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DIRECTIVE 2012-35

August 15, 2012

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

Re: In Person Absentee Voting Days and Hours

BACKGROUND

Local election administration in Ohio is governed by four-member, bipartisan bodies: the 88 county boards of elections. This contrasts with most other states, where local elections administration is governed by one person (often an elected partisan, but sometimes an appointee) or an odd-numbered board controlled by one party or the other.

Ohio's bipartisan county boards of elections act by majority vote to establish local rules and procedures not inconsistent with state law. When a board of elections deadlocks on a matter, such as hours of operation, the tie is submitted to the Secretary of State who must resolve the matter as a function of state law. Under state law, voters may apply in person to vote an absentee ballot during these locally established hours of operation beginning the 35th day before the election and ending at 6:00 p.m. the Friday before the election.

Having local boards of elections establish voting hours ensures a level of local control that is reflective of local resources. However, it also creates a patchwork of policies from one county to the next.

For this reason, in 2011, I urged the Ohio General Assembly to create uniform days and hours for in person absentee voting across the state. The result was House Bill 194, which was suspended by referendum and later repealed by the General Assembly.

Absent a statutory mandate for uniformity, I urged boards of elections to find local compromise on days and hours during my summer regional elections conferences. However, four tie votes have since come to my office on this matter. In each, I have resolved the controversy by setting voting hours to the Board's existing office hours to avoid having a state actor establish voting hours differently in different counties, as was done in 2008.

However, after talking with elections officials across the state, I have decided to level the playing field on voting days and hours during the absentee voting period in order to ensure that the Presidential Election in Ohio will be uniform, accessible for all, fair, and secure.

INSTRUCTIONS

I hereby direct all county boards of elections to adopt the following as their regular business hours:

- 8:00 a.m. to 5:00 p.m., Tuesday through Friday, from October 2, 2012¹ through October 5, 2012;
- 8:00 a.m. to 9:00 p.m., Tuesday, October 9, 2012;²
- 8:00 a.m. to 5:00 p.m., Wednesday through Friday, from October 10, 2012 through October 12, 2012;
- 8:00 a.m. to 5:00 p.m., Monday through Friday, from October 15, 2012 through October 19, 2012;
- 8:00 a.m. to 7:00 p.m., Monday through Friday, from October 22, 2012 through October 26, 2012;
- 8:00 a.m. to 7:00 p.m., Monday through Thursday, October 29, 2012 through November 1, 2012; and
- 8:00 a.m. to 6:00 p.m., Friday, November 2, 2012.³

Any voter of the county may request and vote an absent voter's ballot (or a provisional ballot beginning October 10, 2012) in person during these regular business hours. Any voter in line at the end of the regular business hours must be permitted to make their application and vote.

All boards of elections must be closed on Monday, October 8, 2012 in observance of a state holiday.⁴

If you have any questions concerning this Directive, contact the Secretary of State's elections attorney assigned to your county at (614) 466-2585.

Sincerely,



Jon Husted

¹ R.C. 3509.01; non-UOCAVA absentee ballots must be ready.

² R.C. 3501.10(B)

³ R.C. 3509.03; this statute requires boards to close at 6 p.m. the Friday before Election Day.

⁴ R.C. 1.14; if Boards were not closed on this day, voter registration would end on October 8, 2012.