

Resolution No. 685-2020

By Council Member: Kelley, Bishop, Brancatelli, Cleveland, Conwell, Griffin, Hairston, Johnson, B. Jones, J. Jones, Kazy, McCormack, Mooney, Polensek, Santana, Slife and Zone

An emergency resolution urging Secretary LaRose to immediately reverse his premature and unwarranted order banning off-site secure drop boxes for absentee ballots; and urging the City of Cleveland Law Department to explore whether a legal action to vindicate voting rights could be brought pursuant to the federal Voting Rights Act, the Help America Vote Act, the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, and the Ohio Constitution and relevant statutes, guaranteeing all citizens their precious right to vote.

WHEREAS, this November, the City of Cleveland, along with the rest of the country, will be participating in a presidential election; and

WHEREAS, in previous elections, densely populated urban areas, including Cleveland, have been plagued by excessively long waiting times to cast a vote; and

WHEREAS, cities like Cleveland have repeatedly been targets of voter suppression, through tactics such as purges of the voter rolls, elimination of polling places, and restrictions of voting by mail; and

WHEREAS, the coronavirus pandemic has added another layer of difficulty to the voting process, which requires our electoral system to adapt to these changing circumstances; and

WHEREAS, one of the methods which can facilitate the electoral process in large urban areas is the deployment of secure drop boxes for absentee ballots at off-site locations; and

WHEREAS, on July 28, 2020, Mayor Jackson, on behalf of the City of Cleveland, formally requested that Ohio Secretary of State Frank LaRose allow for the deployment of these drop boxes; and

WHEREAS, although nothing in the Ohio Revised Code prevents the implementation of this common-sense approach, Secretary LaRose requested a legal opinion from the Ohio Attorney General regarding an interpretation of Amended Substitute House Bill 197, Section 32 (E)(1), which references secure drop boxes without stating any limitations on them; and

WHEREAS, Secretary LaRose then withdrew his request for a legal opinion from the Attorney General prior to receiving it, and issued an order forbidding all eighty-eight

County Boards of Elections, including Cuyahoga County, from installing these drop boxes; and

WHEREAS, Secretary LaRose's order creates an unjust situation where the City of Cleveland, with a population of over 380,000, has the same number of drop boxes—one—as places in Ohio such as all of Vinton County, with a population of less than 14,000; and

WHEREAS, Secretary LaRose's order creates a disparate situation for voters in Ohio, which unfairly burdens voters in communities such as Cleveland, thereby violating the spirit of the Voting Rights Act, the Help America Vote Act of 2002, the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution, and the Ohio Constitution and relevant statutes; and

WHEREAS, there is still ample time to implement the deployment of these drop boxes in time for this November's election, which could help our citizens exercise their sacred right to cast their votes safely and efficiently; and

WHEREAS, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council urges that Secretary LaRose immediately reverse his premature and unwarranted order banning off-site secure drop boxes for absentee ballots.

Section 2. That this body urges the City of Cleveland Law Department to explore whether a legal action to vindicate the aforementioned voting rights could be brought pursuant to the federal Voting Rights Act, the Help America Vote Act, the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, and the Ohio Constitution and relevant statutes, guaranteeing all citizens their precious right to vote.

Section 3. That the Clerk of Council is directed to send a copy of this resolution to the City Councils of the other major urban centers of Ohio, who along with the City of Cleveland, have faced repeated and relentless attempts to suppress our right to vote for our representatives.

Section 4. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.