

Update, 9-27-12: Does Ohio have “fair” and sensible rules for early in-person (EIP) voting?

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Overall findings and conclusions: **According to this new analysis of 2008 early in-person (EIP) voting, State law HB224 and Ohio Secretary of State Directive 2012-35 could negatively impact about 148,000 EIP votes statewide by eliminating the hours and days on which those votes were cast in 2008.** The new analysis shows that of the 148,000 affected EIP votes, about 97,000 depend on whether the Federal District court decision to restore the 3 days of voting immediately prior to election day is upheld or overturned. The majority (57%) of these 97,000 votes were cast in 13 larger counties, disproportionately affecting African-Americans and low-income voters, but the percentage of total EIP votes cast in these 3 days was similar in the 75 small and 13 larger counties. Another estimated 38,000 EIP votes potentially impacted by the Directive were cast on now prohibited weekends prior to the last weekend (32,000 votes in large counties, 6,000 in small counties). Finally, the Directive would impact 13,000 votes cast during extended weekday hours in the first 3 weeks in large counties, when probably few were cast in small counties. Therefore, the Directive disproportionately targets larger counties which have much larger (20%) adult African-American populations than smaller counties (3%). Also, in larger counties, 42% of EIP votes were cast in non-business hours vs. 23% in smaller counties. The Directive also forces more than half of Ohio’s county Boards of Elections to open earlier than usual even though relatively few votes would likely be cast. In sum, HB224 and Directive 2012-35 impose rules that unequally affect different groups of voters and counties of different size. Furthermore, the Directive mandates many extra hours for EIP that are not likely to be heavily used. Suggestions for a more fair and reasonable set of uniform rules are offered. The Secretary of State could make a good start towards equitable and reasonable rules by withdrawing his challenge to the Federal court ruling which restored EIP voting on the 3 days before election day, thereby benefiting about 97,000 voters statewide. A second step would be to reinstate voting on at least 2 weekends before the last weekend, when most of the 38,000 weekend votes were cast in 2008.

Executive Summary:

- In-person early voting was substantial in 2008 (an estimated 509,000 votes statewide). Currently imposed or contested restrictions on in-person voting hours, which negatively affect hours and days on which nearly 148,000 early in-person (EIP) votes were cast, could have very significant effects if the 2012 election is decided by a small margin of victory.
- In several large counties, African-Americans and low-income white, black and Hispanic citizens disproportionately and extensively used EIP voting in 2008, and there was a strong correlation between number of EIP votes and percent adult African-American adults.
- Prohibiting EIP in the last 3-days before election day could affect about 97,000 votes in 2012, and since about 55,000 of these were cast in the largest counties, the prohibition could produce a considerable impact on voting by minority and low-income voters. However, about 41,000 votes (and the same percentage of EIP votes) would be affected by this prohibition in the smaller counties so that the prohibition affects the entire state.

- Prohibiting the 4 weekends of EIP also will disproportionately, negatively and selectively affect minority and low-income urban voters. Larger counties would lose hours when a projected 32,000 EIP votes were cast, while all smaller counties would lose only about 6,000 votes (because few offered weekend hours).
- Based on data from 2 large counties (Cuyahoga and Franklin), the Directive designates only the last 2 weeks for after-hour EIP voting and eliminates hours on 12 days in which about one-third of business-day after-hour votes were cast in 2008. However, the Directive keeps evening hours in which about two-thirds of evening votes were cast and could increase EIP voting in small counties which were mostly not open during these hours in 2008.
- Requiring that all BOEs have the same “business hours” of 8 a.m. to 5 p.m. “wastes” many extra hours that could have been allocated to other times that would have allowed ten times as many votes to be cast. Over half Ohio’s BOEs must open earlier even though relatively few people would vote in these early hours.
- Vote-by-mail (with applications sent to voters in all counties) will not necessarily compensate for the restriction of EIP hours. Whether EIP increases voter turnout is at present unclear.
- An alternative proposal, which respects diversity among counties but also provides uniformity of total non-business hours allocated to EIP, would provide more weekend hours and the last 3 days before election in addition to some added week day extended evening hours, but would allow counties to request a waiver if it is well documented and supported by unanimous vote of the BOE.

Introduction: The Ohio legislature and Secretary of State may have intended to “level the playing field” by imposing statewide and uniform restrictions on the time and days of early in-person (EIP) “absentee” voting. However, if the impacts of these restrictions consistently had a disproportionate impact on all or certain types of voters, then it is legitimate to raise the question of fairness. Also, if some of the hours mandated for EIP were of little importance, then such mandates would not make good sense. The following data (some new, some summarized from previous reports) were gathered to address these issues.

1. The size of the in-person early vote was very substantial in 2008 (an updated estimate of 514,000 votes statewide).

In the updated research report, “Update, 9-27-12: In-person early voting in the last 3 days of the Ohio 2008 general election”, available at www.nova-ohio.org, the report’s Table 1 compiled the numbers of reported EIP votes cast in 33 counties, and separated the extrapolated data for large (>100,000 total votes cast per county) and smaller (<100,000 total votes cast) counties. Assuming the 33-county sample is representative of all 88 counties, and adding separately the projected EIP votes for large and small counties (respectively, 303,527 and 205,813), the projected number of EIP votes for the entire state was 509,340, or about 509,000. This estimate of total EIP votes statewide was also supported by a regression analysis, using all available data and including all 88 counties, which produced an estimate of 550,000 EIP votes.

2. African-Americans disproportionately used EIP voting, and will therefore be disproportionately affected by cuts in hours available for EIP voting

In 5 counties with significant African American populations, analyzed to date (Table 1), the percentage of African Americans voting early in person far exceeded the percentage of African-Americans amongst all voters (Cuyahoga, Franklin counties) or their (roughly equivalent) percentage of adults in the county (Hamilton, Summit, Montgomery). The disproportionate use of EIP (rather than vote-by-mail or election day voting) by African Americans ranged from an over-representation of about 50% to 260% in different counties. Where it was separately analyzed (Cuyahoga and Franklin counties), this disproportionate use prevailed during all time periods of EIP voting – business and non-business hours.

In addition, a regression analysis of EIP votes vs. percent adult African Americans by county showed a strong positive correlation (coefficient 0.89231). Given all these findings, any substantial cuts in time available for EIP, such as those produced by HB 224 which eliminates the popular Sat-Sun-Mon before election day, would have a disproportionately negative effect on African Americans.

Table 1. Percentages of African Americans voting EIP vs. % amongst all voters or adults

County	% African Americans among all EIP voters	%African American among non-EIP or ALL voters*	%African Americans age 18 and over	Total # EIP votes cast in 2008	Reference and/or method & limitations
Cuyahoga	56%	26%	28%	54,340	1
Franklin	31%	21%	19%	51,785	2
Hamilton	42%	--	24%	26,952	3
Summit	32%	--	13%	38,643	3
Montgomery	52%	--	20%	27,997	3

*"non-EIP" voters were used for comparison in the case of Cuyahoga County, and consisted of those who either voted by mail or in-person on election day; "ALL voters" were used for the comparison in the case of Franklin County, and included EIP, vote-by-mail and election day voters. In the cases of Hamilton, Summit & Montgomery County, detailed analysis of the racial demographics of the entire voting population was not done, so lack of data was indicated by "--". Instead, a more-or-less equivalent comparison was made between % African Americans amongst EIP voters and the % of African Americans of voting age.

Notes on methods and qualifications:

1. Detailed analysis of 51,000 (almost all) in-person early voters at level of census block. Report entitled “Racial and ethnic proportions of early in-person voters in Cuyahoga County, General Election 2008, and implications for 2012”, by N. Robbins & M. Salling, available at www.nova-ohio.org
2. Results based on analysis of all 51,785 EIP votes as well as a random sample of 60,000 voters for comparison to the general electorate. Report entitled “2008 Early in-person Voting”, prepared for Franklin County by Daniel Brill, GIS Analyst, Franklin County Board of Elections. This report is also posted at: www.nova-ohio.org.
3. All these counties were analyzed with a less detailed method using data on all EIP voters, finding the most common zip codes that together amounted to 91% (Hamilton) 88% (Summit) or 73% (Montgomery) of EIP voters, using census data on “Zip-code tabulation areas” (approximations of zip code areas) from the website <http://geometrx.com/free-demos-by-zip/> to assign percentages of African American voters in each zip code, and finally multiplying these percentages (as fractions) times the number of voters in each zip code to obtain numbers of presumed African American voters. African-Americans as percent of all voters or all non-EIP voters was not determined, but was estimated as the same as the percent of African American adults in that county using 2010 census data. This approximation was supported by finding that in the cases of Cuyahoga and Franklin counties (see Table 1), the percent of adult African-Americans was within a few percent of the percentage of African Americans amongst all voters. Also, the zip code method gave results similar to the more detailed method used in Franklin and Cuyahoga county. For instance, in Cuyahoga County, the 59% of African Americans voting EIP found by the zip code method was close to the 56% found by the detailed census block method. These 3 county analyses were done by N. Robbins with the assistance of Sam Heide.

3. In Cuyahoga County, EIP voters were disproportionately of lower income in all time periods of EIP voting. Therefore, cuts in allowed hours for EIP voting will negatively affect lower income citizens.

Table 2 shows the median family incomes estimated for the racial/Hispanic ethnicity groups who voted EIP or, combined, on election day or by mail (“Election day/VBM) in 2008. Statistically different incomes (at the 95 percent confidence level) are shown as bold and highlighted. The incomes for all three categories of race/ethnicity were lower for those voting EIP.

Table 2. Median Household Income Comparisons between Election Day / VBM and EIP Voting by Race/Hispanic Ethnicity*

	White		African American		Hispanic/Latino	
	Election day / VBM	EIP	Election day / VBM	EIP	Election day / VBM	EIP
Median Family Income	\$60,802	\$54,833	\$47,207	\$39,664	\$59,337	\$53,059
Difference	\$5,969		\$7,542		\$6,278	
Percent less income	9.8%		16.0%		10.6%	

* Taken from “Do White, African American, and Hispanic/Latino EIP Voters Differ from Election Day and Vote by Mail Voters in Income?” Salling & Robbins. Available at: www.nova-ohio.org.

With one exception, election day /VBM voters had significantly higher incomes than EIP voters in every period of EIP voting in 2008 (e.g. regular business hours, weekends, extended weekday hours) - -

regardless of race or Hispanic/Latino ethnicity. White EIP voters with lower incomes took significant advantage of all four such periods - as did lower income African Americans. Therefore, in so far as this applies to other urban counties, any substantial cuts in time available for EIP will have a disproportionately negative effect on lower income Americans.

4. EIP voting data, sample and projected values, are presented separately for large and small counties. The overall percentage of voters using EIP was essentially the same in large and smaller counties, but the percentage of votes cast in different time periods differed in some important instances.

Large counties (>100,000 total votes cast): complete EIP data were available from 6 counties, and for another 4 counties, data were complete except for extended weekday hours (which were extrapolated from the first 6) for a total of 10 counties comprising 88% of the votes of the 13 large counties. The (mostly) non-extrapolated (“direct”) and the extrapolated numbers, broken down by different time periods, are given in Table 3. The extrapolated data are not always simple multiples of the direct data because partial data from additional counties were factored in. The most approximate extrapolation was for extended weekday hours, where data were available only from 6 of the 13 counties.

Table 3: EIP “direct” data from several large counties, and extrapolated data for all 13 large counties

	Total EIP	% all votes cast	Business hours	% EIP	3 days before election day	%EIP	Weekends prior to last weekend	%EIP	Extended weekday hours	%EIP
direct data	265,914	8.9	149,534	56	51,155	19	27,937	11	35,764^	14
extrapolated	303,527	8.8	176,199	58	55,429	18	31,944	11	~40,035	13

^Data available only from 6 counties

Smaller counties (<100,000 total votes cast): complete EIP data were available from 13 smaller counties, with incomplete but (where available) consistent data from an additional 7 counties. The non-extrapolated “direct” numbers from the 13 counties are given in Table 4, as well as the numbers extrapolated to all 75 smaller counties.

Table 4. EIP “direct” data from 13 smaller counties which supplied complete data, and extrapolated data from 20 counties (supplying partial or complete data) for all 75 smaller counties

	Total EIP	% all votes cast	Business hours	% EIP	3 days before election day	%EIP	Weekends prior to last weekend	%EIP	extended week hours*	% EIP
direct	44,424	8.6	33,463	75	9459	21	1,502	3	#>0	#>0
extrapolated	205,813	8.8	158,409	77	41,284	20	6,120	3	#>0	#>0

*Only 3 of 17 counties supplying data for this time period offered extended business-day hours for EIP (The rest did not) but in the 3 counties, numbers of votes cast during these extended hours were not available.

One important finding seen in Tables 3 and 4 is that the **usage of EIP voting (EIP votes as percent of total votes cast) was identical in large and smaller counties (8.8% in both)**, despite large differences in county size and demographics.

5. Prohibiting EIP in the last 3-days before election day could affect about 97,000 votes, with equal percentage impact in large and small counties, but in large counties disproportionately affecting minority and low-income voters.

As of this writing, a Federal District court ruling has reinstated these 3 days, but an appeal might again remove them. A surprising finding was that a similar proportion of total EIP votes were cast during the 3 days before election day in both large (18%) and small (20%) counties (Tables 3 & 4.) The combined projected votes of all large and small counties (55,429 + 41,284) statewide indicate that about 97,000 voters will lose a preferred voting period in 2012 if the 3-day prohibition is restored on appeal. Since the adult African American population of large counties (20% of all adults) is considerably greater than that of the smaller counties (3% of all adults), and since African Americans were found to use EIP disproportionately more than other voters (see Section 2, above), a prohibition of the last 3 days of EIP could strongly affect minority and low-income urban votes.

6. Prohibiting the 4 weekends of EIP will disproportionately, negatively and selectively affect urban, and especially minority and low-income urban voters. Larger counties would lose hours when about 32,000 EIP votes were cast, while smaller counties would lose hours in which only about 6,800 votes were cast.

Weekend voting was offered in most (11 of the 13) large counties on at least 1 if not both weekend days, during the 4 weekends prior to the last weekend before election day. In contrast, only 3 of 16 smaller counties supplying data were open on weekends (one of these on only one Saturday, another for 3 Saturdays). The number of votes at stake is considerable: in the larger counties, nearly 32,000 EIP votes were cast during the 4 weekends. In the three smaller counties with voting on Saturday, a combined 1500 votes were cast (which, projected to 75 counties, amounted to 6,120 weekend votes), whereas no votes were cast in the remaining 13 smaller counties, which were closed on weekends. In other words, the part of Directive 2012-35 which prohibits weekend voting, almost entirely targets larger counties and their larger minority and low-income EIP voters, and makes relatively little difference to smaller counties. Stated differently, weekend voting made up 11% of EIP votes in large counties but only 3% in smaller counties.

6. Designating only the last 2 weeks for week-day after-hour EIP voting eliminates times on 12 earlier days in which about one-third of evening votes were cast in two large counties in 2008. However, the Directive keeps evening hours in which about two-thirds of evening votes were cast in these large counties and could increase EIP voting in small counties which were not open during these hours in 2008.

In large counties, 10 of 13 had extended hours* on weekdays, during which a projected 42,500 votes were cast (even more than on weekends). In contrast, only 3 out of 17 smaller counties providing data had any extended week day hours for EIP (One of these opened 30 minutes earlier and closed 30 minutes later in the last 2 weeks of EIP), and the rest did not. In the absence of data, and because only a few small counties offered any extended week-day hours, the numbers of EIP votes for all 75 smaller counties is considered close to 0 for the present purposes.

Although Directive 2012-35 mandates 10 week days (of a possible 22) for extended hours to 7 pm, the Directive also eliminates the first 12 weekdays of possible extended hours, i.e. cutting in half hours that were well used by large counties in 2008. For instance, combining results from Cuyahoga and Franklin counties (where hourly voting data were available), about 4,600 EIP votes were cast in the first 12 days of evening voting, and about 10,400 in the last 10 days of evening voting, or about two-thirds during hours that are mandated by Directive 2012-35. To what extent voters in smaller counties will take advantage of the newly-mandated weekday evening hours is unknown.

*The term “extended hours” used in this section does not include standardized late hours to 9 p.m. on the last day of voter registration before the General Election (Oct 6 in 2008, Oct 9 in 2012), nor the standardized closing hour of 6 p.m. on the Friday before election day.

7. Overall, Directive 2012-35 tends to selectively reduce voting in larger counties with large proportions of African-Americans (20% adult African-Americans) or low-income voters (white, black, or Hispanic), and in which 42% of EIP voters in 2008 used non-business hours. In contrast, the Directive has a much smaller effect on voting in smaller counties (with an average of 3% adult African-Americans), where only 23% of EIP votes were cast during non-business hours.

Combining all the projected results based on 2008 data for all counties, the estimate of votes affected by HB224 and Directive 2012-35 are given in Table 5. It is clear that the total negative effects on potential votes are much greater in large counties (with disproportionate usage by African-Americans) in terms of numbers of votes.

If the 3-days of voting prior to election day were eliminated by the appeals process, the new rules (including HB224 and overturn of the District Court ruling) would negatively affect about 101,000 votes in large and 47,000 votes in smaller counties. If the Federal District court ruling on EIP voting in the 3 days before election day is sustained on appeal, then other restrictions imposed by Directive 2012-35 would still negatively affect about 45,000 votes in large counties and 6,000 in small counties (Table 5).

Table 5. Effect of HB224 and Directive 2012-35 on votes cast (minus = reduction: no minus = no change)

Counties	business hours	last 3 days before election day	weekends	week-day extended hours*
13 largest	173,587	-55,429	-31,944	-13,345
75 smaller	158,409	-41,284	-6,120	?negligible
Total	331,996	-96,713	-38,064	-13,345

*week-day after-hour votes affected if the Directive cuts after-hour voting in the first 3 weeks when about one-third of such votes were cast, based on Cuyahoga and Franklin county data

8. Requiring that all BOEs have the same “business hours” of 8 a.m. to 5 p.m. “wastes” many extra hours that could have been allocated to other times that would have allowed far more most votes to be cast.

Directive 2012-35 requires that during the early voting period, ALL Boards of Election (BOEs) must be open for business at 8 a.m. This means that many BOEs which normally open at 8:30 or 9 a.m. would have to open 30 or 60 minutes earlier, for 23 days during the early voting period (Table 6).

In addition, for the first 3 weeks of early voting, BOEs which normally close at 4 or 4:30 p.m., under Directive 2012-35 would have to remain open until 5 p.m. for 12 week-days until the closing period of 7 p.m. begins in the last 2 weeks of early voting (Table 6).

Table 6 . Morning and evening add-on hours during EIP voting period, per Directive 2012-35

Numbers of counties that will have to increase "business" hours over 2008 per Directive 2012-35						
# days	Must open 30 mins earlier	Must open 60 mins earlier	Must stay open 30 mins longer to 5 pm	Must stay open 60 mins longer to 5 pm	Must stay open 12-1 pm	Must add 1-5 pm hours
23 days	38	8				
12 days			47	36	2	
5 days						1
Wyandot will have to add 4 extra hours per day (from 1-5 pm) on 23 days						

Are these extended hours likely to be productive of EIP votes cast, or are they simply being required so that every BOE opens and closes at the same time? The hour-by-hour voting record of Cuyahoga County during the EIP period of 2008 is instructive (Table 7). The Cuyahoga BOE normally opens at 8:30 and

closes at 4:30. During the first 3 weeks (for a.m. hours) and 4 weeks (for p.m. hours), when voting is relatively light, the extra 15.5 hours that the Cuyahoga BOE is open per Directive 2012-35 might garner some 496 votes. In contrast, if those same 15.5 hours were instead allocated to the two last weekends (before the final weekend), ten times as many votes would be gained (Table 7). In other words, allocating relatively unproductive hours to the two weekends prior to the last would be far more economically justifiable and increase voting more than the current Directive.

Table 7 . Votes expected in Cuyahoga County during mandated extra a.m. and extra p.m. hours in 2012, per Directive 2012-35, and how the same number of hours could be more effectively allocated

		total extra hrs	# votes expected*
Directive 2012-35	added a.m. hours, first 4 weeks	9	188
Directive 2012-35	added p.m. hours, first 3 weeks	6.5	308
	Total	15.5	496
Alternative use of hours	2 last weekends	15.5	5158

*Assuming that votes cast from 8-8:30 a.m. would be the same as cast in 2008 from 8:30-9, and that votes cast from 4:30-5 would be the same as one half the votes cast from 4 to 5 p.m. in 2008.

9. Is EIP voting necessary: won't vote-by-mail offer an adequate alternative?

In a letter to the Director and Deputy Director of the Summit County BOE on 1, 2012, Secretary of State Husted stated, "Because Ohio voters have the option to vote from home via absentee ballot there is no need for extended hours for in-person absentee voting". The facts prove otherwise. In 2008, Cuyahoga, Franklin and Hamilton county BOEs mailed absentee ballot applications to all registered voters, yet nearly 135,000 voters in these counties cast in-person early votes rather than use vote-by-mail.

Much has been made of the fact that voter turnout and total number of votes cast were similar in the 2004 and 2008 General elections (Turnout 72% in 2004, 70% in 2008; 5.77 million votes cast in 2008 vs. 5.72 million in 2004), even though "absentee" voting (both by mail and in-person) was far greater in 2008 (1.72 million in 2008 vs. 0.61 million in 2004). Does this prove that absentee voting, or in the present case, in-person absentee voting, had no effect on turnout?

The answer is, "not necessarily; we don't know". Total numbers of voters or turnout numbers conceal important underlying data. For instance, if Republicans voted less in 2008 and African Americans more (using EIP as well as other forms of voting), the total turnout numbers might look similar to 2004 but the change in turnout of different sub-groups, using different forms of voting, would be concealed. Pending a more definitive and detailed analysis, we simply cannot decide at this point whether EIP voting did or did not increase turnout.

10. Neither HB224 nor Directive 2012-35 provide fair and sensible rules for EIP. An alternative proposal could provide meaningful uniformity while respecting the diversity of Ohio’s counties.

With 88 counties, ranging from small rural with rather few voters to large urban with huge numbers, Ohio reflects the diversity of our nation (and for that reason, its vote may mirror the national vote for President). The Ohio Secretary of State wishes to have uniform rules for the numbers of voting hours, but as explained above, mandating exactly the same extra early voting hours for all counties, with no recognition of special circumstances, clearly does not respect the diversity of our state. In myriad ways, Ohio’s 88 counties have enormously different election circumstances (examples, Table 6).

Table 6. Diversity of Ohio’s 88 counties with respect to elections:

Parameter	Range
BOE regular business hours	4 hours per day to 8 hours per day
Registered voters per precinct as of March 2012	331 to 1077
Number of votes cast per county in 2008	5,893 to 675,750
% African American adults of voting age	0.1% to 28%
% Rejection of provisional ballots in 2008 General Election	3% to 38%
Use electronic voting machines vs. optical scan to record votes	About 2/3 of Ohio counties
All absentee voting as percent total votes cast, 2008	12 to 44%

It is therefore peculiar that the legislature and Secretary of State focus their efforts to achieve “uniformity” on mainly one parameter: the hours allowable for early-voting, when there are so many parameters which affect voting that are not standardized. Based on this report, the following rules make no sense or are unfair to minorities and low-income voters:

1. Prohibition of voting on the 3 days before election day. About 97,000 Ohioans voted on these 3 days, and the percent of EIP votes cast was essentially the same in large and small counties. In large counties, these days were disproportionately used by African Americans and low-income voters. Why prohibit a voting period that had proved so productive in 2008?
2. Prohibition of voting on weekends prior to the last weekend. This rule particularly impacts large counties (imposing a potential loss of 32,000 votes) rather than small counties (about 6,000 votes), again with a disproportionate impact on African Americans in large counties.
3. Imposing uniform business hours on counties when this will cost more (for earlier opening hours) and provide few additional votes. Why not take the nearly 16 early opening hours imposed on about half the counties, and allocate them instead to two weekends (see above), with far greater expected voter participation?
4. Requiring extended weekday hours for all counties, when only some chose to use them in 2008. Did smaller county BOEs choose not to offer these hours because they believed it would not generate many more votes? Should their knowledge of local circumstances be ignored, especially if their decisions were reached by bipartisan agreement?

Suggestion: With respect to EIP, a better “uniformity” would be obtained if the Secretary of State:

- a. lets stand the federal ruling ordering EIP during the 3 days prior to election day, thereby permitting about 97,000 Ohioans, percentage-wise equally in large and small counties, to cast their votes on these preferred days; and
- b. sets uniform non-business hours for EIP, which would include: half-days on Saturday and Sunday on each of the 2 weekends preceding the last weekend before election; half-days on the Saturday and Sunday preceding election day, and full business hours on the Monday before election day; and extended hours until 7 p.m. on week days during the 2 full weeks prior to election day (as already proposed in Directive 2012-35). In cases where the number of allowed non-business hours appeared to be excessive (e.g. for a very small county), counties could, by presentation of supporting data and unanimous vote of the BOE, request a waiver from the Secretary of State, so that they would not suffer an unreasonable financial burden. The unanimous vote requirement would compel BOEs to reach a fair bipartisan compromise on which non-business hours to omit for EIP voting.

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Note: Data records listing counties and numbers of votes during EIP time periods are available on request.