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By IKE MGBATOGU
Contributing Writer

COLUMBUS – Two of the primary roles of the judiciary branch of government is to interpret the law and decide cases under the constitution in a political system of 'checks and balances' where governing power is shared among three equal branches, the other two branches being the Executive and the Legislature.

Yet, sometimes, because of the pettifoggery and corrosive nature of partisan politics, it doesn't always play out smoothly.

But recently in Ohio, the judiciary ensured a smooth flow of the electoral process once mired in a messy muss. It ironed out the wrinkles and performed its role well by stepping in propitiously to resolve a simmering electoral dustup that had brewed since last year after the Ohio legislature approved a proposal ending in-person voting the last Friday before the Election Day except for military personnel and civilian Ohioans living overseas.

Weeks after Ohio Secretary of State Jon Husted yanked the last three days before the Election Day, for which he was accused of toadying and yielding to the partisan “shenanigans” of his party by Democrats, U.S. District Judge Peter Economus ruled it unconstitutional to deny Ohioans the right to vote during the last three days before the Election Day.

Accordingly, Judge Economus ordered Husted to restore back the voting days he eliminated.

Before the ruling, Husted had staunchly ignored all criticisms and calls by caviling Democrats to reverse his decision, declaring recently that “The rules are set and are not going to change.”

The Obama campaign was having none of it. It filed a lawsuit in a federal court seeking to restore the three days eliminated by Husted and allow early voting opportunities for all Ohioans, not just for military personnel and Ohioans residing abroad.

But still, Husted would not budge, maintaining that his directive was the only way to promote a milieu where “Voting in Ohio is uniform, accessible, fair and secure.”

“Ohioans will have more access to voting than ever before,” he said.

Judge Economus begged to differ, arguing instead, that allowing all Ohioans the same opportunities to vote was the only way to ensure that election in the state is “uniform, accessible for all, fair, and secure.”

The issue neared an impasse, but the judge’s ruling came with the expectation that Husted

would comply and direct all election boards to allow all Ohioans to vote during the last three days before the Election Day.

Did Husted comply?

Well, yes, but it was after obvious painful equivocation.

The chief election officer at first stiffened his resolve, refusing to comply with the order of the judge, and saying that allowing county boards to expand voting hours would only “confuse voters.”

With that kind of ‘I am not backing down’ posture, Husted essentially maintained his previous directive prohibiting, “county boards of elections from determining hours for the Friday, Saturday, Sunday, or Monday before the election.”

That combative response didn’t sit too well with Judge Economus who summarily escalated the matter by setting a hearing for September 13 ordering that “Defendant Secretary of State Jon Husted personally attend the hearing.”

And that pretty much did it for Husted.

Just like that, the once recalcitrant Republican chief election officer decided to back down, now agreeing in a new “Directive 2012-42” he issued last week to rescind the old “Directive 2012-40” which prohibited County Boards of Elections from setting their own voting hours.

Now, they can set their own voting hours.

A cockahoop Democrat State Rep. Sandra Williams from Cleveland applauded Husted for

changing course.

“We applaud Secretary Husted for following the order of the court. Restoring weekend hours creates additional opportunities for voters exercise their civic duty. In 2008, African-American accounted for 56 percent of all in-person early votes in Cuyahoga County and 26 percent overall. Nearly 93,000 Ohioans cast their ballots during those last three days. We cannot afford to disenfranchise so many individuals. This is a step in the right direction and I look forward to see what Husted decides for extended hours.”

Democrat State Rep. Kathleen Clyde from Kent took the same view.

“The Saturday, Sunday and Monday before Election Day are the busiest days for in-person early voting. Thousands of hardworking Ohioans depend on weekend hours to make their voices heard. Ohioans have stood up against these overreaching attacks on their fundamental rights and I hope this is a sign that Republicans are finally listening.”

But it appears Husted, who despite issuing an apology for briefly flouting the order of the judge, isn’t totally waving the white flag in defeat. He included in his succumb directive that his retreat on the issue would remain so pending his appeal of the Obama for America v. Husted decision.

Whether that move is a calculated face saving push back or a serious or pointless endeavor to overturn the judge’s ruling is obviously an open question. But for now, it appears Democrats prevailed and Ohio voters are big winners.

Mgbatogu is a freelance writer and editor of Onumba.com based in Columbus. He can be reached by email at Onumbamedia@yahoo.com