

DIRECTIVE 2024-24

September 17, 2024

To: All County Boards of Elections
Board Members, Directors, and Deputy Directors

Re: Administration, Implementation and Enforcement of R.C. 3599.21

SUMMARY

This directive informs county boards of elections (the “BOEs”) of the recent Memorandum Opinion and Order of the United States District Court for the Northern District of Ohio (the “court”) in *League of Women Voters of Ohio, et al. v. LaRose, et al.* (the “Order”).¹ The court’s Order is limited in scope but impacts administration, implementation and enforcement of Ohio’s prohibition on ballot harvesting. Specifically, the State, its agents, and its employees have been enjoined from enforcing R.C. 3599.21(A)(9) or R.C. 3599.21(A)(10) against any disabled voter or against any individual who assists any disabled voter with the return of the disabled voter’s absentee ballot.

BACKGROUND

Through this litigation, the League of Women Voters and an individual plaintiff challenged certain provisions of House Bill 458, adopted by the General Assembly and signed into law by the governor in 2023. Specifically, the plaintiffs challenged statutory provisions which limit the type of persons legally eligible to assist a voter with the return of an absentee ballot to either a qualified relative or a mail carrier.² The court determined that this restriction violates Section 208 of the federal Voting Rights Act, which allows a disabled voter to be assisted by “a person of the voter’s choice.”³

¹ *League of Women Voters, et al. v. LaRose, et al.*, 1:23-cv-02414 (N.D. Ohio) Memorandum Opinion and Order.

² See R.C. 3599.21(A)(9).

³ See 52 U.S.C. §10508.

To be clear, the court's Order is narrow and is limited in scope to disabled voters who wish to utilize someone other than a relative as defined by R.C. 3509.05 to assist them with the return of an absentee ballot. Specifically, the court enjoined the State and any of its agents or employees from administering, implementing, or enforcing of R.C. 3599.21(A)(9) and R.C. 3599.21(A)(10) "against any disabled voter or against any individual who assists any disabled voter."⁴ Thus, a disabled voter may select any person to return their ballot, other than the voter's employer or agent of that employer or officer or agent of the voter's union. See 52 U.S.C. §10508.

INSTRUCTIONS

Each board of elections must share this directive with its legal counsel, the county prosecuting attorney.

Consistent with the court's Order, a BOE may not administer, implement, or enforce R.C. 3599.21(A)(9) and R.C. 3599.21(A)(10) "against any disabled voter or against any individual who assists any disabled voter." Rather, a disabled voter may select any person to return their ballot, other than the voter's employer or agent of that employer or officer or agent of the voter's union.

Please see [Directive 2024-21](#) regarding procedures for the return of an absent voter's ballot.

If you have any questions regarding this directive, please contact the Secretary of State's Elections Counsel at 614-728-8789.

Yours in service,



Frank LaRose
Ohio Secretary of State

⁴ See Opinion and Order at 38, 42.