



MEMORANDUM 2020-02

To: Boards of Elections

CC: Ohio Department of Health
County, Municipal, and District Health Departments
Hospitals
Nursing Homes
Residential Medical Facilities

From: Frank LaRose, Secretary of State

Date: March 14, 2020

Re: Procedures for Assisting Voters Confined to a Medical Care Facility

This Memorandum outlines how all boards should assist voters confined to a medical facility during the statewide restrictions Governor DeWine and Director of the Ohio Department of Health (“ODH”) Dr. Amy Acton have put in place to stem the spread of Coronavirus/COVID-19.

Several boards of elections reported that nursing homes, hospitals, and similar facilities prohibited board of elections employees from entering the facility to have the residents vote. While resident and patient safety is paramount, such facilities must not prevent their residents and patients from voting. At the direction of ODH Director Dr. Acton and in consultation with Governor DeWine the following recommendations were developed to either direct how the boards should enter the facility, or how the facility should accommodate the voters:

1. Explain the situation to the facility management that even in the midst of a public health crisis, residents/patients have a constitutional right to vote that cannot be denied and try to proceed under normal operations. Often a simple phone call can avoid escalation.
2. Boards should consider consolidating trips to these facilities in order to minimize exposure. When there are multiple facilities in the county, boards should use multiple teams to reach these voters expeditiously.
3. In circumstances where board of elections staff will be entering the facility, per ODH guidance to protect the vulnerable population therein, all persons should observe sanitary protocols and wear appropriate personal protection equipment,¹ such as masks and gloves. Board of elections staff members should consult with health professionals on how and when to do this.

¹ See <https://www.cdc.gov/HAI/pdfs/ppe/ppposter148.pdf>

4. If the facility refuses admittance and voters can complete the ballot without assistance, boards of elections may drop off the requested absentee ballots and arrange a time to pick the ballots up. Board of elections employees should consult with the facility and health care professionals prior to the boards of elections department to be as efficient as possible in returning the ballots to the board of elections.
5. If voters in the facility do need assistance marking the ballot, and board of elections staff are denied entry, then ask the facility's management to identify its employees who will become Special Precinct Election Officials to vote the facility's residents. The facility should compile this list of interested persons and return it to the board.
6. Boards should ensure registration status and party affiliation of facility's listed employees. Boards should use this information to create the teams and verify with the facility that these individuals are permitted to serve this function on Election Day.
7. Once individuals are selected, the board of elections should immediately provide a training for these special precinct election officials. The training may be limited to absentee voting and omit provisions relevant to voting in a polling location on Election Day.
8. After the individuals have completed the training, the board of elections must have those individuals swear and sign the oath prescribed by R.C. 3501.31.
9. The Special Precinct Election Officials may assist residents of their facility in marking their ballots in the same manner as two election officials from the board. The board must transport absentee ballots to and from the facility. This means the board of elections staff may need to wait on site until the completed ballot is returned to them.

If you encounter any facility that is unwilling to accommodate either of these solutions to ensuring that eligible, but confined, voters cast their ballots as prescribed, immediately notify your county prosecutor.

Thank you for your assistance in this matter, and for your service to the residents of your county. If you have any questions regarding this Memorandum, please call our Elections Division at (614) 466-2585.