disabilities and for some without access to the postal service like the homeless.

We are predicting that it will be difficult if not impossible for many votes to request, receive, vote and return their ballots in time for them to be counted. It's really not an acceptable outcome, and not a good precedent for future elections.

While some groups may take the fight to court, **now is the time for us to get information to voters about the urgency of applying to vote-by-mail.**

Please join us in our efforts to spread the word about how to get a vote-by-mail application. Make sure family and friends know that the primary is vote-by-mail and if they didn't vote already they need to request a ballot as soon as possible.

Here's the information we need to share:

- Voters can obtain vote-by-mail applications by [calling their local board of elections](#), or by **printing out an application** from the SOS website at [voteohio.gov](http://voteohio.gov).
- Voters should **ACT NOW** to make sure they receive their ballot in time.