Monday night Cuyahoga County Council voted 10-0 to send absentee ballot applications to all voters, circumventing a ban that Husted imposed last week on boards of election.

By JAMES W. WADE III

Staff Reporter

While the right to vote is widely recognized as a fundamental human right, this right is currently being challenged by Republicans and the Ohio Secretary of State. Cuyahoga County Executive Ed FitzGerald expressed deep concern about Ohio Secretary of State Jon Husted's threat last week to prevent Cuyahoga County voters who request an absentee ballot from getting one.

Husted changed his mind about the absentee voting just before Council was going to meet Monday. "They will be processed," Husted spokesman Matt McClellan said of the absentee ballots. "The voters are not going to be affected negatively in this way."

"The fact is, Jon Husted can't order the Board of Elections to refuse to allow citizens to vote by mail. For him to suggest that he can create a real risk of sowing confusion among Cuyahoga County residents about this election."

"Jon Husted may not like the fact that we are offering our constituents better service by sending everyone an application to vote by mail. But that doesn't give him the right to threaten to disenfranchise our citizens and create confusion," FitzGerald said.

He said the comments raise questions about voters' rights and voter suppression that merit a review by the U.S. Department of Justice.

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FitzGerald said Monday he still expects court challenges. "They're going to keep trying to find other ways to intimidate Cuyahoga County government," FitzGerald said. "All the usual suspects are lining up, and they're saying the exact same thing."

The mass mailings are a common practice in large counties because they help reduce lines at the polls and ease other Election Day headaches, election officials say.

Husted issued a directive to elections boards last week banning the mailings because, he said, voters are at a disadvantage in counties that can't afford to send applications to all registered voters.

FitzGerald then announced his office would pay for the mailing rather than the board of elections, which reports to the secretary of state.

The maneuver around Husted's ban prompted him to consider ordering the Cuyahoga County Board of Elections not to process applications from a mass mailing. Congressional Democrats Dennis Kucinich and Marcia Fudge referred the issue Monday to the U.S. Justice Department.

This ties in with House Bill 194, which passed by the Republican-controlled Ohio General Assembly, is, if you listen to the Republicans, a package of election law reforms that will ensure that all 88 counties in Ohio are playing by the same rules.

And if you listen to Democrats, it is a cynical and partisan package aimed at suppressing the early absentee and in-person voting that clearly gave the Democrats an edge in 2008.

HB 194 will shorten the period of mail-in absentee voting from 35 days before the election to 21. It also limits the number of days people can vote early at their boards of elections to 14 days before the election, from the current 35 days. It also cuts out three of the busiest days for in-person early voting from 2008 – the Saturday, Sunday and Monday before the election.

Currently petitions are being circulated around the state in an attempt to gather about 232,000 signatures to put a referendum of House Bill 194 on the Nov. 2012 ballot.

Fair Elections Ohio is a coalition of concerned citizens and organizations that began working together as H.B. 194 passed the Ohio General Assembly. The goal of this coalition is to stop certain parts of H.B. 194 from becoming law that would hurt Ohioans' access to voting and fair elections.

The referendum is a petition for a ballot issue that would allow Ohio voters to have the final say about whether certain changes should be made in Ohio's election laws that would affect voting rights.