

RESOLUTION NO. 2020-57

Bullock, Litten, Neff, O'Malley,
Rader, Shachner
BY:

A RESOLUTION to take effect immediately provided it receives the vote of at least two thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, urging Secretary LaRose to immediately reverse his order banning off-site secure drop boxes for absentee ballots; and urging the City of Lakewood 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 Lakewood, along with the rest of the country, will be participating in a presidential election; and

WHEREAS, in previous elections, densely populated cities such as Lakewood have been plagued by excessively long waiting times to cast a vote; and

WHEREAS, cities like Lakewood 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, transportation to and from the drop box at the Cuyahoga Board of Elections several miles away, or depending on a close family member (O.R.C. 3509.05) to deliver completed ballots poses an undue burden on many Lakewood voters, particularly seniors, persons with disabilities, and those without personal transportation; and

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

WHEREAS, On Tuesday, September 15th Franklin County Common Pleas Judge Richard Frye ruled that, "No statute says that delivery must occur with only one box per county. No statute says that delivery would be improper to a drop box controlled by a board and placed at a safe location separate and apart from the main board office. The statute is silent on such matters. The Secretary cannot slip new words into the law," and that Secretary LaRose's order blocking this common sense approach is, "arbitrary and unreasonable."

WHEREAS, In Judge Frye's opinion, he noted LaRose stated in a related federal case he would support additional drop boxes if they were legal, and abide by a court ruling in favor of them, and Secretary LaRose has now received such a legal opinion.

WHEREAS, Secretary LaRose's order creates an unjust situation where Cuyahoga County, with a population of over 1.2 million has the same number of drop boxes (one) as 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 Lakewood 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, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this resolution is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in that the State of Ohio is under an order of a state of emergency from the Governor and it is imperative to provide assistance to Lakewood's small businesses to help them continue their operations under the orders of the Governor and the Ohio Director of Health and to maintain public safety while doing so; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

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 Lakewood 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, Cuyahoga County Council, Secretary LaRose, and Lakewood's state legislators.

Section 4. It is found and determined that all formal actions of this council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

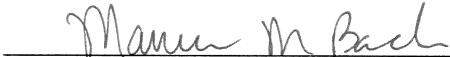
Section 5. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City

and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this Resolution, and provided it receives the affirmative vote of at least two thirds of the members of Council this Resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

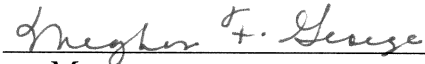
Adopted: 9/21/2020



President of Council


Clerk of Council

Approved: 9/28/2020


Mayor