Statehouse Update

March 20, 2020

Monday, March 16, 2020
State Orders Polling Locations Closed, Ending Tuesday Primary Election

State officials took the extraordinary step late Monday night of prohibiting Ohio polling locations from opening on Tuesday morning, saying that holding an election in the short term would put the lives of thousands of residents at risk.

Acting at the direction of Gov. Mike DeWine, State Health Director Amy Acton signed an order that closed all in-person polling places due to a health emergency tied to the spread of the novel coronavirus, or COVID-19.

"During this time when we face an unprecedented public health crisis, to conduct an election tomorrow would force poll workers and voters to place themselves at an unacceptable health risk of contracting coronavirus," the governor said in a statement. "As such, Health Director Dr. Amy Acton will order the polls closed as a health emergency. While the polls will be closed tomorrow, Secretary of State Frank LaRose will seek a remedy through the courts to extend voting options so that every voter who wants to vote will be granted that opportunity."

The action was announced shortly after 10 pm, hours before polls were set to open at 6:30 am.

Secretary LaRose also followed with a directive setting the primary for June 2.

Earlier Monday, the governor and secretary of state recommended a delay that would have set the election for June 2. But a request for a temporary restraining order was denied by Franklin County Common Pleas Court Judge Richard Frye.

Ohio residents filed the complaint against the state as part of the effort. Gov. DeWine said earlier Monday this was a necessary step because neither he nor Mr. LaRose had the authority to delay the election. Secretary LaRose said he advised Attorney General Dave Yost not to contest the suit.

Plaintiffs argued that voters and pollworkers would be risking their lives amid the spread of a deadly virus if the election went forward. That risk, they argued, violated voters' constitutional right to cast their ballots.

Judge Frye rejected the proposed delay, saying he was "very reluctant to undermine" Ohio law that set March 17 as the election day. He said taking such an action would set a "terrible precedent" for future elections.

Prior to the issuance of the order closing polling places, the governor and secretary issued a joint statement.

"The only thing more important than a free and fair election is the health and safety of Ohioans. The Ohio Department of Health and the CDC have advised against anyone gathering in groups larger than 50 people, which will occur if the election goes forward," they said. "Additionally, Ohioans over 65 and those with certain health conditions have been advised to limit their nonessential contact with others, affecting their ability to vote or serve as poll workers. Logistically, under these extraordinary circumstances, it simply isn't possible to hold an election tomorrow that will be considered legitimate by Ohioans. They mustn't be forced to choose between their health and exercising their constitutional rights."

The governor and secretary unveiled their plan to delay the election at a Statehouse news conference earlier Monday.

Gov. DeWine said the decision was made to prevent elderly residents, pregnant women and people with compromised immune systems from having to decide whether to risk becoming infected with the virus in order to vote or serve as poll workers.

"We should not force them to make this choice – a choice between their health and their constitutional rights and their duties as American citizens," he said. "Further, we should not be in a situation where the votes of these individuals who are conflicted are suppressed."

The governor also announced the state was adding bowling alleys, gyms, movie theaters and other businesses to the growing list of locations that would be closed indefinitely in response to the pandemic.
Mr. LaRose said as of Monday afternoon, it had become clear that holding in-person voting on the scheduled election day would not be safe. He said it would not be fair to tell residents over the age of 65 to stay home to protect their health while encouraging others to vote.

"There is only one thing in my mind more important than a free and fair election and that is the health and safety of our fellow Ohioans," he said.

The recommendation for the delay came after the administration consulted with the leaders of the Ohio Democratic Party and the Ohio Republican Party.

"This tough recommendation was made in order to mitigate the spread of COVID-19 and to ensure the integrity and security of our election," Ohio GOP Chair Jane Timken said in a statement at the time. "We fully support this recommendation, while knowing how difficult this will be on our candidates and their campaigns. We will work with all parties to assist in disseminating information on the new primary date and the new voting rules associated with this change."

ODP Chair David Pepper said in an afternoon statement he deferred to the expertise of the governor and Department of Health Director Amy Acton. He said the party was considering its options on how to move forward.

"Extending an election is an unprecedented step, so we as a party are weighing alternatives on how to best do so – including the possibility to conduct the primary election entirely by vote-by-mail, as is done in several other states, with a deadline much earlier than June 2," he said. "This could better serve the interests of Ohio voters and the primary process that is already well underway, and we will consider offering those alternatives to the court once the case is filed."

Officials with the Ohio Association of Elected Officials said they will continue to work with the state to adapt to the changes and inform the public about them.

"Just like every Ohioan, election administrators have been adjusting to the ever-changing news out of Columbus. While we were prepared to run a successful election tomorrow, events beyond our control have dictated that this will not happen," OAEO President Michelle Wilcox said Monday afternoon.

"We are first and foremost concerned about the safety of our voters and election workers and will continue to follow the advice of the public health professionals," she continued.

**Governor Orders More Businesses Closed As COVID-19 Cases Hit 50**

Gyms, rec centers, movie theaters and bowling alleys were among the latest businesses to be closed in Ohio as the novel coronavirus continued to spread Monday.

Gov. Mike DeWine said during a Statehouse news conference that Health Director Dr. Amy Acton will order those facilities – plus indoor water parks and trampoline parks – closed after the end of business Monday.

Dr. Acton will also modify her previous order barring gatherings of 100 or more to reflect recent federal guidelines, reducing that number to 50. Federal officials are now asking Americans not to gather in groups of 10 or more.

That action was coupled with a separate order from Dr. Acton to prohibit the opening of polls on Tuesday.

The Department of Health reported at 2 p.m. that the number of confirmed cases in Ohio had risen to 50 across 12 counties. That was up from 37 reported Sunday. The number of people hospitalized had risen from 11 to 14.

The bulk of the cases, 24, were in Cuyahoga County. The rest were spread out, with six reported in Butler County, three in Franklin, Stark and Lorain, two in Belmont, Medina, Summit and Trumbull, and one each in Geauga, Lucas and Tuscarawas.

Dr. Acton said the cases include 20 females and 30 males ranging in age from 14 to 86, with a median age of 51. The cases indicate people who have been tested with positive results, but the scope of the community spread demonstrates the illness, known as COVID-19, is widespread.

The state has implemented social distancing measures – barring mass gatherings, ending on-premises service at bars and restaurants, temporary school closures – over the past week as part of an effort to mitigate an expected surge in cases, hospitalizations and demand for intensive hospital services.
Dr. Acton underscored that point Monday, saying it is particularly important for vulnerable populations such as those over age 65, people with chronic medical conditions and those with compromised immune systems to stay home.

"If it is non-essential, you should not be doing it," she said. "Especially for the elderly."

While many businesses have been closed, others will stay open, Lt. Gov. Husted said. That includes restaurants offering takeout and delivery and grocery stores.

"The grocery stores are going to remain open," he said. "You're going to have access to the essentials of life. That's what this is all about. It's all about eliminating the threats from the non-essential."

He encouraged Ohioans to use delivery and takeout services at local restaurants and other businesses.

"You will want them to be there when we get through this economically," he said.

Lt. Gov. Husted said there has been significant demand for unemployment compensation after the state announced an expansion on Sunday.

The state had 12,000 applications for unemployment on Sunday alone, up from just 562 a week before, he said. The wait time for the phone line to apply was an hour and 40 minutes, prompting him to suggest anyone who can to apply online.

He also called on businesses to support workers who are sick, sending them home and telling them they are eligible for unemployment if the business doesn't offer sick leave.

"When we get through this, and we will, and the economy will rebound, you're going to need those skilled employees," he said.

"We understand the dramatic impact that these decisions have on real people, businesses and their daily lives. We are trying to build that support structure around you as fast as we possibly can," he added. "We hope that federal action will help give a boost to these efforts."

**Trump Issues Stronger Coronavirus Guidelines To Governors**

President Donald Trump urged governors to endeavor to obtain needed medical supplies on their own rather than look to the federal government for assistance.

The president's remarks Monday came during a call with governors, including Gov. Mike DeWine, as the nation remains firmly in the grip of the spreading COVID-19, which has continued to fundamentally alter Ohioans' daily lives.

During a White House briefing, the president framed his advice to governors as a matter of practicality in that it would enable state executives to avoid "the longer process of the federal government."

"They can get them faster by getting them on their own," President Trump said. "In other words, go through a supply chain they already have…. We want the governors, we want the mayors (to work) locally because it will go quicker."

Administration officials, however, continued to say they were unable to specify how many of those items will be available as the case load surges.

The president did not directly address the anticipated shortage of those medical supplies – a factor that is partly driving much of governors' efforts to "flatten the curve" in order to avoid overwhelming healthcare resources.

The federal government at the same time rolled out new guidance to communities combatting the spread of what Mr. Trump called an "invisible enemy."

Among them is the recommendation that Americans avoid gathering in groups any larger than 10 people.

That's more stringent that a recommendation from the Centers of Disease Control and Prevention issued one day earlier recommending a limit of 50 people. It was that 50-person limit that Gov. DeWine Monday said he would adopt in modifying his prior order banning most gatherings over 100 people.
On other federal guidelines, Ohio is already ahead of the curve due to recent executive action by Gov. DeWine, including that citizens work or learn from home, avoid eating or drinking at bars and restaurants and not visit nursing homes and similar facilities.

"If everyone helps make these critical changes and sacrifices now, we will rally together and defeat this virus together," President Trump said.

**Utility Companies Halt Disconnections For Overdue Customers**

Ohio utilities are suspending service shutoffs and expanding payment options to assist customers in coping with the ongoing fallout from the novel coronavirus.

The Public Utilities Commission of Ohio last week convened an emergency meeting, ordering utilities in their jurisdiction to review disconnection and other practices that may pose a hardship during the state emergency prompted by COVID-19.

The commission continued acting Monday by immediately suspending temporarily hours-of-service requirements for drivers operating commercial vehicles transporting relief supplies including medical resources.

In the wake of those moves, all of Ohio's investor-owned utilities have suspended disconnections for customers whose bills are past due and other utility providers are taking similar steps.

The move follows national recommendations and the urging of lawmakers both in Congress and at the state level; Rep. David Leland (D-Columbus), for example, announced plans for a bill last week that would halt utility shut offs and evictions during the emergency.

A temporary stop to disconnections is expected to ease hardships on customers who may struggle to pay bills as multiple industries have ground to a halt while also cutting down on the amount of interaction between utility workers and customers in the field – face-to-face encounters that could further spread the virus.

Some companies have specified, however, that late fees to delinquent accounts may still apply.

Many of the companies have left the duration of their disconnection suspension open ended. Dayton Power & Light, however, said its suspension will last a minimum of 30 days for residential and business customers.

"We put the health and safety of our employees and our customers first," DP&L said in a statement, adding that it continues to monitor the situation.

In addition to suspending shut-offs, Duke Energy said it has launched a "carefully planned" work from home protocol for any workers not critical for power generation, delivery or customer service.

Other companies serving Ohio and other areas have announced similar moves, including Dominion Energy, which in addition to implementing mandatory work-from-home is limiting travel and restricting visitors to the company's offices.

"Our customers should not have to worry about losing service during this critical time," Dominion said in a statement.

Suspensions aren't limited to electric companies.

"The safety of our employees and customers is at the forefront of everything we do at Columbia Gas," President Dan Creekmur said. "We are taking a proactive, coordinated approach to prevent, mitigate and respond to COVID-19."

Municipal utilities have also acted. Among those who have suspended shut offs in Ohio are those operated by the cities of Columbus and Cleveland.

Cleveland Mayor Frank Jackson added the city's department will restore service recently terminated for delinquent customers.

"Part of the way of preventing this (coronavirus) is hand washing," he said. "Having water, having heat and those utilities are essentials. Simply put, you need access to water."
Leaders Plan Sessions Next Week On Election, Other Issues

Ohio lawmakers are expected to return to session next week to consider a variety of issues regarding the coronavirus, including the extension of voting for the primary election that was scheduled to occur on Tuesday.

Legislative leaders voiced concerns Tuesday with the plan, proposed Monday afternoon by Gov. Mike DeWine and Secretary of State Frank LaRose, to postpone the March 17 election to June 2.

Senate President Larry Obhof (R-Medina) said the chamber is expected to return for a scheduled session to consider issues that have arisen due to the spread of COVID-19. The Senate has a session set for next Wednesday, March 25, and an if-needed date the next day.

"We recognize the difficult position the state is in and the need to protect public health, while maintaining citizens' access to all of their rights, including the right to vote," he said in a statement. "The Senate will work collaboratively with the governor and the secretary of state in the coming days on any legislation necessary to deal with this unique and challenging set of circumstances, including determining a new date for the primary election."

"We have several sessions scheduled already, and if necessary, we will use them to deal with the challenges before us," he added. "I believe that it is important for the governor, secretary of state, and legislature to work together in this time of crisis."

House Speaker Larry Householder (R-Glenford) also said the House expects to convene next week – with sessions already scheduled for Tuesday, Wednesday and Thursday – to address recommendations from the governor.

"We will consider an extension of absentee voting for the March 17 primary and the governor's items next week during our regularly scheduled session days," he said in a memo to members. "I do not want to expose members and staff to coming in and out of Columbus multiple times unless absolutely necessary during this virus situation."

Earlier in the day, the speaker was emphatic about his concerns with moving the election date.

"The Ohio legislature must provide an act to respond to our local elections officials, precinct workers, candidates and most importantly, Ohio's voters, that provides clarity and certainty regarding Ohio's primary election," he said in a separate memo. "No Ohio voter should ever wonder when they will have the opportunity to exercise their constitutional right to vote."

"The date of Ohio's primary election is set by state law and, as the secretary of state has acknowledged, the legal authority to change the date rests with the Ohio General Assembly – not the courts and not via executive fiat," he said. "So too does the process and manner in which the election is conducted."

A spokesman for Sen. Obhof said the Senate president and the speaker have been discussing the issue of the election and other measures.

As for what will happen with the election, Gov. DeWine said at a Statehouse news conference that the General Assembly or the courts can resolve the issue.

"Our goal must be that people have ample opportunity to vote, that they have plenty of time to do that, and that whatever order we end up with gives them a significant period of time," he said.

The governor said he will insist upon having a significant period of time for people to vote. He noted that the state usually holds primaries in May in non-presidential election years. There is nothing "magical" about the June 2 date he and Secretary LaRose recommended, he added.

"We have plenty of time to hold an election, to continue this election and to move us forward," he said.

Lt. Gov. Jon Husted said he heard Monday night from elected officials who were disappointed in the decision to postpone the election.

"I think this is a great opportunity for them to demonstrate that they're public servants," he said.

The health of the public, he said, should be considered "ahead of our near-term political interests."
Mr. Husted said he was told by Secretary LaRose that it would have been impossible to conduct an election Tuesday due to a lack of poll workers. He said some states that went forward with their primaries experienced problems with poll locations not opening because workers failed to show up.

"We didn't have to experience that today," said Mr. Husted, who previously served as the state's top elections chief.

House Minority Leader Emilia Sykes (D-Akron) said in a statement earlier Tuesday that members of her caucus have been calling for the legislature to convene and were ready to do so.

"We never should have arrived at this point. The Ohio Legislative Black Caucus asked days ago for the governor, speaker and Senate president to reevaluate our preparedness for this election. They called on the legislature to convene to address these concerns and others. We knew our local boards of elections were concerned. We knew the public was concerned. We knew our poll workers were concerned. But they waited and miscalculated and ordered poll workers to not report to the polls before a judge had even made a decision," she said.

Senate Minority Leader Kenny Yuko (D-Richmond Hts.) said the legislature needs to act on the election delay and other matters.

"The legislature has to quickly address the confusion caused by moving the primary election on such a short notice. Ohioans have a constitutional right to vote and vote safely, even if that means prioritizing absentee vote-by-mail," he said in a statement. "The fate of many community levies and local issues hangs in the balance and wrapping up the primary before June 2 should still be on the table."

"When we reconvene next week, the legislature must also address the needs of Ohioans, especially those living paycheck-to-paycheck," the lawmaker added. "Too many of our neighbors, family and friends cannot be out of work for an extended period of time without help from the state. Our caucus will be putting forward our ideas on how to address this, and other critical issues facing Ohioans, before our next session day."

Rep. Householder Tuesday also said orders by Health Director Amy Acton have "presented challenges for our system of government." He said he has talked with Attorney General Dave Yost about whether limits on mass gatherings apply to the General Assembly.

"I have requested that the attorney general seek relief from the limits," he said. "We also believe as a constitutional matter the limits ordered by the Ohio Department of Health do not apply to the legislature as a separate branch of government and as they would unlawfully restrict constitutionally protected political speech."

The executive branch's order limiting mass gatherings doesn't apply to the General Assembly, Gov. DeWine said. That order exempted businesses, people going to work and the exercise of the First Amendment – all things that would apply to the legislature.

He also suggested chambers could hold votes over a longer period of time, as is done in the U.S. House, to keep all members from being in the chamber at the same time.

"There's ways of working that out," he said. "We would not infringe upon their rights."

In his memo to members, Speaker Householder said the legislature will consider several legislative "items" the governor has requested. When asked, Gov. DeWine declined to elaborate on what he's requesting from lawmakers at this point.

"These are things we're looking at as we go into this crisis, things we'll need to be able to do and we need legislative authority to do it," Gov. DeWine said.

**Virus Impacts Heighten Concerns With Unemployment Comp System**

The closure of businesses to halt the spread of the novel coronavirus has prompted a dramatic surge in the number of Ohioans applying for unemployment compensation.

That increase could place an added burden on a system that already was seen by many to be on shaky ground and potentially unprepared for a recession.
In the last two days, the state has received 48,640 claims for unemployment compensation, Department of Job and Family Services spokesman Bret Crow said Tuesday. During the same period a week earlier, prior to government-ordered business shutdowns, the system received 1,825 claims.

Mr. Crow said the best way for Ohioans to apply for UC benefits is online and pointed to a general FAQ and a specific one about the system and the coronavirus. People without computer access can call -877-644-6562 (OHIO-JOB).

The surge comes after Gov. Mike DeWine and Lt. Gov. Jon Husted on Sunday announced an expansion of UC benefits in the wake of the closure or limited operation of bars, restaurants, gyms and other businesses.

State officials are expecting some help from the federal government to shoulder the short-term burden of rising unemployment costs. Mr. Crow said Tuesday the unemployment comp fund's balance sits at $1.13 billion.

The long-term stability of the fund remains an open question. Lawmakers and stakeholders have questioned for more than a decade whether it is prepared for a recession, but a variety of proposed solutions have all failed to make it through the legislative process.

Gov. DeWine and Lt. Gov. Husted said at news conference Tuesday that the issue is one that lawmakers need to address.

"We have known that there has to be a fix with regard to the fund," the governor said.

Lt. Gov. Husted noted that unemployment compensation will be available for out-of-work Ohioans even if the state needs help from the federal government to provide it.

"Workers out there should not be worried," he said. "It will be funded for their needs."

As to what kind of legislation could or would be needed, lawmakers said that has yet to be determined.

"It's too early to say," said Sen. Kirk Schuring (R-Canton), who led an effort to overhaul the system last General Assembly that stalled in committee.

Sen. Schuring said he inquired a couple of weeks ago about how long the fund would last during a recession similar to that of 2008 and was told it was likely to be less than six months.

"For anybody who is concerned about unemployment benefits, their benefits will be paid," he said in an interview. "That's a guarantee and we'll just have to go to the federal government to borrow money again."

"We'll have to cross that bridge when we come to it," he added.

Rep. George Lang (R-West Chester), who is one of a handful of House Republicans working on a long-term fix for the issue, differentiated between the current short-term demand surge and the long-term solvency concerns.

"I think in terms of the reforms we're trying to make, they're long-term reforms. We know nothing's going to happen in the short term," he said in an interview. "I don't think this will affect the long-term reforms we want to do."

Federal support for the short-term problem is vital, said Rep. Jack Cera (D-Bellaire).

"It impacts it unless the feds are going to provide us the funding for the additional benefits," he said.

Business and labor groups have long been at odds over how to ensure long-term solvency for the fund. With it coming into expanded focus this week, the two sides continued to urge work toward a solution.

Tim Burga, president of the Ohio AFL-CIO, said in a message to members Monday that the group has group has long said the system is unable to handle a recession.

"The business community and lawmakers' refusals to do the right thing and simply fund the system at a national average has put us in a dire situation with mass layoffs and displacement seemingly inevitable," he said.

He praised the governor's action Sunday as "appreciated and a good first step."
In a blog post, the Ohio Chamber of Commerce said it is "always concerned about expanding benefit eligibility without making structural changes" toward solvency. They praised the governor's move to hold employer experience ratings harmless for layoffs because of the illness.

"The failure to address structural problems in our unemployment compensation system that drove our trust fund into insolvency during the 2009 recession and resulted in employers paying an additional $3.4 billion in interest and taxes is a major reason for our concern," the group said. "Likewise, with only enough funds to cover four months of benefits during a recession currently in the unemployment compensation trust fund, Ohio is at risk of having to borrow from the federal government to cover these benefits at the next economic downturn."

Chris Ferruso, legislative director for the NFIB-Ohio, said the COVID-19 issue highlights the need for work toward solvency.

"When you're talking about a system as complex as unemployment there are a lot of variables and moving parts. We have to have that discussion about inputs and outputs," he said in an interview. "I think, when this discussion goes on, everything has to be on the table."

**State Delays Nonessential Surgeries**

Gov. Mike DeWine Tuesday announced a move to preserve hospital beds, respirators and other medical resources in advance of an expected wave of coronavirus patients.

Noting that he expects a "more difficult time" ahead, Gov. DeWine directed Health Director Amy Acton to ink an order blocking all nonessential and elective surgeries in his latest response to the evolving COVID-19 emergency.

"I want to make sure when this hits hard that we're ready for it," Gov. DeWine said.

The order formalizes the DeWine Administration's request last week that those procedures be rescheduled. Operations that will be allowed to move forward under the order include those that will: save lives, preserve the function of an organ or limb, reduce the risk of progression of cancer or other conditions, and reduce the progression to severe symptoms for a patient.

Gov. DeWine outlined the change during a Statehouse press conference where it was announced the state has now logged 67 confirmed cases of COVID-19 covering more than 16 counties. Officials say the total number of cases remains far higher and that ensuring available resources when the peak hits remains critical.

"This is a massive undertaking," Dr. Acton said of the state's efforts. "This is a lot like a war."

Ohio Hospital Association CEO Mike Abrams voiced support for the order while urging Ohioans to share his optimism about the healthcare system's ability to respond.

He said hospitals are at about 75% capacity, which is average for this time of year, and can surge another 25% without taking "extraordinary" measures. Should those measures be needed, he said, hospitals have already been planning, for example, by talking with hotels or nursing homes about providing bed space for noninfectious patients.

"While this is a difficult situation, the health care infrastructure in the state of Ohio is quite strong," Mr. Abrams said.

Ohio Dental Association President Sharon Parsons said the group "fully supports" the governor's move.

"These steps will preserve personal protective equipment for use in coronavirus testing and treatment and limit exposure to the virus," she said in a statement. "We strongly urge all Ohio dentists to follow these guidelines in order to assist the state in addressing this public health emergency and to protect the citizens of Ohio."

She also urged providers to adhere to the request of administration officials who have called for facilities to notify their local emergency management agencies if they possess excess protective equipment.

"While we recognize the hardship these recommendations will cause for Ohio's dentists, their families and staff, we know these steps are necessary to help Ohio get through this emergency situation," she said.

Dr. Acton said the state has begun budgeting for its first batch of federal assistance – about $15 million, about $10 million of which will be diverted to local partners "on the front lines."
Unlike prior press briefings, Tuesday's came with new restrictions to ensure compliance with the Trump Administration's recommendation no one gather in groups of more than 10 people.

The governor delivered his remarks in a Statehouse room accompanied only by staff members while members of the press were placed in overflow rooms with a video feed and a microphone with which to ask questions.

As he has throughout the last week, Gov. DeWine signaled more executive action to come. He said the closure of daycares remains inevitable and businesses such as hair and nail salons could also face closure as the state seeks to halt the virus's spread.

"These are things maybe in the future," he said. "We're going to assess things, where we think the risk is."

Dr. Acton didn't rule out a potential shelter-in-place order in the future, but promised Ohioans they will still be able to secure food and medicine as the state response moves forward. Should the state's health resources become strained, the state would seek "even more strict restrictions," she said.

Given the anticipated economic toll on the state, Gov DeWine didn't rule out utilizing the "rainy day" reserves to help shore up the state's position. About $2.7 billion remains in the state's Budget Stabilization Fund.

"We're going to be very prudent about how we do that," Gov. DeWine said. "We've not made that decision to dip into it, but that money is available. It is set aside for difficult circumstances and certainly these are difficult circumstances."

**Continued Fallout:** State agencies and other entities meanwhile continued grappling with the virus.

Universities have now begun canceling their planned spring commencement ceremonies, starting with Ohio State University, which announced it would attempt to reschedule the event "at an appropriate time."

The Ohio Turnpike outlined several steps it has undertaken, including more focused sanitation efforts; ensuring carry out only service in food courts; and providing nitrile gloves, hand sanitizer and disinfectant wipes for toll collectors.

The Ohio Committee for Severe Weather Awareness canceled a planned statewide tornado drill set for March 25 given the large volume of individuals sheltered at their homes, and the application period for Legislative Service Commission fellowships was extended.

The ACLU of Ohio debuted a COVID-19 "hotline" email for those incarcerated in Ohio at covid19@acluohio.org.

"Collecting this information will allow ACLU of Ohio staff to monitor developing trends, learn about systemic problems and shortfalls, and to hopefully provide advocacy and assistance in emergency situations," said ACLU of Ohio Chief Lobbyist Gary Daniels.

**Controversy, Legal Action Over Election Decision Continue**

The unprecedented move to close polling locations Tuesday and advise local boards of election that in-person voting will not occur until June 2 has generated further legal wrangling and accusations.

The Ohio Democratic Party on Tuesday evening filed a lawsuit in the Ohio Supreme Court alleging the secretary of state lacks jurisdiction to set the date of an election and asks the court to, among other things, to accept all absentee mail ballot requests made by 12 p.m. on April 25.

It also calls for the state to count all ballots postmarked on or before April 28 and received by May 8.

"Yesterday's actions did not create unchecked authority with the governor or secretary of state to run a new election. So authority for a new election must come from the legislature or from a court," Chairman David Pepper said in a statement. "Today's action seeks that court order, preserving the primary while also proposing a more workable window for the election to take place, along with multiple opportunities and a reasonable amount of time for voters to vote."

"We hope the court, governor, secretary of state, legislative leaders and other parties see the necessity of this order to preserve the right to vote and complete a fair and timely election in Ohio," he added.
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House Minority Leader Emilia Sykes (D-Akron) aimed her fire at Secretary of State Frank LaRose, accusing him of "sharing inaccurate information during a time of chaos when Ohioans are turning to him for truth and guidance."

"Now in the hours following the chaos, he continues to send out press releases and share information on his website saying the election day has been moved to June 2. This is just wrong," she said. "As the governor has noted, and state law requires, only the legislature or the court has the power to set or change the election date and thus far, neither entity has done that."

The legal wrangling over the election began Monday when Gov. Mike DeWine, through a private citizen complaint, unsuccessfully sought a court order to delay the election. Department of Health Director Dr. Amy Acton subsequently issued an order closing all polling locations in the name of public health and safety.

The latest battle fronts were the Tenth District Court of Appeals and the Ohio Supreme Court, which early Tuesday morning denied a request from a Wood County judicial candidate to compel Secretary LaRose to proceed with the scheduled election there.

Four justices – Chief Justice Maureen O'Connor, Justice Patrick Fischer, Justice Michael Donnelly and Justice Melody Stewart – unanimously denied the request without a written opinion.

Justice Judith French and Justice Sharon Kennedy, both of whom are on the primary ballot, and Justice Patrick DeWine, a son of Gov. Mike DeWine, recused themselves in the case.

Secretary LaRose's directive to boards of election across the state, advising them that the election is suspended until June 2, was issued late Monday.

According to the directive, boards will be required to process absentee ballot applications postmarked by May 26. Absentee ballots postmarked by June 1 and received by June 12 will be counted.

However, the voter registration window will not reopen.

Werner Lange, the Democratic candidate challenging Rep. Gil Blair (R-Weathersfield), announced he has filed a protest with Secretary LaRose over the registration deadline.

"To continue to declare Feb. 18 as the deadline, as the Ohio secretary of state, to date, still maintains, is in violation of state election law," he said in a release. "It must be changed to May. Or is someone afraid of having more voters, especially progressive ones, on the rolls?"

The LaRose directive also calls on boards to provide some leeway for those with unforeseeable hospitalizations to cast an absentee ballot. It also pushes the deadline to file post-primary campaign finance reports to July 10.

Secretary LaRose called the decision a "difficult but necessary decision (that) will protect the health and well-being of Ohioans."

"This directive is issued to bring clarity to voters, Ohio's boards of elections, and poll workers in response to Dr. Acton's order," it reads.

Despite the directive, Speaker Larry Householder (R-Glenford), who expressed skepticism about the change, said he will call the House into session next week to address the issued.

Meanwhile, Jill Reardon and Judith Brachman, who filed the Franklin County lawsuit, filed an appeal to Judge Frye's ruling in the Tenth District Court of Appeals.

However, Court Administrator Doug Eaton said the case will be dismissed because Ms. Reardon and Ms. Brachman have received the relief they sought, making the case moot.

Wednesday, March 18, 2020

Governor Announces Another Round Of Closures To Slow Spread Of Virus

The closure of Ohio Bureau of Motor Vehicles' deputy registrar facilities is among the latest strategies announced by Gov. Mike DeWine to slow the spread of the coronavirus.
The governor also ordered all barber shops, hair dressers, nail salons and tattoo parlors to close at the end of business Wednesday for the foreseeable future.

Lt. Gov. Jon Husted said the decision to close those businesses was made in consultation with the industries.

While 181 deputy registrar locations will close at the end of business, five will remain open to continue issuing and renewing commercial driver's licenses to ensure that food and medical supplies can continue moving, Gov. DeWine said.

The governor said about one million people walk through the doors of the state's deputy registrars each month.

"That's an opportunity for us to slow this down," he said.

For non-commercial drivers, services will be available online or through the mail.

Gov. DeWine also announced he will ask the General Assembly to pass legislation to provide a grace period for individuals who cannot renew their driver's licenses. He is asking law enforcement to not issue tickets for expired licenses.

The governor also called on all businesses and non-profits to take the temperatures of their employees each day. He asked that they be aggressive in cleaning surfaces and making soap and water and hand sanitizer available.

He warned that failure to do so could eventually lead to a closure of all non-essential businesses.

"We're taking this one step at a time," he said. "If we're finding we can't get people to do this, we're going to have to go to the next phase, which is absolutely closing everything down unless it's essential."

The governor continued to foreshadow closures that could happen in the future, including daycare centers and schools for the remainder of the academic year.

Libraries can remain open for the time being, but Gov. DeWine urged them to practice social distancing by limiting the number of people they put together.

"Our goal is social distancing," he said. "Putting distance between people."

One industry that will not close, according to Mr. Husted, is banks.

"They're all making sure that the financial services you rely on are going to be there," he said.

The governor also addressed concerns over activating the National Guard, assuring Ohioans that they will not be used in a military capacity.

"When the National Guard is going to do something, you will know about it," he said.

He added that the Guard will likely be used to help erect tents that can be used as isolation centers on hospital properties.

Columbus Mayor Andrew Ginther on Wednesday announced separately he has officially declared a state of emergency in the city. The declaration will allow some 1,500 city employees not on the front lines, such as police, fire and public health officials, to remain home and work remotely.

"There is no doubt that this is a difficult time. We have little in history to compare it to," he said in announcing the declaration. "But I believe in this city and the resiliency of its residents."

Thursday, March 19, 2020

Suggestions For Virus-Related Legislation Pile Up

Gov. Mike DeWine on Thursday added remote meetings for local governments and temporary relief from mortgage payments to a growing list of potential legislative action next week.

Top-level discussions among Republicans in charge of every branch of state government will lay the groundwork for whatever pandemic-related measures are enacted next week, but minority Democrats and other groups continued to offer up ideas.
As many as three potential session days are scheduled for next week, although Speaker Larry Householder (R-Glenford) has indicated a preference for minimizing time on task to limit potential exposure to the novel coronavirus.

Gov. DeWine said he's looking for legislative action, at the request of local governments, to allow for remotely streamed meetings as long as sufficient public notice is provided. He said language on suspending mortgage payments also should be under consideration.

The governor said earlier this week he is asking lawmakers to provide a grace period for individuals who cannot renew their driver's licenses due to the closure of most Bureau of Motor Vehicle deputy registrars across the state. Other potential legislative moves could address testing requirements, given K-12 schools appear more and more likely to remain shuttered for the remainder of the academic year, and open meeting restrictions.

Mr. DeWine said he plans to release his legislative wish list shortly. "Some of this is emergency power that we simply do not have," he said.

Senate Democrats and voting rights advocates, meanwhile, urged lawmakers to ease certain restrictions and broaden voting options in light of the 11th-hour postponement of the primary election this week.

The caucus on Thursday also proposed:

- Providing all workers access to paid leave or unemployment compensation.
- Suspending evictions, foreclosures and utility shut-offs at least 45 days beyond the state of emergency
- Increasing SNAP benefit availability, implementing automatic benefit redetermination and providing more resources to food banks and other nonprofits.
- Removing barriers to health care, insurance coverage and Medicaid, including covering all costs associated with COVID-19 testing and treatment and expanding Medicaid eligibility.
- Implementing a moratorium on school voucher changes, state testing and reporting requirements.

"We are facing an unprecedented time and now more than ever we have to do all we can to support the health, safety and stability of Ohioans," Senate Minority Leader Kenny Yuko (D-Richmond Hts.) said in a statement. "We are working on legislation that will help Ohioans get through this time. We are looking forward to working across the aisle to get relief to Ohioans as soon as possible."

Attorney General Dave Yost said he plans to seek a new anti-price gouging law that does not rely on price controls.

"I'm outraged that anybody would try to profiteer on a crisis, particularly on items that are necessary for the health and safety of Ohioans," the AG said in a statement, adding his staff is working on draft language to "address weaknesses in Ohio's existing laws."

Also this week, the Coalition on Homelessness and Housing in Ohio sent state leaders a letter requesting "immediate action to ensure homeless programs get the supplies, space, and staffing they need to respond to the COVID-19 outbreak." The group also recommended ways to stabilize low-income households.

The Ohio Education Association and the Ohio Federation of Teachers in a joint letter to legislative leaders, Gov. DeWine and Secretary of State Frank LaRose asked for officials to act to resolve the primary election before the proposed date of June 2.

"Current law has a June 1st deadline for notifying staff of the school board's intent to non-renew a contract," the groups wrote. "Having election results prior to this date is critical to allowing affected districts to plan their budgets and in making decisions about staffing. If the primary election is not held prior to June 1, steps should be taken to move this statutory deadline for the current year."

GOP legislative leaders have yet to announce details of potential moves next week, characterizing the situation as a work in progress.

"The Legislature has been working with the Governor on a number of items that should be addressed next week in order to better assist local, county and state government on issues related to the coronavirus," Speaker Householder wrote in a memo to members. "These items are in the drafting stages and no details are available as of yet."
"We continue to learn about the advancement of the virus and how it's dealt with, and we realize it is a work in progress. The actions that we will take next week are merely items that have been identified as needing to be addressed to date and not the Legislature's total response to the issue," he added.

John Fortney, spokesman for Senate President Larry Obhof (R-Medina), said talks on a legislative approach are ongoing.

"Multiple discussions are underway regarding how session will be conducted, as well as with the administration regarding what legislative requests are needed," he said.

Prior to the outbreak, the General Assembly had several policy items pending with looming deadlines, including a fix or extension related to school voucher eligibility, capital project reappropriations and federal tax law conformity.

The latter provisions are contained in a House measure (HB 197) that's cleared a Senate committee and could be ripe for loading up prior to a full Senate vote, although officials said no decisions have been made on what legislation could be the vehicle for accomplishing various virus-related policy changes in the short term.

State To Expand Telemedicine As Virus Cases Top 100

Ohioans on Medicaid will have broader access to health care services through telemedicine under an executive order announced Thursday.

The order comes as the state and its health care system attempts to grapple with the myriad effects of the coronavirus, or COVID-19, pandemic.

Medicaid Director Maureen Corcoran said Gov. Mike DeWine would sign an order authorizing emergency rules to expand access to medical and behavioral health services without there necessarily being an existing relationship between the provider and patient.

"Enabling this full array of services, both medical and behavioral health, to be done remotely is an important way for us to take pressure off of emergency rooms and hospitals while allowing Ohioans to continue to receive good quality care without being able to leave their home and do that," she said during the governor's daily press briefing.

The rules will cover a wide variety of providers, including physicians, nurses, behavioral health providers, dietitians and occupational and physical therapists, Director Corcoran said.

Expanding access to telemedicine helps protect patients and providers from contracting or spreading the virus, she said. Private insurers are also expanding access to telehealth during the crisis.

The emergency rules are a way for the state to evaluate how the system can provide services remotely – a potential asset for underserved rural areas, she said.

"This is not only helpful in our crisis, but it is also a way for us in our health care system to leapfrog forward to take advantage of the crisis and begin to provide health care in a different way that will be satisfying and helpful to more Ohioans," she said.

Health Director Amy Acton said the state's health care system is adapting to the crisis as quickly as possible.

"We're inventing systems that never existed before," she said. "As we go, we're inventing solutions."

The Department of Health reported 119 confirmed cases of the novel coronavirus across 24 counties, including 33 hospitalizations. Cuyahoga County continued to make up the bulk of the cases at 53, followed by Franklin County at 10. All other counties with cases were in the single digits.

ODH reported 88 confirmed cases Wednesday, with 26 hospitalizations.

Department of Aging Director Ursel McElroy also outlined steps the state is taking to address the needs of older adults. The state is looking at ways to move food services for older adults from congregate settings to delivery.

"We believe there will be an exponential need for home-delivered meals," she said.
The state will also experience an increased demand for personal care and other services for older Ohioans who are isolated, she said.

As for nursing homes, those can be vectors of spread of the disease and the state has provided guidance for them and limited visitation, Director McElroy said.

"What we also know about our nursing homes is that they train for this type of situation every day. They know how to apply precautions and prevention controls," she said. "They know how to remain calm and to face these really tough situations."

Two cases were identified as patients at the Koester Pavilion skilled nursing facility in Troy. Those patients are quarantined and are being treated at medical facilities, while staff and other patients who came in contact with those two individuals are being tested, according to the Ohio Health Care Association.

OHCA Executive Director Peter Van Runkle said in a statement that local officials said the facility followed all ODH protocols and that the news "underscores the difficulty of preventing the spread of the virus."

"OHCA is working with our more than 1,000 members to ensure all proper steps are taken to fight the spread of coronavirus in skilled nursing centers, assisted living communities, and agencies serving people with intellectual and developmental disabilities or delivering home care or hospice services," he said.

Long-term care facilities are screening staff and other personnel who are entering for signs of exposure, while they are also screening patients and isolating anyone who is found to be symptomatic, Mr. Van Runkle said. Personal protective equipment is used when caring for someone believed to be infected.

"We are grateful for the leadership, guidance and assistance our state officials are providing during this crisis," he said. "OHCA members are strictly following all protocols established by state and federal health officials to minimize coronavirus exposure to our patients, staff and their family members."

**BWC Investments Down But System Remains Well-Funded, Directors Told**

The Bureau of Workers' Compensation's board got a glimpse Thursday at the impact that the novel coronavirus has had on the system's investments.

Bruce Dunn, the BWC's chief investment officer, told the board's Investment Committee the bureau's portfolio is down about 12.5% for the month after repeated stock market plunges.

The total stock and bond market value of the State Insurance Fund has dropped about $3.1 billion, and across all funds, the value is down about $3.4 billion.

"It's not good news as far as our portfolio," Mr. Dunn said.

As of Jan. 31, the bureau reported a net position across all funds of $12.88 billion.

While the equity markets are "under considerable stress," the market instability has also impacted bonds and other asset classes, Mr. Dunn said.

Board members noted that the BWC's diversification of assets – only 30% are in equities – means it has not seen losses on the scale of the 25% drops in equity markets generally.

Mr. Dunn said he has talked with portfolio managers who have said "they have never seen markets that are more turbulent."

Although the market drops have taken a toll on the system, it is still well above its targeted funded level, he said. The system's funding ratio as of Wednesday was 1.69 times its liabilities. If assets dropped by another $1.5 billion and liabilities stayed the same, the funding ratio would drop to 1.58.

To reach the lower level of the targeted funding ratio would require a drop of $6 billion in assets, Mr. Dunn said. That kind of a drop in the market "would be Armageddon," he said.

"I want to give you comfort that we're still quite a bit above our high level of the funding ratio," he said.
Mark Palmer, who chairs the Investment Committee, said the mix of assets the BWC has is helpful.

"The news is not great but the fact that we have liquidity that we can tap into if we need to and the fact that our net position is so strong," he said.

The board's committees all met consecutively Thursday morning, followed by the full board, and were streamed live on Facebook.

The board also approved an emergency rule change to allow Administrator/CEO Stephanie McCloud to postpone the managed care open enrollment period. That period was initially set for May, but due to the spread of COVID-19 and the fact that many businesses have been forced to close, that period was not feasible, she said.

The open enrollment typically happens in May of even-numbered years. Administrator McCloud said she has looked at other periods in 2020, but those would often conflict with other open enrollment periods for businesses and could cause confusion. Instead, a likely outcome is that the period will be delayed until May 2021 and that a new two-year cycle will begin with enrollment in May of odd-numbered years.

Administrator McCloud said she will ask Gov. Mike DeWine for an executive order to make the rule effective immediately.

The administrator said the bureau's staff is working from home as much as possible.

"We'll all prepare for what's to come and continue to adapt and change as that goes forward," she said.

**Jobless Claims Top 111,000 So Far This Week, State Reports**

Ohio's unemployment claims continue to surge as businesses close or cut back amid efforts to slow the spread of the novel coronavirus.

From Sunday through Wednesday this week, 111,055 Ohioans applied for unemployment benefits, the Department of Job and Family Services reported Thursday. That number compares to 3,895 who did so during the same period last week.

Gov. Mike DeWine and Lt. Gov. Jon Husted on Sunday announced that anyone who is laid off as a direct result of COVID-19 is immediately eligible for benefits.

The surge has heightened concerns about the stability of the state's unemployment compensation fund, which was already seen to be on shaky ground.

ODJFS reported 11,995 claims were filed Sunday, 36,645 on Monday, 29,177 Tuesday and 33,238 Wednesday.

Nationwide, the number of Americans filing for unemployment last week hit the highest level since September 2017. Claims nationwide jumped 70,000 to 281,000 for the week ended March 14, according to U.S. Labor Department data.

The state continues to urge people to file using the website if they can, while those without computer access can call 1-877-644-6562. The call center hours have been extended to 7 a.m. to 7 p.m. on weekdays and 9 a.m. to 1 p.m. on Saturdays.

Workers with coronavirus-related claims can use the mass-layoff number 2000180 on their applications, but those who have already submitted claims do not need to add it.

**Findings Issued After Three State Audits**

Reports released Thursday by State Auditor Keith Faber included findings for a township fiscal officer, a school lunchroom cashier and officials at a county Republican Party.

An audit of Gasper Township in Preble County found its fiscal officer, Anitra Roell, incurred $4,899 in penalties and late fees by failing to remit tax withholdings to the federal government in a timely manner.

Ms. Roell withheld the earnings from 2014 to 2018.

"For a fiscal officer to fail to pay bills on time is a gross neglect of duty," Auditor Faber said in a statement. "Too often in Ohio, taxpayers are being left to pick up the tab for public officials' negligence. I recommend the township implement policies and procedures to verify that all payments are made in a timely manner from this point forward."
**Statehouse Update**

**Businesses Eligible For Federal Loans; 'Pro-Worker' Bailout Items Sought**

The U.S. Small Business Administration on Thursday approved Ohio's request to make low-interest loans available to Ohio firms and nonprofits.

Entities now can apply for loans up to $2 million to under the Economic Injury Disaster Loan program at disasterloan.sba.gov.

The decision came in response to a request made by Gov. Mike DeWine and Lt. Gov. Jon Husted on Tuesday as part of an effort to aid small businesses that have lost revenue due to the coronavirus pandemic.

The quick response was lauded in a joint statement from U.S. Sen. Sherrod Brown (D-Cleveland) and U.S. Sen. Rob Portman (R-Terrace Park).

"This is good news for Ohio's small businesses and nonprofits. This quick approval is critical to ensure that our small businesses and nonprofits have the necessary economic support to overcome the significant challenges created by this public health crisis. This funding is designed to help them weather this storm and the resulting economic fallout," they said.

**Bailout Demands:** Sen. Brown said federal aid to foundering industries in the wake of the COVID-19 outbreak must coincide with pro-worker policies.

Among the demands for a prospective stimulus package laid out in an online post by the lawmaker are expanded bankruptcy protections for workers and a prohibition on stock buybacks among companies that receive federal aid.

The senator also called on a cap on compensation to executive officers of firms bailed out by the federal government.

"Over the course of just one week, workers have seen their hours cut or eliminated entirely. Congress must not repeat the mistakes of 2008 and 2009 – we cannot bail out corporations without making sure that aid ends up in the pockets of American workers," Sen. Brown said. "My message is simple: No corporate bailouts without pro-worker strings attached."

**H2Ohio Deadline Extended; Lake Erie Protection Grants Available...**

The Department of Agriculture has extended the deadline for farmers applying for H2Ohio funding in light of the novel coronavirus pandemic.

The prior deadline of March 31 is now pushed back to June 2, ODA announced, to comply with recent orders by Gov. Mike DeWine to limit face-to-face contact to curb the spread of COVID-19.

To sign up for the DeWine Administration's priority H2Ohio program, farmers must visit their local Soil and Water conservation Districts – visits that can’t take place in compliance with social distancing guidelines.

"If you are interested in applying for these funds and have not yet communicated with a local SWCD, ODA recommends you call them as soon as possible to provide enough time for completion of the H2Ohio application," ODA said.

Farmers in 14 Maumee watershed counties are able to apply for a slice of $30 million in funding from the water quality program established in the last budget.

**Environmental Protection:** The Lake Erie Commission has opened the application window for grants through the Lake Erie Protection Fund Grant.

Grants up to $50,000 are available during the current cycle with applications due May 1. Winning projects will be announced at the commission's planned June 17 meeting.

To be chosen, projects must address at least one of the draft 2020 Lake Erie Protection and Restoration Plan Strategic Objects, found on the commission's website.

More than $12 million has been gifted through the program for more than 365 projects since 1993. The fund is fueled by online donations or through purchase of Lake Erie license plates.

The OEPA separately has schedule a March 30 public hearing via webinar to discuss proposed funding priorities of the Ohio Environmental Education Fund for July 2020-June 2021.
An online information session will begin at 3:30 p.m., followed by a public hearing with questions and comments to be submitted via web. The meeting may be accessed through the agency's website.

The public feedback will be used to fashion an agenda with spending priorities, as required by law for each fiscal year, which will be submitted to the General Assembly on April 1.

**Charter Fight:** A group behind the failed Lake Erie Bill of Rights is criticizing attorneys for seeking nearly $300,000 in attorney fees from the city of Toledo following the legal fight over the charter provision.

A federal judge in February struck down the bill, which was added to Toledo's charter in 2019 and enabled residents to sue on behalf of the lake. Even before the court resolution, lawmakers also targeted the language by nullifying it in a budget provision.

The language was pushed by groups backed by the Community Environmental Legal Defense Fund – groups that are now criticizing Vorys, Sater, Seymour and Pease for a motion seeking $293,750 in attorney fees.

"LEBOR was enacted in response to a public water crisis. It established an enforceable human right to water," said Markie Miller, an organizer of Toledoans for Safe Water.

"Now, as our government is dealing with the COVID-19 pandemic, the plaintiffs are attempting to collect scarce and necessary taxpayer funds to punish us for defending our water. The corporate plaintiff did not suffer any direct harm from LEBOR and it was their decision to hire a law firm that charges over $500 per hour to sue the City after LEBOR was approved by voters. Most people cannot afford such high-priced legal counsel to defend their rights."

**Friday, March 20, 2020**

**State To Close Senior Centers, Announces First Coronavirus Death**

State officials on Friday announced Ohio's first known death associated with the novel coronavirus – a well-known Republican party leader from Lucas County.

Gov. Mike DeWine also announced that the latest round of closures mandated by the state include in-person services at senior centers and adult daycare settings.

The Department of Health on Friday reported 169 confirmed cases of COVID-19, up from 119 the day before. Those cases came from 28 counties. A total of 39 Ohioans were hospitalized.

The governor said the state's first confirmed death from the diseases was Mark Wagoner Sr., an attorney, former member of the Lucas County Board of Elections and a longtime Republican Party leader.

"Mick was very well respected and so much very well-liked by everyone who knew him," Gov. DeWine said during his daily press briefing, referring to Mr. Wagoner's nickname.

Mark Wagoner Jr., a former state representative and state senator, said on Facebook Thursday that his father had died of a presumptive case of COVID-19.

"Our Dad gave his all for his family, his community, his clients, and his colleagues," the former lawmaker wrote. "He had a boundless ability to love and always looked for the best in everyone he met. And he was funny, always quick with a joke and a reminder to never take ourselves too seriously."

He said the family had been working with the Lucas County Health Department and other entities to ensure proper notice was given to people who may have come into contact with him. While the family presumed the elder Mr. Wagoner had COVID-19, tests had not confirmed that as of Thursday.

While the first Ohioan known to die of the illness is someone the governor and Lt. Gov. Jon Husted knew personally, that won't always be the case, Gov. DeWine said.

"When we hear about these deaths in other states, as we hear about them in Ohio, most of the times we will not know that individual," he said. "It will be another number. I think it's important for us to know that each time we hear about a new death, that is someone who was loved, someone who lived life, someone who wanted to live longer, someone who is cherished by the people in their community."
The governor and lieutenant governor also announced the latest steps the administration is taking to tackle the spread and effects of the disease.

Gov. DeWine said he was issuing an order to end in-person services at senior centers and adult daycares. Programs such as feeding services will still go on, but as delivery or pickup only. The order will go into effect at the close of business Monday.

"As we've talked about often it is a significant risk for anyone to be in a group setting," he said. "That certainly includes our senior citizens."

Lt. Gov. Husted said the Department of Insurance was taking a couple of steps to protect employers and workers affected by the crisis. ODI required insurers to provide a grace period for employers' premium payments, delaying those up to 60 days.

ODI also ordered insurers to allow employers to keep employees on their insurance plans even if the employees would become ineligible due to a reduction in the number of hours worked, he said.

The department also issued a bulletin regarding out-of-network testing and treatment coverage for COVID-19 and ordered pharmacy benefit managers to temporarily suspend pharmacy audits during the emergency.

Gov. DeWine said he is not yet ready to issue a "shelter-in-place" order or mandate the closure of non-essential businesses, but he urged companies that are still operating to be careful. He said he has received information about businesses that are doing the correct things and about those that are not doing so.

"Let me make it very, very clear that I will err on the side of protecting people," he said. "The bad behavior, the reckless behavior, must stop."

Asked about the potential closure of daycares, the governor continued to say the administration is "not there yet."

"A number of children in daycare have already been taken out," he said. "Our daycare numbers are down significantly."

"We're basically moving toward a situation where we're going to allow the hospitals to establish their own daycare if we need to do that," he added.

**PUCO Orders Halt To Meter Readings, Non-Essential Activities**

The Public Utilities Commission of Ohio ordered public utilities Friday to suspend non-essential face-to-face interactions in its latest pandemic response.

The Friday order requires an end to activities such as meter reading inside a customer's home or "all other non-essential functions that may create unnecessary COVID-19 risks associated with social contact."

That non-essential work includes but is not limited to in-home energy efficiency audits, weatherization program activities and in-premises inspections not prompted by a safety concern.

"We're not in any of these actions relieving utilities, or anyone else for that matter, of the prudent actions that are necessary to address a safety concern," Chair Sam Randazzo said. "We're simply dealing with things that are non-essential."

That prohibition applies to electric utilities, natural gas companies, and waterworks and sewage disposal system companies regulated by the PUCO. The suspension will end with the expiration of Gov. Mike DeWine's state emergency declaration or sooner if ordered by the PUCO.

"Functions that are necessary to initiate new service where service is not presently available or to ensure the continuity of service should be deemed essential and should continue during the state of emergency," the PUCO order reads.

To comply, all utility companies are asked to "promptly" seek any approval to suspend applicable requirements related to those functions. Those filings are to be approved on an emergency basis for a period of at least 30 days.

"Although the commission recognizes that its jurisdiction generally does not extend to those utilities owned or operated by municipalities or cooperatives, the commission urges such entities to consider a similar suspension of their non-essential functions that may create unnecessary COVID-19 spread risks," the order reads.
The action was approved by all five of the panel's commissioners. Although the commission earlier in the week voted to enable Mr. Randazzo or Vice Chair Beth Trombold to issue orders on behalf of the full commission, Mr. Randazzo said the commission will endeavor to have at least three members present for votes.

The order was the latest emergency action by the PUCO following the COVID-19 outbreak. Prior moves have ordered utilities to review their procedures in light of the pandemic and suspended door-to-door energy marketing sales.

Friday's order also clarified the PUCO's March 17 order, which enacted automatic approvals for some filings. Chair Randazzo said the latest order specifies that the automatic approvals do not extend to utility requests for incremental cost recovery or accounting authority. Those issues will be taken up on a case-by-case basis.

Mr. Randazzo sought to assure the public about the state of Ohio's energy markets. He said supply remains adequate and that the real risk consumers should focus on is the spread of the virus.

"The systems we have in place today are functioning properly," Mr. Randazzo said. "We have adequate supply. The domestic availability of natural gas and oil and refined oil products and our capability to produce electricity in this nation is in good order and there's no reason for folks to be concerned about that type of risk."

He also foreshadowed future moves he anticipates being made in light of the emergency, including potential action related to billing.

"We are working to try to anticipate and begin to think about how we're going to address bills that folks have difficulty paying for one reason or another," Mr. Randazzo said. "We will be back to you and back to the industry and stakeholders with our ideas on that."

**Sponsors Say Coronavirus Reinforces Need For Broadband Expansion**

Lawmakers say the ongoing coronavirus pandemic only bolsters their case for passage of a priority House bill to facilitate the expansion of high-speed internet access.

Ohioans are relying on broadband more than ever as schools shift to online learning to curb the risk of face-to-face transmission of COVID-19 and a wave of workers displaced by government-mandated closures file online for unemployment compensation.

"The crisis has further revealed the gross disparity of broadband coverage throughout the state," Rep. Rick Carfagna (R-Genoa Twp.) said in an interview.

Rep. Carfagna and Rep. Michael O'Brien (D-Warren) are lead cosponsors of a measure (HB 13) that would in part establish a Residential Broadband Expansion Program under the Development Services Agency to provide grants to municipal corporations and townships to fund broadband projects.

Although broadband providers in some cases have stepped up during the COVID-19 emergency to offer free access, that service won't continue once normalcy resumes. And broad areas of the state remain without access in places where providers don't believe it makes financial sense to expand without government assistance.

About 300,000 households – or about 1 million Ohioans – lack adequate access to high-speed internet, which can serve as a barrier to jobs and education, sponsors said. That's especially true, the pair said, after K-12 schools in Ohio were shuttered via executive order.

"This particular issue that requires learning at home through the internet strengthens the case for broadband throughout the state," Rep. O'Brien said.

HB13 debuted in May and has had three hearings before the House Finance Committee, where it has received the backing of local government associations, the Ohio Farm Bureau and public libraries.

The measure remains one of a few bipartisan priority House bills that has yet to clear its committee and advance for a floor vote. Providers have yet to publicly weigh in but Rep. Carfagna said interested party meetings have continued as sponsors craft an "extensive rewrite."

"All of the major interested parties, we've been working closely with them and we feel we're in a good place," he said.
"I feel there is a lot of momentum for this bill," he added. "I think our biggest challenge is going to be the calendar at this rate."

HB13 and other legislative priorities will likely hit the backburner as lawmakers next week seek to tackle time-sensitive issues like the delayed primary election and a list of legislative requests from Gov. Mike DeWine to address COVID-19.

Rep. O'Brien said he had hoped to see passage of the bill soon but that "everything's on hold" as lawmakers turn attention to the situation at hand.

"Hopefully, after the legislature works through all these initiatives as a result of the virus, we'll be able to go back to the business at hand, which is to provide broadband for the entire state," Rep. O'Brien said.

Sponsors said Gov. DeWine has also pledged support for the plan, informally saying he'll pursue $20 million in funding per biennium should the measure pass.

The administration has made broadband expansion a focus through issuing an Ohio Broadband Strategy and creating BroadbandOhio, an office focused on the issue.

The topic of expansion was also the subject of the governor's last non-coronavirus related press conferences on March 9 when his team announced a $1 million telehealth pilot for schools that, if successful, will equip schools throughout the state with access.

**Farm Industry Braces For Pandemic Impacts**

Ohio farms, already battered by a bruising year, are poised to take another blow due to the ongoing coronavirus pandemic. After heavy rainfall spoiled last spring's planting season and federal trade disputes took their toll on the industry, farmers are now prepping for additional uncertainty as COVID-19 continues spreading.

Farm industry groups say they're generally supportive of Gov. Mike DeWine's recent moves to limit spread of the virus, but they're also bracing their members for turmoil and asking the governor to ensure the industry will be able to continue to operate unimpeded in order to maintain food supplies.

"We're not facing the kind of existential crisis industries like airlines are for instance," Ron Sylvester, spokesman for the Ohio Farmers' Union, said in an interview.

"The effects are going to be slower," he said, "but the fact remains farm income has been down now five years running and with the trade issues any disruption is making it even harder for family farmers to be able to work."

Larger farms like those represented by the Ohio Farm Bureau are expecting similar challenges in addition to a potential labor shortage thanks to disruptions of H-2A and H-1B visa processing for the upcoming year.

Ohio's shrinking dairy industry could be poised to take an especially deep hit, farm groups said. The state lost 240 dairy farms in 2019 alone due to market pressure – which led Ohio lawmakers to Mull potential action.

"From what I'm reading, some farmers are being told to expect to have to dump their milk on the farm because either there won't be enough drivers to pick up that milk or there won't be enough demand to take that milk," said Ty Higgins, director of media relations for the bureau. "That's not just for dairy. That could be for other commodities as well."

The pandemic comes one year removed from a difficult spring that saw just 50% of Ohio's usual corn crop and 32% of its anticipated soybean crop planted thanks to heavy rains, prompting state leaders to request federal support.

Forecasts indicate another wet spring could be in store, Mr. Higgins said, which could pose challenges if planting is again delayed.

Both groups have urged their members to follow recommended health practices to curb the virus' spread. Mr. Sylvester said many of the union's members are older and therefore more susceptible to the virus' ill effects.

"We are concerned that because we have a lot of elderly folks in rural areas where there aren't as many healthcare choices should things spike in Ohio that could be an issue," he said. "We're looking very closely on that."
Mental health also remains a concern and the Department of Agriculture in recent days has emphasized it's #GotYourBack campaign to assist farmers with their psychological needs.

Agricultural groups this week penned a letter to Gov. DeWine to ensure that if a shelter-in-place order is needed workers in the agricultural supply chain are deemed essential employees and allowed to continue normal business.

Those include farm and processing employees, safety and quality control managers, feed mills and feed delivery workers and more. The groups are also speaking to members about whether to pursue a legislative or administrative exemption to support farmers' markets, wineries or those that sell directly to restaurants among other potential solutions.

The letter was signed by the OFB, the Poultry Association, the AgriBusiness Association, the Sheep Improvement Association, the Pork Council, Corn and Wheat Growers Association, Dairy Producer's Association and the Soybean Association.

"One thing is certain as we all navigate short term disruptions in the food and agricultural industry," the groups wrote. "We will remain a resource to help identify solutions, help spread needed messaging or highlight areas of concerns to make sure our farmers in Ohio will continue to help deliver a safe and abundant food supply."

**Saturday, March 21, 2020**

**LaRose Details Forthcoming Election Bill With June 2 Finish**

Secretary of State Frank LaRose advised lawmakers Saturday of an upcoming bill that he said establishes a path to complete the primary election by June 2 and make sure every eligible voter has a chance to participate.

The proposal, which he said has the support of Gov. Mike DeWine, allows his office to mail a postage-paid absentee ballot request form to each voter who didn't cast a ballot during the early voting period; pays the postage for voters to return their ballots and gives him the discretion to hold in-person voting on June 2 if an order issued by State Health Director Amy Acton is not in effect as of April 24.

Mr. LaRose detailed the proposal in a letter to lawmakers that also outlined the process leading to the closing of the polls as the novel coronavirus continued to spread across the state.

"Thanks to the decisive leadership of Governor Mike DeWine and ODH Director Dr. Amy Acton, we saved lives by closing the polls on March 17," he wrote.

"It is my responsibility as Ohio's chief elections officer to ensure that the March 17 primary election is completed in an honest way, ensuring that every eligible voter has a free, accessible, and safe opportunity to make their voices heard," he wrote. "It is, of course, self-evident that it was impossible to hold an election on Tuesday when nearly 20 percent of our state's population had been told on Monday that they should not leave their homes unless absolutely necessary. We simply could not ask our seniors to make the choice between going to vote or following the Governor's advice to stay healthy. Had an in-person election occurred under such conditions it would have been illegitimate and unsafe."

He also said the election cannot be completed prior to June 2.

"Despite speculation to the contrary, June 2 is the earliest date by which that can be done due to the logistical realities of conducting a vote-by-mail election, the ever-evolving health realities of protecting against the spread of Coronavirus and the sacred responsibility we have as public officials to preserve the integrity of our election," he wrote. "Not only is this date the earliest we can conduct a vote-by-mail election, it is also a date that allows us to assign delegates for the Democratic party."

Mr. LaRose said he is confident the proposal "can withstand legal challenges" and said an alternative plan that creates unattainable timelines could create a "worst possible scenario."

"No date before June 2nd is logistically possible. We simply cannot put a postage-paid absentee ballot request in the hands of each eligible voter and afford them reasonable time to cast a ballot any earlier. A plan that does not afford every Ohioan an opportunity to vote free of charge would be unconstitutional."

"A plan that sets unattainable timelines for mailing absentee requests to voters, or calls for inadequate procedures for ensuring every voter has an opportunity to cast a ballot at no charge, would likely fail a legal challenge," he continued.
"Such a decision would both create greater confusion for voters and almost certainly ensure that your authority as legislators is usurped by a federal court who will order a new plan that could extend our election well beyond June 2nd."

**State To Close Adult DD Day Centers, Grants BWC Payment Delay**

Gov. Mike DeWine announced Saturday that Ohio's adult day care centers for the developmentally disabled will be closed in an effort to slow the spread of the novel coronavirus.

Mr. DeWine said the state has reached the point where individuals impacted by the closures will be able to obtain services in alternative settings. Centers that serve fewer than ten individuals may remain open with additional precautions, he said.

Lt. Gov. Jon Husted also announced that the Ohio Bureau of Workers' Compensation will delay employer premium payments for March, April and May until at least June 1, a move that will keep $200 million in the economy in the short term. An additional delay could occur as conditions warrant, he said.

Additionally, Mr. Husted said the Ohio Department of Transportation will be waiving overweight vehicle fees for vehicles involved in transporting essential goods such as groceries and medical equipment.

The changes were detailed as the state announced that three Ohioans have now died as a result of COVID-19 and 247 Ohio cases have been confirmed.

Gov. DeWine, Lt. Gov. Husted and State Health Director Dr. Amy Acton each also stressed the importance of Ohioans remaining at home when at all possible.

The governor said he continues to receive photos that made it look like Ohioans were engaging in their typical weekend activities.

"We can't have any more regular Saturday mornings for a while," he said. "Just like we can't have regular Saturday nights."

He stressed that all orders that have been issued have been done with the goal of protecting human life, and suggested that additional restrictions are in the works. "The virus cannot jump without our help."

The governor said Ohio's additional deaths, and the increase in diagnosed cases is not good news, but it isn't a surprise. He said the figures show that the virus continues to infiltrate the state, which is now experiencing widespread transmission.

"What we do now, what we do not do now, will really determine ultimately how many Ohioans die. This is an absolutely critical time."

The governor said he asks himself every night if he had done enough to block the spread of the disease, and urged citizens to do that as well. "We control this. We control our own destiny."

In terms of the DD care centers, the governor said large congregational settings are a danger. Moving forward, he said the 26,000 Ohioans impacted by the closures will get the services they need.

Dr. Acton said the cause of other deaths is under investigation, adding that there are virus hotspots in nursing homes in the Dayton area and Tuscarawas and Cuyahoga counties.

Mr. Husted reiterated that state officials are aware that closures will cause businesses and employees to suffer. "We're not making decisions in isolation," he said, noting that state leaders are working collaboratively with industry and cabinet officials.

He said Ohio has seen a number of innovations come out of the disruption, including enhancements in supply chains and technology. "Keep it coming," he said.

Speaking via video from her home, Lori Criss, director of Mental Health and Addiction Services, said a continued focus on physical and mental health is important.

She said behavioral health is open for business, and Ohioans who are dealing with stress, anxiety, fear, grief and anger are all experiencing normal feelings. She urged people who have appointments to keep them and for those who are taking medication to continue to do so.
Ms. Criss reminded Ohioans that care is available, in many cases via telehealth. "The most important thing to know is that you're not alone," she said. "There's a lot of help out there."

**Sunday, March 22, 2020**

**Governor Issues 'Stay At Home' Order, Seeks Waiver Of School Testing Mandates**

The state on Sunday accelerated its efforts to fight the coronavirus pandemic by issuing an order that will further restrict public movements in the near future.

Following the lead of other states, Gov. Mike DeWine said the order signed by Department of Health Director Dr. Amy Acton would take effect at 11:59 p.m. Monday and run through April 6. It requires citizens to remain in their homes with certain exceptions.

Those exceptions include "essential activities" involving health and safety, gathering necessary supplies and services, outdoor activities except for closed playgrounds, certain types of work deemed essential, or to take care of others, he said.

The governor's order lists essential businesses that will be allowed to stay open and provides guidelines for their operations.

Exceptions include, but are not limited to, groceries; pharmacies; charitable and social service groups, food, beverage and licensed marijuana and agriculture businesses; religious entities; media; gas stations and transportation-related entities; financial and insurance businesses; hardware and supply stores; mail and logistics operations; critical trades; educational institutions and laundry services. Restaurants are still allowed to provide take-out food.

Mr. DeWine said exempted businesses should follow protocols to protect public health, such as social distancing of at least 6 feet, washing hands and availability of sanitizing and cleansing supplies for customers and workers.

"These are just basic, common-sense things that we have covered," he said.

The order, however, comes with the heft of enforcement, which the governor said will be pursued by local health departments and local law enforcement.

The state's action follows similar steps taken by California, Illinois and New York, which have issued what some officials have characterized as "shelter in place."

"It's pretty much the same thing," Gov. DeWine said.

The governor also announced restrictions on daycares that will become effective Thursday.

As of that day, all daycare centers must operate under a temporary pandemic license that will limit services to six children per room and teacher, he said.

Guidelines for daycares will also include "rigorous cleaning" schedules and recommendation for no common space, he said. Daycares are directed to keep children and parents of the same employer together, and limit interactions at drop-offs and pick-ups.

With the legislature expected to convene during the coming week on a raft of virus-related actions, Mr. DeWine said one of his requests would be for the state to forego state-mandated testing this year for primary and secondary students.

Senate President Larry Obhof (R-Medina) signaled his backing of such a move later in the day with a post on Twitter.

"I fully support any efforts to waive testing and report card requirements for this school year. We will work with @GovMikeDeWine to take whatever action is necessary," he tweeted.

Officials continued to liken the crisis to a severe weather disaster or a war.

"Today is the day that we have to batten down those hatches," said Dr. Action. "This is a war on a silent enemy."

Mr. DeWine said in reference to the 1918 flu outbreak, "We have not faced an enemy like we're facing today in 102 years."

"We are certainly at war. I don't know any other way to describe this," he said.
He thanked Ohioans who are cooperating with shutdown orders, which already included curbs on gatherings. "What you are doing is making a huge, huge difference," the governor said. "Time is of the essence and we have to buy that time."

Meanwhile, the state on Sunday detailed the current situation in terms of the spread of COVID-19:

- 351 confirmed cases in Ohio.
- 40 counties reporting cases.
- 83 related hospitalizations in the state.
- Three deaths, with one each in Cuyahoga, Erie and Lucas counties.

The number of cases by county is as follows: Ashland (1), Ashtabula (2), Belmont (2), Butler (17), Carroll (1), Clark (1), Clermont (5), Clinton (1), Columbiana (2), Coshocton (2), Cuyahoga (125), Darke (1), Defiance (2), Delaware (6), Erie (1), Franklin (34), Gallia (1), Geauga (2), Greene (1), Hamilton (19), Hancock (1), Huron (1), Lake (6), Licking (1), Lorain (19), Lucas (5), Mahoning (18), Marion (1), Medina (10), Miami (13), Montgomery (5), Portage (1), Richland (1), Stark (10), Summit (23), Trumbull (3), Tuscarawas (2), Union (1), Warren (3), Wood (1).

The median age of those diagnosed with COVID-19 is 51 years old.

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