



March 17, 2022

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Governor, State of Ohio
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Honorable Matt Huffman
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Ohio Statehouse
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Honorable Kenny Yuko
Minority Leader, Ohio Senate
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Members of the General Assembly
Columbus, Ohio

Dear Colleagues:

I regret to inform you that as a result of last night's decision by the Ohio Supreme Court, and barring the immediate action of a federal court, our 88 county boards of elections can no longer include contests for the state House and state Senate in the May 3, 2022 primary election. Let there be no doubt, however, that we will continue to prepare for a May 3 primary election that includes statewide, congressional and local contests, unless directed to do otherwise by the Ohio General Assembly or a court order.

The election effectively begins with the delivery of ballots to military and overseas voters. Due to the Court's order invalidating the third Ohio General Assembly district plan, it's no longer logistically possible to include district-specific legislative races on the ballots without federal court intervention allowing the boards to proceed as scheduled.

After mounting a monumental effort over the last few weeks, our bipartisan elections officials were ready to conduct this election on time, as I directed. However, those boards are now left once again without clear districts to certify legislative candidates, and they're simply out of time to complete the required work that must be done to reprogram election systems with new district data. **The Court's majority opinion effectively causes the primary election for these contests "to be conducted other than in the time, place, and manner prescribed by the Revised Code."** (ORC Section 3501.40)

I remind the General Assembly that a cascading series of delays beyond our control have brought us to this point. The process of redrawing Ohio's political districts requires the use of U.S. Census data to determine population shifts over the past decade. The Biden administration failed to deliver that data to the Ohio Redistricting Commission by the required April 2021 deadline. I believe this delay was intentional. After Ohio Attorney General Dave Yost sued the federal government to get the data, it finally arrived by mid-August – nearly five months late and just days before the Commission's constitutional deadline for new district maps (September 1). The Redistricting Commission moved quickly to adopt a new state House and Senate district plan, giving final approval on September 16, 2021. Opponents then filed lawsuits against the plan just days later, and the Ohio Supreme Court has so far taken six months in total to consider that litigation, including nearly four months to issue its first ruling and then additional weeks of deliberation each time the Commission has attempted to comply with the Court's ever-changing orders.

Additionally, my office is currently involved in or monitoring no less than *nine* local, state or federal lawsuits seeking in some way to cause chaos and confusion for voters and to postpone the primary election. As I've often stated in recent weeks, I believe the motive is entirely political, and the strategy is being bankrolled by out of state special interests ultimately seeking court-ordered gerrymandering for partisan advantage. Nevertheless, our team at the Secretary of State's Office and our bipartisan colleagues at the boards of elections have been working tirelessly to overcome these unprecedented obstacles, even as some in the General Assembly opposed efforts to accommodate military voters and attempted to block our local elections officials from receiving critical funding needed to get this job done. Regardless, we've never let up in the effort to make a *complete* May 3 primary election a success, and I'm confident we're prepared to do that.

I look forward to working closely with the General Assembly as we chart a course forward to give Ohioans the honest and accessible election they deserve. Please consider me and my office a resource as you make some very important decisions in the days ahead.

Yours in service,



Frank LaRose
Ohio Secretary of State