

Congress of the United States
Washington, DC 20515

September 8, 2020

The Honorable Frank LaRose
Secretary Of State
22 North Fourth Street, 16th Floor
Columbus, Ohio 43215

Dear Secretary of State LaRose,

On behalf of the millions of Ohioans who wish to exercise their right to vote in a healthy and fair manner, we strongly urge you to use your existing authority to provide prepaid return postage on ballots and ballot applications. We also urge you to communicate with the Postal Service to ensure ballots that originate in Ohio are delivered on time, with visible postmarks, and do not succumb to delays and cost cutting measures in our region which could endanger timely delivery of vote by mail ballots.

The right to choose our elected leaders is an essential and unyielding feature of our democracy. As a global pandemic swept our country in 1918 and the British burned our nation's capital in the War of 1812, our leaders found ways to hold elections and guarantee Americans the right to vote, using the resources they had available.¹ In the midst of the Civil War, President Lincoln allowed soldiers to vote absentee, free of charge, providing critical support for the successful abolition of slavery.² As we approach the election in the midst of another pandemic, we remain resolute in promoting full participation in our electoral process. It has become clear that many Ohioans, particularly senior citizens and people who are immunocompromised, will rely upon vote by mail in order to cast their ballots. During these difficult times, it is critical that all Americans are able to exercise their right to vote by mail, free of charge.

In March, you were quoted as saying, “a plan that does not afford every Ohioan an opportunity to vote free of charge would be unconstitutional.”³ We agree. In an election where many citizens' only practical option is to vote by mail, forcing Ohioans to pay postage in order to exercise this right is akin to a modern day poll tax.⁴ Nothing in the Ohio code prohibits you from prepaying return postage on both ballot application forms and ballots themselves.⁵ Furthermore, Congress provided Ohio with more than \$12 million dollars in the CARES Act in order to help cover the cost of initiatives like prepaid postage.⁶ The House of Representatives also recently approved the HEROES Act which would provide over \$116 million in funding to Ohio for election assistance, if passed by the Senate.

¹ <https://slate.com/news-and-politics/2020/03/spanish-flu-it-2020-election-during-coronavirus.html>

² <https://www.military.com/military-life/how-absentee-voting-us-troops-won-civil-war-and-ended-slavery.html>

³ <https://www.cleveland.com/open/2020/03/ohio-secretary-of-state-frank-larose-proposes-pre-paid-statewide-mail-vote-for-delayed-primary.html>

⁴ See Harper v. Virginia State Board of Elections, 383 U.S. 663 (1966) holding that “a state violates the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution whenever it makes the affluence of the voter or payment of any fee an electoral standard. Voter qualifications have no relation to wealth.”

⁵ <http://innovationohio.org/wp-content/uploads/2020/07/LaRose-Report.pdf>

⁶ https://www.eac.gov/sites/default/files/paymentgrants/cares/Funding_Chart_CARES.pdf

We support your request to use business funds to prepay postage on absentee ballots, but given the time lag in approval from the controlling board, we urge you to allocate existing funds that do not require controlling board approval.

In addition to providing paid postage on ballots and ballot requests, there are other steps we urge you to take to facilitate quick delivery of mail-in ballots. These steps cost nothing and are also clearly within your authority. First, we ask that you act now to allow boards of election to clearly identify to voters deadlines for ballot requests to voters and send absentee ballots immediately upon receipt of requests.⁷

Second, we urge you to communicate directly with USPS to ensure they take every possible step to expedite and facilitate ballot pickup and delivery.⁸ In particular, we ask you to work with the postal service to ensure that each ballot is postmarked,⁹ processed under first class standards,¹⁰ and specifically identified when they arrive in sorting facilities.¹¹ In addition, we ask you to insist that intelligent mail barcodes be used for all Election Mail,¹² high volume processing facilities that were recently taken offline be restored,¹³ and that USPS utilize overtime at peak processing times.¹⁴

Finally, we encourage you to request that Attorney General Yost join the 21 other states attorneys general in litigation against the Postal Service's planned service cuts.¹⁵ Attacks on the postal service are attacks on voting and jeopardize the integrity of our democracy.

As Secretary of State, you have an opportunity to lead by example, and you have at your disposal tools to eliminate barriers to voting in this difficult and trying time. Thank you for your prompt attention to our requests and we look forward to your reply.

Sincerely,



Marcy Kaptur
Member of Congress



Sherrod Brown
United States Senator

⁷ <https://www.eac.gov/election-officials/voting-by-mail-absentee-voting>, Election Education and Outreach for Increased Absentee or Mail Voting

⁸ <https://www.ohiosos.gov/media-center/press-releases/2020/2020-04-24/>

⁹ <https://www.cnn.com/2020/08/11/politics/postmarks-mail-in-ballots/index.html>

¹⁰ <https://about.usps.com/newsroom/national-releases/2020/0529-usps-provides-recommendations-for-successful-2020-election-mail-season.htm>

¹¹ https://about.usps.com/postal-bulletin/2020/pb22539/html/cover_005.htm

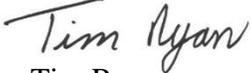
¹² <https://about.usps.com/newsroom/national-releases/2020/0529-usps-provides-recommendations-for-successful-2020-election-mail-season.htm>

¹³ <https://www.brennancenter.org/our-work/research-reports/estimated-costs-covid-19-election-resiliency-measures;>
<https://www.cincinnati.com/story/news/politics/2020/08/18/election-2020-mail-backing-up-amid-postal-service-funding-battle-fears-grow-over-absentee-voting-nov/3384320001/>

¹⁴ <https://www.theatlantic.com/politics/archive/2020/08/how-postal-service-preparing-election/615271/>

¹⁵ https://www.washingtonpost.com/politics/at-least-20-states-plan-to-sue-the-us-postal-service-over-service-delays-threat-to-election/2020/08/18/c6ca2dc6-e166-11ea-b69b-64f7b0477ed4_story.html


Marcia L. Fudge
Member of Congress


Tim Ryan
Member of Congress


Joyce Beatty
Member of Congress