

To: Secretary of State Frank LaRose

Aug. 3, 2020

In the upcoming 2020 Presidential elections, millions of Ohioans will choose or need to cast their votes in person, utilizing either the "early vote" or election day option. Since new research suggests that the majority of people who infect others are asymptomatic or "pre-symptomatic", election officials must increase the steps taken to ensure that poll workers and in-person voters are amply protected from infection by apparently healthy voters.

In addition, data from the Kaiser Family Foundation tells us that 40% of Ohio voters, or two out of every five, have medical conditions that may lead to the most severe COVID-19 complications. Those in the most vulnerable groups -- adults with underlying medical conditions, especially seniors, African Americans and Latinx --if infected, are more likely to be hospitalized, to require intensive care, and even to die. Events such as elections, where large numbers of people gather in close proximity indoors are potentially and particularly dangerous for these vulnerable groups.

Voters who choose to cast their votes in-person should not have to choose between staying healthy and exercising their right to vote. Prospective poll workers also need strong assurance that their health will be protected before they sign up. Therefore, we urge Secretary LaRose to add several science-based protective measures, to complement the ones already put in place by the Secretary in Directive 2020-11.

For instance, the Ohio Department of Health (ODH) previously ordered that counties at high risk for COVID-19 infection must institute mask wearing and social distancing in "public spaces." That order did not make exceptions for voting spaces converted to public use during the election process. Since levels of infection change from day-to-day and election officials need to plan months in advance, a similar order for polling places during the 2020 General Election is reasonable.

In order to greatly improve the safety of in-person voting for the 2020 General Election, we ask the Secretary of State and ODH to direct all Boards of Election as follows:

1. All voters waiting inside or outside of the polling location must observe rules regarding 6-foot distancing.
2. Polling locations should be required to post signage encouraging those who have any of the underlying conditions (defined by ODH) to ask for "special protection." That protection should include being offered voting outside as well as being given preference in voting order to reduce their indoor exposure time.
3. All poll workers and voters must wear face masks or face shields when inside polling locations. Additionally, disposable masks should be made available to all voters who do not bring their own to the polls. Voters who decline to wear a mask, or who cannot wear one for health reasons, or who request voting outside the polling location should be escorted to an out-door or separate, isolated area of the voting location, and be allowed to complete their voting process there. In this regard, Ohio's existing rules on assisting voting in cars for those with disabilities could be extended and streamlined to "drive through" arrangements.
4. Voters should be required to wash hands or use hand-sanitizer when entering and when leaving the polling location.
5. Plastic barriers must be erected at any poll worker station where more than 1-minute interactions between poll workers and voters are expected.

6. Indoor polling places must be well ventilated or well-filtered if supplied by recirculating air.

This year, most voters will probably choose to vote by mail. Given the current surging rates of COVID-19 infection, that is undoubtedly the safest choice. For that reason, voting by mail should be strongly, publicly and constantly recommended and encouraged by every means and through every outlet available.

The next safest choice is to take advantage of early voting. Polling places open on early voting dates before November 3rd, can be expected to experience lower voter traffic than on election day itself, particularly if votes are cast at "slow times" on those dates. For those choosing to or needing to vote in person, this second option should be encouraged just as strongly as voting by mail, since potential exposure to the virus is diminished by shorter waiting times.

Hopefully, these modest suggestions will assist the Secretary's efforts to craft the most effective means of keeping Ohio voters safe, as he attempts to limit the risk of exposure to COVID-19, while facilitating the exercise of one of our nation's most sacred rights during this critical time in our history.